Karen Johnson Davidson County
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STATE OF TENNESSEE

I, RICHARD R. ROOKER, Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the LAST WILL AND TESTAMENT heretofore filed in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 19 day of APRIL, 2021, in Docket Number 21P319, IN RE: NUNLEY, ALICE FAYE, as same remains of record in the Minutes of said Court.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 19 day of APRIL in the year 2021 and in the 244 year of American Independence.

RICHARD R. ROOKER, Clerk,

RICHARD R. ROOKER CIRCUIT COURT CLERK

By _____
Deputy Clerk

[SEAL]

CERTIFICATION
I, Rebecca Waynick, do hereby make oath that I am a licensed attorney or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on April 19, 2021.

_____ 9/13/2021
Affiant Signature

State of Tennessee; County of Davidson
Sworn to and subscribed before me on this 13th day of September, 2021.

_____
Notary Public
My Commission Expires:

TONI RUTGERSON STATE OF TENNESSEE NOTARY PUBLIC WILSON COUNTY MY COMMISSION EXPIRES JULY 09, 2024

EFILED 04/19/21 12:45 PM CASE NO. 21P319 Richard R. Rooker, Clerk

LAST WILL AND TESTAMENT

21P319

OF

ALICE FAYE NUNLEY

FILED
APR 19 2021
RICHARD R. ROOKER, Clerk
By Deputy

I, **ALICE FAYE NUNLEY**, a resident of Joelton, Davidson County, Tennessee, and a citizen of the United States of America, do hereby make, publish and declare this to be my Last Will and Testament, revoking all former Wills and Codicils made by me.

ARTICLE I

FIDUCIARIES

I appoint my son, **Steven Arnold Nunley**, to serve as the Executor of this my *Last Will and Testament, and direct that no inventory, accounting, bond or other surety* shall be required.

Should an ancillary administration of my estate be necessary, I authorize my Executor to appoint an ancillary administrator. Should my Executor be the individual named above, then in making the appointment, he/she shall have the absolute and arbitrary power to determine the scope of the power and authority to be vested in the ancillary administrator, up to the full scope of powers granted to my primary fiduciary, and to require or waive bond.

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ARTICLE II

DEBTS, ADMINISTRATION EXPENSES, AND TAXES

1. **Payment of Debts and Administration Expenses**: My Executor, in the Executor's sole discretion, may pay my legal debts, including funeral expenses, the cost of a suitable monument, unpaid charitable pledges (whether or not they are enforceable obligations of my estate), and costs of administration of my estate, and I hereby authorize my Executor, in case of any claim made against my estate, to pay, contest, settle, or discharge the same, in the sole discretion of my Executor.

In the event any property or interest in property passing under this Will, or by operation of law, or otherwise by reason of my death shall be encumbered by a mortgage or a lien, or shall be pledged to secure any obligation (whether the property or interest in property so encumbered or pledged shall be owned by me jointly or individually), it is my intention that such indebtedness shall not be charged to or paid by my estate, but that the property or interest therein pass subject to such mortgage(s) or lien(s) unless specifically set out to the contrary herein.

2. **Taxes**: I direct that my Executor pay as an expense of administration, without apportionment against the share of any beneficiary, all transfer, estate, inheritance, succession and other death taxes (including the supplemental estate tax on qualified plan benefits, but including generation-skipping taxes), together with any interest or penalty thereon, payable by reason of my death, whether in respect of property passing under this Will or otherwise. Any generation-skipping tax resulting from a transfer occurring under this Will shall be charged to the property constituting

the transfer in the manner provided by applicable law. Any tax attributable to property included in my estate under I.R.C. §2036 (including but not limited to remainders after retained life estates) or §2041 (including but not limited to property subject to powers of appointment) shall be apportioned against and paid by the persons in possession thereof or benefited thereby, in the manner provided by law.

ARTICLE III

POWERS AND DUTIES OF EXECUTOR AND TRUSTEE

1. **General Powers**: I authorize my Executor (including any substitute or successor Executor) in the exercise of all reasonable discretion with respect to all property, real and personal, at any time forming part of my estate or any trust, to exercise any or all of the powers set forth in Tennessee Code Annotated §35-50-110, to the extent applicable, all of the provisions and powers of which are incorporated herein by reference as fully as if copied herein verbatim; provided, however, that my Executor shall not exercise any power in a manner inconsistent with law. These powers as set out in said statute on the date of the execution of this will are granted, notwithstandi[redacted] that said statute may be amended hereafter or repealed at the time of my death.

2. **Inventory and Accounting Waived**: Should my Executor be the person appointed herein, he shall not be required to file an inventory or accountings with any court.

3. **Authority to Hire Professionals**: The Executor may and shall hire attorneys, accountants, appraisers, realtors, brokers, and such other professionals or consultants as may appear in the sole discretion of the Executor to be appropriate, at the expense of the general estate.

4. **Authority to Administer and Sell Real Property**: The Executor shall have full authority and discretion to convey, improve, lease, encumber, or in any other manner deal with and administer any real property comprising an asset of my estate, without the approval of any court, the joinder of any beneficiary, or the disclosure of the identity of any beneficiary of my estate.

5. **Power to Allocate Assets**: My fiduciaries shall, in their sole discretion, make reasonable allocations of the property comprising my estate without apportioning each individual asset in order to satisfy any bequest made herein, to fund any trust created herein, or to divide any trust into separate trusts or shares.

6. **Distributions to Incapacitated Beneficiaries**: If, pursuant to this Will, or any trusts established herein, any property shall be payable outright to a person who is a minor, or is under any other legal, mental or physical disability (an "incapacitated beneficiary"), my fiduciaries shall have the power, exercisable in their absolute discretion and without court approval, either to defer payment of such property, or to pay such property, in whole or in part, to an incapacitated beneficiary, to a custodian for an incapacitated beneficiary under a Transfers to Minors Act, or to any adult with whom an incapacitated beneficiary may reside. The recipient of such property, on behalf of an incapacitated beneficiary, shall not be required to furnish bond or file any

accountings with respect to such property, unless my fiduciaries should direct otherwise; and the receipt of such property by the recipient shall discharge my fiduciaries from any further responsibility of liability with respect to such property. If my fiduciaries shall elect to defer payment of any such property, I authorize my fiduciaries to hold such property as trustees for the benefit of an incapacitated beneficiary, with all the powers given to my fiduciaries in this Will and by law, and to pay or apply so much, all, or none of the income and principal of such property for the benefit of an incapacitated beneficiary as my fiduciaries shall deem advisable. When an incapacitated beneficiary attains capacity, whether legal, mental, or physical, the balance of such property then remaining shall be distributed to him or her. If an incapacitated beneficiary should die before attaining capacity, the balance of such property remaining at his or her death shall be distributed to his or her estate.

7. **Tax Elections and Consents**: I specifically authorize my Executor to execute and file income tax returns for the year in which my death occurs and for any years prior thereto. I also authorize and empower my Executor to execute and file gift tax returns if any gift tax return is required of me for the year in which my death occurs or for any year prior thereto. My Executor shall incur no personal liability for any action taken in good faith in accordance with either of the foregoing authorizations.

I am cognizant of the fact that the provisions of the Internal Revenue Code (and other applicable laws) in force at the time of my death, and applicable to my estate, may permit my Executor to elect to claim certain administration and other expenses a deductions, either in the income tax returns of my estate or in the estate tax return. It is

my desire that my Executor elect to claim from time to time such expenses as deductions on the particular tax returns which, in my Executor's opinion, should result in the smallest combined taxes being paid, irrespective of whether such expenses shall be payable from income or corpus; and my Executor is directed not to make adjustments between income or principal, or between property interests passing to beneficiaries under my Will which may be substantially affected as a result of any election under this paragraph. It is my wish that such property interests as may be determined as a result of my Executor's election under this paragraph shall be the interest such beneficiary shall receive. I exonerate my Executor from all liability for any such election and direct that no beneficiary shall have any claim against my Executor or my estate by reason of the exercise of my Executor's judgment in this respect.

My Executor shall also be authorized, in my Executor's sole discretion and without court approval, to allocate any federal exemptions from the federal generation-skipping transfer tax to any property with respect to which I am the transferor for purposes of this tax, regardless of whether such property is included in my probate estate, or to exclude any such property from such allocation. In this regard, I authorize, but do not direct, my fiduciaries to divide at any time any trust created under my will into separate trusts, in order that the federal generation-skipping transfer tax inclusion ratio for each such trust shall either be zero or one.

ARTICLE IV

DISPOSITION OF MY ESTATE

1) I have intentionally held an account or accounts jointly with my son Steven, which will have survived directly to him outside my estate, as I intended. Those funds shall not be considered as part of any devise or bequest made to him herein, or credited against his residual interest in my estate.

2) I may have left a written list directing that certain items of my personal property be distributed to certain individuals. That list shall be honored by my Executor and heirs, and considered by the Court to constitute and be tantamount to the complete delivery of gifts of those items during my life, failing which it shall be treated as conclusive evidence of a special power of appointment vested in my estate fiduciary as and to the extent set out therein, it being my intention that the gifts set out therein be treated in all respects as my gifts and acts. Should the Executor be unable to locate such a list within 60 days of the date of my death, then this clause shall have no force or effect and he shall have no duty hereunder, even if the list is later located.

3) I bequeath to my daughter, Pamela Hunter, my wedding rings, my diamond pendant, and my 50th anniversary ring.. Should she not survive me, I bequeath these items to my granddaughter Alicia Hunter.

4) I devise to my son, Kevin Trent Nunley, the first right of refusal to buy my home place at 6360 Eatons Creek Road, Joelton, under the following terms and conditions: Kevin shall cause [and pay for] a new appraisal to be made within 120 days of the closing

of sale by a licensed appraiser. The other children may either agree with Kevin in advance on who the appraiser should be, in which case they will be bound to the result, or obtain at their own cost another appraisal by a licensed appraiser of their choice, and the average of the appraisals shall bind all Because this sale will save the cost of a realtor, the purchase price will be 94% of the appraisal [or the average of the appraisals]. The estate will not provide title insurance or pay any costs of a new mortgage.

As a condition of this purchase right or his occupancy of the property, Kevin shall immediately and continuously maintain liability insurance covering the property, including but not limited to the swimming pool, having a limit of at least $300,000 per claimant, naming the estate as an additional insured. Kevin is further responsible for, and must pay, the mortgage I took out at my credit union for his benefit, but does not need to pay any other rent if he is able to close his purchase within one year of my death. Should the one year period expire before July 1, 2013, then he may retain the purchase right in exchange for rent of $500.00 per month during the interim, all of which may be deducted from his share in my residual estate if he wishes. After July 1, 2013 and until July 1, 2016, he may retain the purchase right in exchange for rent of $800.00 per month, of which at least $500.00 must be paid from his own funds, and no more than $300.00 per month may be deducted from his share in my residual estate. Any rents he pays from his own funds during this period shall be credited 100% toward the purchase price. If Kevin does not close his purchase by July 1, 2016, this purchase right will expire and the executor shall list the property for sale free of any special rights in Kevin.

Should the beneficiaries all agree in writing to some other price or terms, then providing that any claims and administration expenses are covered, their agreement shall govern instead of the terms of this paragraph.

4) The rest, remainder and residue of my estate, including but not limited to the proceeds of my home place, shall be divided in equal one-third (1/3) shares and disbursed to my three children, being Steven Arnold Nunley, Kevin Trent Nunley, and Pamela Hunter. Should any of my children predecease me leaving children, then the share of my child shall go to his/her children, per stirpes.

In making this provision, I note that my home at 6360 Eatons Creek Road, Joelton, is encumbered at this time by a mortgage which secures a loan I took out for Kevin. Should there be any balance on that loan on the date of my death, then any funds used to pay off that mortgage, whether during or after my life, shall be credited toward Kevin's share of my estate, and considered part of his share.

VI

MISCELLANEOUS PROVISIONS

1. **References**: All references in this Will to the Executor or any other fiduciary are made in the singular and the male gender solely for convenience in drafting, and shall apply equally regardless of the actual gender of a fiduciary, or whether the fiduciary is the original or an alternate or successor.

2. **Construction**: Throughout this Will, the singular number shall be deemed to include the plural, the plural the singular, and the use of any gender shall be applicable to all genders, as the context may require. Paragraph headings are used for convenience only, and shall not be relied upon in any construction of this Will. This Will and all of its provisions are prepared and to be interpreted with reference to the law of Tennessee as of the date of its execution, regardless of whether it is actually probated in some other jurisdiction. If any portion of this Will is held to be void or unenforceable, the remainder shall nevertheless be carried into effect.

3. **Qualified Disclaimer**: Any person entitled to receive property under the terms of my Will may disclaim all or any part of the property otherwise passing to him or her by complying with the statutory requirements of the Internal Revenue Code, including §2518 thereof, and of the Tennessee Code Annotated, including §31-1-103, or other applicable provisions of law. Unless otherwise provided herein, such disclaimed property shall be distributed pursuant to the terms of my Will as if the disclaiming person had predeceased me.

IN WITNESS WHEREOF, I have subscribed my name to this my Last Will and *Testament this date: June 24, 2010.*

ALICE FAYE NUNLEY

Alice Faye Nunley signed the foregoing instrument in our presence, publishing and declaring it to be her Last Will and Testament, and as witnesses whereof, we do

now, at her request and in her presence, and in the presence of each other, hereto subscribe our names on the date above mentioned, this attestation clause having been read by us and we having noted that the event therein enumerated took place as stated.

WITNESSES:	ADDRESS:
Elaine Neill	Goodlettsville, TN 37072
Mary Derrick	Goodlettsville, Tn 37072

AFFIDAVIT TO THE
LAST WILL AND TESTAMENT OF
ALICE FAYE NUNLEY

STATE OF TENNESSEE)
COUNTY OF WILLIAMSON)

We, Elaine C Williamson and MARY Birthright,

after being duly sworn according to law, depose and state that on this date **Alice Faye Nunley** signed the foregoing instrument in our presence, publishing and declaring it to be her Last Will and Testament and as witnesses, we, at her request, subscribed our names in her presence, and in the presence of each other, and in our opinion the said **Alice Faye Nunley** was at that time and is at this time of sound mind and disposing memory. This Affidavit is executed in accordance with T.C.A. §32-2-110 at the request of the said **Alice Faye Nunley**.

Dated: June _____, 2010.

Elaine C Williamson Mary Birthright

Sworn to and subscribed before me, this 14th day of June, 2010.

NOTARY PUBLIC
My Commission Expires: 8/23/2011

DANIEL L. WISCHHOF STATE OF TENNESSEE NOTARY PUBLIC COUNTY OF DAVIDSON

Page 12 of 12 of my Last Will and Testament