Karen Johnson Davidson County
Batch# 732000 ORDER
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Fees: $57.00 Taxes: $0.00
20211008-0135660

IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE

IN THE MATTER OF: THE ESTATE OF ROBERTA B. PAYNE, Deceased, RONALD NEAL PAYNE, Petitioner.	)))))))))	NO. 21P1472

ORDER TO PROBATE

This cause came on to be heard before Honorable Randy Kennedy, Probate Judge, upon the Petition of Ronal Neal Payne that a paper writing purporting to be the Last Will and Testament of Roberta B. Payne, deceased, (the "Last Will") be admitted to probate for the limited purpose of establishing a muniment of title, pursuant to T.C.A. §32-2-111.

It appearing to the Court that Petitioner produced a paper writing purporting to be the Last Will of Robert B. Payne, deceased, said paper writing bearing the date of August 22, 2005. It further appearing to the Court from the sworn affidavit of Deborah C. Mathis and Veronica Pack, the two subscribing witnesses, that said paper writing was signed by the decedent during her lifetime and declared by her to be her Last Will in their presence and in the presence of each other, they subscribed their names thereto as attesting witnesses on the above-named date, and that said decedent was in their opinion at that time of sound mind and disposing memory and was more than eighteen years of age.

It further appearing to the Court that the usual place of domicile and residence of the deceased at the time of her death was Davidson County, Tennessee, and that she died on the January 31, 2021, at the age of eighty-nine (89) years.

It is, therefore, ORDERED, ADJUDGED AND DECREED that the paper writing is the true, whole and Last Will of Roberta B. Payne, deceased; that the same is hereby admitted to probate for the limited purpose of establishing a muniment of title, and the same be filed and recorded pursuant to T.C.A. §32-2-111.

Judge Randy Kennedy

APPROVED FOR ENTRY:

HALE AND HALE, PLC

By: Douglas S. Hale
Douglas S. Hale, BPR #06669
3020 Stansberry Lane, Suite 100
Franklin, Tennessee 37069
Phone: (615)794-1312
Facsimile: (615)790-9236
dhale@haleandhale.com
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been deposited with the U.S. Postal Service for mailing via First Class U.S. Mail, postage prepaid, to the following:

Beverly Rose Payne Owens
33 Dickerson Lane
Carthage, TN 37030

Mitzi Dawn Payne
423 Old Lebanon Dirt Road
Hermitage, TN 37076

Ronald Neal Payne
4936 Smithson Road
College Grove, TN 37046

Douglas S. Hale
Douglas S. Hale

TESTAMENT OF TAYLOR PAYNE AND HIS WIFE, ROBERTA B. PAYNE

(b) To my daughter, **MITZI DAWN PAYNE**, my residence and acreage located at 423 Old Lebanon Dirt Road, Davidson County, Hermitage, TN 37076, together with all of the contents, including all musical instruments, located in the residence, with my daughter having the discretion to divide any of the contents with her siblings. Said lands are located on the north side of Old Lebanon Road and are described, as follows:

> Beginning at an iron pin in the northerly margin of Old Lebanon Dirt Road at the southeasterly corner of the W. E. Nance property; thence with Nance's easterly line north 0° 20' west 455.94 feet to an iron pin; thence continuing north 0° 20' west 85 feet to the center line of Stoner Creek; thence with the center of Stoner Creek 260 feet, more or less, in a generally easterly direction to a point in said center line; thence south 0° 20' east with a fence 639 feet, more or less, to an iron pin on the northerly margin of Old Lebanon Dirt Road, the southwesterly corner of the Clyde W. Shaw property; thence north 89° 09' west 206.5 feet, more or less, with said northerly margin of the right-of-way for Old Lebanon Dirt Road to the point of beginning and containing 2.67 acres, more or less, and being the same lands described in conveyance from Gerald B. Sterling et ux. to Taylor Payne, Jr. and wife, Roberta B. Payne, under date of January 15, 1990, of record in Book 8026, page 783, Register's Office, Davidson County, Tennessee.

(c) To my son, **RONALD NEAL PAYNE,** the property located on Donelson Pike in Davidson County, Tennessee, described, as follows:

> Being Lot No. 4 on the plan of Twin Lawn as shown on plat of record in Book No. 2331, page 9, Register's Office, Davidson County, Tennessee, to which plan reference is hereby made for a more particular description. Said Lot No. 4 fronts 95 feet on the east side of Donelson Pike and runs back between lines 118 feet on the north line and 221.8 feet on the south line to a dead line in the rear which measures 143.9 feet.
>
> Being the same lands described in conveyance from Carl E. Cox et ux. to Taylor Payne, Jr. and wife, Roberta N. Payne, under date of September 14, 1962, of record in Book 3434, page 63, Register's Office, Davidson County, Tennessee.

TP JR R.B.P.
TP (Jr.) RBP

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JOINT LAST WILL AND TESTAMENT OF TAYLOR PAYNE, JR. AND HIS WIFE, ROBERTA B. PAYNE

We, **TAYLOR PAYNE, JR.** and **ROBERTA B. PAYNE,** husband and wife and domiciliaries of 423 Old Lebanon Dirt Road, Hermitage, Davidson County, TN 37076, being of sound mind and disposing memory, and acting without duress from any person, do hereby make, publish, and declare this instrument as and for our Joint Last Will and Testament, hereby revoking and declaring void any and all wills and codicils heretofore written by us, in the manner and form, as follows:

WHEREAS, the undersigned are husband and wife and own personal and real property in our joint and/or individual names; and

WHEREAS, it is our intention by this instrument to contract, give, devise and bequeath our property in the way and manner hereinafter specified.

NOW, THEREFORE, in pursuance of this agreement, we, the undersigned, give, devise and bequeath our property, to-wit:

FIRST: As soon after our respective deaths as the law will permit, we direct that all of our just debts, funeral expenses, administration expenses, and death taxes, be paid out of the first monies coming into the hands of our executor/executrix hereinafter named.

SECOND: After the payment of my aforesaid debts and funeral expenses, I, **TAYLOR PAYNE, JR.,** hereby give, devise and bequeath unto my beloved wife, **ROBERTA B. PAYNE,** all of my property, real, personal, and mixed, and wherever situated, for and during her natural life, and at her death, I hereby give and devise my property, as follows:

(a) To my daughter, **BEVERLY ROSE PAYNE OWENS,** the farm located in the Fifth Civil District of Smith County, Tennessee, described, as follows:

> Bounded on the north by the Z. T. Payne, Sr. lands; on the east by the lands of Larkin Williams; on the south by the lands of Mentor Holliman; and on the west by the lands of Z. T. Payne, Sr., containing 45 acres, more or less, and being the same lands described in conveyances of record in Deed Book 63, page 272 and 113, page 532, Register's Office, Smith County, Tennessee.

TP JP
TP (Jr.)

R.B.P.
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(d) To my two daughters, **BEVERLY ROSE PAYNE OWENS** and **MITZI DAWN PAYNE,** their mother's jewelry.

(e) Any money in my checking account to my daughter, **MITZI DAWN PAYNE**.

(f) All of the rest, remainder and residue of my property, whether real, personal or mixed, I hereby give unto my three children, namely, **BEVERLY ROSE PAYNE OWENS, RONALD NEAL PAYNE,** and **MITZI DAWN PAYNE,** they to share and share alike therein.

THIRD: After the payment of my aforesaid debts and funeral expenses, I, **ROBERTA B. PAYNE,** hereby give, devise and bequeath unto my beloved husband, **TAYLOR PAYNE, JR.,** all of my property, real, personal, and mixed, and wherever situated, for and during his natural life, and at his death I hereby give and devise my property, as follows:

(a) To my daughter, **BEVERLY ROSE PAYNE OWENS,** the farm located in the Fifth Civil District of Smith County, Tennessee, described, as follows:

> Bounded on the north by the Z. T. Payne, Sr. lands; on the east by the lands of Larkin Williams; on the south by the lands of Mentor Holliman; and on the west by the lands of Z. T. Payne, Sr., containing 45 acres, more or less, and being the same lands described in conveyances of record in Deed Book 63, page 272 and 113, page 532, Register's Office, Smith County, Tennessee.

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(b) To my daughter, **MITZI DAWN PAYNE,** my residence and acreage located at 423 Old Lebanon Dirt Road, Davidson County, Hermitage, TN 37076, together with all of the contents, including all musical instruments, located in the residence, with my daughter having the discretion to divide any of the contents with her siblings. Said lands are located on the north side of Old Lebanon Road and are described, as follows:

> Beginning at an iron pin in the northerly margin of Old Lebanon Dirt Road at the southeasterly corner of the W. E. Nance property; thence with Nance's easterly line north 0° 20' west 455.94 feet to an iron pin; thence continuing north 0° 20' west 85 feet to the center line of Stoner Creek; thence with the center of Stoner Creek 260 feet, more or less, in a generally easterly direction to a point in said center line; thence south 0° 20' east with a fence 639 feet, more or less, to an iron pin on the northerly margin of Old Lebanon Dirt Road, the southwesterly corner of the Clyde W. Shaw property; thence north 89° 09' west 206.5 feet, more or less, with said northerly margin of the right-of-way for Old Lebanon Dirt Road to the point of beginning and containing 2.67 acres, more or less, and being the same lands described in conveyance from Gerald B. Sterling et ux. to Taylor Payne, Jr. and wife, Roberta B. Payne, under date of January 15, 1990, of record in Book 8026, page 783, Register's Office, Davidson County, Tennessee.

(c) To my son, **RONALD NEAL PAYNE,** the property located on Donelson Pike in Davidson County, Tennessee, described, as follows:

> Being Lot No. 4 on the plan of Twin Lawn as shown on plat of record in Book No. 2331, page 9, Register's Office, Davidson County, Tennessee, to which plan reference is hereby made for a more particular description. Said Lot No. 4 fronts 95 feet on the east side of Donelson Pike and runs back between lines 118 feet on the north line and 221.8 feet on the south line to a dead line in the rear which measures 143.9 feet.
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(d) To my two daughters, **BEVERLY ROSE PAYNE OWENS** and **MITZI DAWN PAYNE,** my jewelry.

(e) Any money in my checking account to my daughter, **MITZI DAWN PAYNE**.

(f) All of the rest, remainder and residue of my property, whether real, personal or mixed, I hereby give unto my three children, namely, **BEVERLY ROSE PAYNE OWENS, RONALD NEAL PAYNE,** and **MITZI DAWN PAYNE,** they to share and share alike therein.

FOURTH: In the event the income from the property herein given to either of us to the other becomes insufficient for the maintenance, support, livelihood, upkeep, and doctors' and medical bills of the last survivor of us during such survivor's lifetime, such survivor is authorized and empowered, at his or her discretion, to encroach upon, sell and liquidate to cash, if necessary, all or any portion of whatever property that may be left on hand at the death of the first of us for such survivor's support, maintenance, livelihood, upkeep, and doctors' and medical bills, with such survivor being given the right to determine what these needs for such maintenance, support, livelihood, upkeep, doctors' and medical bills may be from time to time.

FIFTH: This agreement is made between the undersigned with the intent on the part of both of the undersigned that this will shall take precedence over any and all property rights or obligations now or hereafter made by law during the existence of our marriage, or during the life of the survivor, including all rights that either of us might otherwise have in and to the property of the other as survivor, and that no claim will be made by either of us in any property of the other, as survivor.

SIXTH: We hereby nominate and appoint each other as Executrix/Executor of this our Joint Last Will and Testament, and we authorize each to do all things which in his/her sole discretion are necessary to complete the administration and settlement of our respective

TP (Jr.) RBP

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ATTESTING CLAUSE

We, the undersigned, were this day called by **TAYLOR PAYNE, JR.** and **ROBERTA B. PAYNE,** husband and wife, as subscribing witnesses to the foregoing Joint Last Will and Testament, who each acknowledged to us that the foregoing is their Joint Last Will and Testament, and each signed same in our presence, and we, as subscribing witnesses, hereby subscribe our names, at their request, in their presence, and in the presence of each other, each of us believing the said **TAYLOR PAYNE, JR.** and **ROBERTA B. PAYNE** to be of sound mind and disposing memory and that each signed this instrument as their free and voluntary act and deed. This clause was read by us before we signed our names.

IN WITNESS WHEREOF, we hereunto affix our signatures on this the 22nd day of August, 2005.

Address:

312 West Broad Street
Smithville, TN 37166

Deborah C. Mathis

312 West Broad Street
Smithville, TN 37166

Veronica Pack

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estates, including the execution of deeds to any real estate we may own, without the necessity of executing bond for the performance of this trust or the filing of an inventory or accounting. At the death of the survivor or in the event either of us is unable to serve as executrix/executor, we hereby nominate and appoint our son, **RONALD NEAL PAYNE,** as Executor of this our Joint Last Will and Testament and likewise authorize him to do all things which in his sole discretion are necessary to complete the administration and settlement of our respective estates, including the execution of deeds to any real estate we may own, without the necessity of executing bond for the performance of this trust or the filing of an inventory.

IN WITNESS WHEREOF, we hereunto affix our signatures on this the 22nd day of August, 2005, in the presence of the undersigned subscribing witnesses, they having been requested by us to bear witness to this our Joint Last Will and Testament, and by the execution of this will we contract and agree to the disposition of said property as set forth above.

Taylor Payne Jr.
TESTATOR

Roberta B. Payne
TESTATRIX

TPJr
TP (Jr.)

R.B.P.
RBP

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AFFIDAVIT OF SUBSCRIBING WITNESSES

STATE OF TENNESSEE)
COUNTY OF DeKALB)

The undersigned persons, after first being duly sworn according to law, depose and say:

1. They are adult citizens and residents of Tennessee.

2. They witnessed the execution of the Joint Last Will and Testament of **TAYLOR PAYNE, JR.** and **ROBERTA B. PAYNE** dated the_____day of August, 2005, to which this Affidavit is attached, and that this Affidavit is being made at the request of such persons and in accordance with the provisions of *Tennessee Code Annotated,* Section 32-2-1110.

3. That their signatures are affixed to their Joint Last Will and Testament; they signed same at the request of such persons and in the presence of such persons and in the presence of each other witness, at the place and on the date recited therein.

4. **TAYLOR PAYNE, JR.** and **ROBERTA B. PAYNE** signed said paper writing as and for their Joint Last Will and Testament in their sight and presence.

5. At the time they witnessed the Last Will and Testament, **TAYLOR PAYNE, JR.** and **ROBERTA B. PAYNE** were, in their opinion, of sound mind.

Deborah C. Mathis
Witness

Veronica Pack
Witness

Sworn to and subscribed before me by the two (2) persons whose signatures are affixed hereto on this 22nd day of August, 2005.

SUE PUCKETT NOTARY PUBLIC AT LARGE DeKALB COUNTY, TN

NOTARY PUBLIC

My commission expires: 10/08/07

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Certificate of Authenticity

I, Brenda Franks Hale, do hereby make oath that I am a licensed attorney and/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 September 8, 2021.

Date

Affiant Signature

10-6-21

Date

State of Tennessee

County of Williamson

Sworn to and subscribed before me this 6th day of October, 2021.

Notary's Signature

My Commission Expires: 03/19/2025

Date

Notary's Seal (if on paper)

