Karen Johnson Davidson County
Batch# 758733 WILL
11/22/2021 09:38:52 AM 9 pgs
Fees: $47.00 Taxes: $0.00
20211122-0154558

STATE OF TENNESSEE

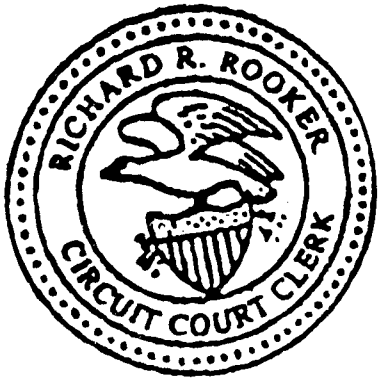
I, RICHARD R. ROOKER, Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the LAST WILL AND TESTAMENT heretofore filed in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 24 day of MAY, 2021, in Docket Number 21P901, IN RE: ELLIOTT, THELMA JUANITA EZELL ET.AL, 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 15 day of NOVEMBER in the year 2021 and in the 245 year of American Independence.

RICHARD R. ROOKER, Clerk,

By: _____
Deputy Clerk

[SEAL]



COPY

EFILED 05/24/21 01:20 PM CASE NO. 21P901 Richard R. Rooker, Clerk

21P901

LAST WILL AND TESTAMENT OF THELMA JUANITA EZELL ELLIOTT

I, Thelma Juanita Ezell Elliott, a resident of Nashville, Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make, publish and declare this as my Last Will and Testament, hereby revoking any and all wills and codicils heretofore made by me.

MAY 24 2021

ARTICLE I. INTRODUCTORY PROVISIONS

1.1. I nominate and appoint David A. Lee as Executor of my Estate. If such named Executor should predecease me or be unable or unwilling to serve as Executor of my Estate, then I nominate and appoint David M. Lee as Executor of my Estate. I direct that no bond shall be required of my Executor or Executrix.

1.2. Whenever the terms "Executor" or "Executrix" are used herein, they shall be deemed to apply to the party or parties acting and any reference to such party or parties in one gender shall be deemed to mean the proper gender.

1.3. The term "Internal Revenue Code" shall refer to the Internal Revenue Code of 1986, or its successor provisions.

ARTICLE II. BEQUEST OF PERSONAL EFFECTS

2.1. I devise and bequest to my daughter Pamela E. Lee my antique china cabinet, dinner ring, all of my silver, my antique end table and father's flag. I devise and bequest to my son, James L. Elliott, Jr. my dinette set, bedroom suite, grandfather clock, TV and VCR, engagement ring, silver roses, flag case and all UK gifts. Should either of these individuals be deceased at the time of my death, then these items shall pass to the other living child. If neither are living, then these items shall pass pursuant under my Residuary Estate.

2.2 I devise to Pamela E. Lee and James L. Elliott, Jr., all remaining items (other than those identified in Paragraph 2.1) of tangible personal property, personal effects, household contents, and automobiles as I own at the time of my death. If such beneficiary does not survive me, then those properties shall pass as a part of my Residuary Estate with the Executor having the right, but not the obligation, to distribute specific items without significant monetary value as I would have done. My Executor may distribute the share of any minor beneficiary to such beneficiary, or to the person with whom such beneficiary is residing. If, in the sole and reasonable discretion of my Executor, any of such property is not suitable for delivery, the Executor may retain such property in safekeeping for future distribution, or may sell such property and add the proceeds to my Residuary Estate.

This Instrument was prepared by:
Jason A. Lee, Esq.
Burrow Lee, PLLC
611 Commerce Street, Suite 2603
Nashville, TN 37203
Office: (615) 540-1004
Cell: (615) 403-2116

COPY

EFILED 05/24/21 01:20 PM CASE NO. 21P901 Richard R. Rooker, Clerk

ARTICLE III. BEQUEST OF RESIDUARY ESTATE

3.1. I hereby give, devise and bequeath all the rest, residue and remainder of my property, real, personal, and mixed, tangible and intangible, of whatever kind and character, and wheresoever located, including the proceeds of any insurance policies payable to my estate or my Executor (in this will referred to as my "Residuary Estate") to Pamela E. Lee and James L. Elliott, Jr., in equal portions.

Should Pamela E. Lee predecease me or disclaim any portion (in whole or in part) of the residuary estate, then I hereby give, bequeath and devise my Residuary Estate to James L. Elliott, Jr. and David A. Lee, in equal portions. Should James L. Elliott, Jr. predecease me or disclaim any portion (in whole or in part) of the residuary estate, then I hereby give, bequeath and devise my entire Residuary Estate to Pamela E. Lee. Should no person take the residuary estate under this paragraph, then the residuary estate shall be distributed as though I had died intestate, unmarried and a resident of Tennessee.

ARTICLE IV. POWERS OF FIDUCIARIES

4.1. My Executor shall have all the powers enumerated in T.C.A. § 35-50-110, and the introductory paragraph and all subparagraphs thereof, which to the extent not inconsistent with the express provisions hereof are hereby incorporated herein by reference as fully as though copied herein verbatim, except that subparagraphs 1 through 4 of such Section shall apply only to my Executor.

4.2. I hereby authorize my Executor, in such Executor's sole and reasonable discretion, within nine (9) months after the date of the transfer which created an interest in me, to disclaim in whole or in part any bequest or devise or any interest in any bequest, or any Trust provided for my benefit under the Will of any person or under any trust established for my benefit at any time.

4.3. I hereby authorize my Executor to create accounts such as those allowed under the Uniform Transfers to Minors Act, as now or hereafter in effect in Tennessee, or successor or similar statutes allowing creation of accounts.

4.4. I recognize that the Executor may deem it advisable to purchase policies of life insurance on one or more persons, and I expressly grant my Executor the authority to purchase, own, transfer and manage in all ways any such life insurance. I further waive any requirements on the Executor as to diversification of investments to the extent that they may elect to deal with one, or a few, life insurance companies, or that a significant portion of assets may consist of life insurance.

4.5. The fiduciaries shall be authorized to maintain funds on deposit, whether as checking or savings accounts, certificates of deposit, money market accounts, or otherwise, in any banking institution, the deposits of which are insured by the Federal Deposit Insurance

COPY

EFILED 05/24/21 01:20 PM CASE NO. 21P901 Richard R. Rooker, Clerk

Corporation, or similar government-sponsored insurance in the future, regardless of whether the amount of such funds so deposited may exceed the amount of such insurance available at such banking institution.

4.6. The fiduciaries shall have the right, consistent with the provisions of T.C.A. § 35-3-117, and regardless of any other provisions of this Will or of any law, now or hereafter in effect, to invest in any form of assets or investments, including, but not limited to, stocks, bonds, mutual funds, money market accounts and real and personal property.

4.7. If I am engaged in any business activity as of the date of my death, I expressly grant the Executor, as appropriate, the authority to continue, expand, contract, sell or close such business in such fiduciary's sole and reasonable discretion, and to take all actions reasonable or necessary to do so. I further waive any requirements on the Executor as to diversification of investments to the extent that they may elect to continue any such business.

4.8. I recognize that the Executor may not be a professional fiduciary and in order to induce such person to serve in such capacity, I hereby direct that the assets of the Estate be used to indemnify and hold my Executor harmless with respect to any and all acts, except for fraud or bad faith of such person, in connection with: (i) the administration of my Estate or (ii) the investment of the assets with respect to my Estate.

4.9. My Executor shall have the power to hire persons, including accountants, attorneys, auditors, investment advisors, or other agents, even if they are associated or affiliated with my Executor to advise or assist my Executor \in the performance of administrative duties. This power shall include, but not be limited to, attorneys, accountants or other professionals who may be partners of or associates with my Executor in the practice of law, accounting or other professions.

4.10. It is my intention that my fiduciaries shall be properly compensated for their service. Any corporate fiduciary shall be entitled to charge for fees and expenses in amounts consistent with those generally charged by reputable corporate fiduciaries for such services in the area where such corporate fiduciary is located. Any individual fiduciary shall be entitled to charge for fees and expenses in amounts consistent with those generally charged by reputable corporate fiduciaries in the area where such individual fiduciary's office is located. Any attorney who serves as fiduciary or otherwise in my estate shall be entitled to charge an hourly fee commensurate with standard attorney fees in the Davidson County, Tennessee community.

4.11. Whenever under this Will, any fiduciary, including, but not limited to an Executor is granted the right to take action in such fiduciary's "discretion", then such "discretion" shall mean the discretion of such fiduciary, except as limited by the specific language of this Will and specific provisions of law applicable to such decisions. It is my intention that the term "discretion" as used herein shall be interpreted as broadly as possible, except as limited by the specific language of this Will and specific provisions of law applicable to such decisions.

COPY

EFILED 05/24/21 01:20 PM CASE NO. 21P901 Richard R. Rooker, Clerk

4.12. The powers granted to an Executor under this Will, including, without limitation, powers to distribute or accumulate income and to encroach upon principal, shall not constitute a general power of appointment. The powers granted to an Executor under this Will, including, without limitation, powers to distribute or accumulate income and to encroach upon principal, shall not include any power which would cause the inclusion of any of such income or principal in the gross estate of such Executor pursuant to Sections 2036, 2037, 2038 or 2041 of the Internal Revenue Code. No Executor shall have the right under this Will to participate in any decision to distribute or accumulate income or to encroach for the benefit of such Executor, the creditors of such Executor, the estate of such Executor, the creditors of the estate of such Executor, or to satisfy the legal obligations of such Executor. Further, no Executor shall participate in any decision to distribute or accumulate income, or to encroach, for the benefit, or to satisfy the legal obligations of support, of such Executor.

4.13. If at any time any fiduciary is uncertain as to the interpretation of this document, as to such fiduciary's authority under this document, as to the appropriate actions to take or any other matter arising in such fiduciary's administration (whether or not involving the fiduciary's discretion), the fiduciary shall have the authority to file appropriate pleadings in the court having jurisdiction of such estates or trusts to obtain a decision by such court as to any such matter.

4.14. Anything in this Will to the contrary notwithstanding, no provision of this Will shall be interpreted so as to defeat or impair an otherwise available marital deduction under the Internal Revenue Code or under the laws of the state of Tennessee, as now or hereafter in effect; any provision of this Will which would have the effect of defeating or impairing an otherwise available marital deduction under the Internal Revenue Code or under the laws of the state of Tennessee, as now or hereafter in effect, shall be void and of no effect to the extent of such defeat or impairment; and no executor shall have the right, power or authority to act in any way (or to refrain from acting) so as to defeat or impair an otherwise available marital deduction under the Internal Revenue Code or under the laws of the state of Tennessee, as now or hereafter in effect. The provisions and intentions of T.C.A. § 35-50-112 are expressly incorporated into this Will.

ARTICLE V. PAYMENT OF DEBTS, EXPENSES AND TAXES

5.1. I direct that all of my legally enforceable debts, (except debts secured by mortgages or other security instruments, which may be paid off or retained in the sole and reasonable discretion of my Executor), including funeral and testamentary expenses and expenses of my last illness, be paid as soon as may be convenient after my death. I further direct that all estate, inheritance and other taxes of the same nature (except any generation-skipping taxes imposed by the Internal Revenue Code or by any state) which are payable because of my death, including any interest or penalties thereon, with respect to the property comprising my estate for such tax purposes, whether or not such property passes under this Will and whether such taxes are payable by my estate or by any recipient or beneficiary of any such property, shall be paid entirely out of my Residuary

COPY

EFILED 05/24/21 01:20 PM CASE NO. 21P901 Richard R. Rooker, Clerk

Estate as an expense of administration and without apportionment, and with no right of reimbursement from any recipient or beneficiary of any such property. No part of said debts, expenses and taxes shall be charged against or paid out of any part of my estate so as to render taxable any amounts which otherwise qualify for the marital deduction.

5.2. My Executor is specifically authorized, in my Executor's sole and reasonable discretion, to apply the proceeds from any insurance policies on my life which are payable to my estate in paying debts, expenses of administration and taxes, notwithstanding the provisions of any state law to the contrary; provided, however, that this provision shall not be construed so as to make the proceeds of any insurance subject to debts, taxes or expenses, or to waive the exemption as provided in T.C.A. § 56-7-201, or successor provisions.

ARTICLE VI. PROVISIONS FOR COMMON DISASTER

6.1. In the event any legatee, devisee or other beneficiary under this Will and I shall die simultaneously or under circumstances which make it difficult to determine which of us died first, I direct that such beneficiary shall be deemed to have predeceased me for the purposes of this Will, and I direct further that the provisions of this Will be construed upon that assumption, irrespective of any provision of law establishing a contrary presumption or requiring survivorship for a fixed period as a condition of taking property by inheritance.

ARTICLE VII. SPENDTHRIFT TRUST

7.1. Any Trust or Trust Share herein created (or necessary to be created under this instrument) shall be a spendthrift trust to the full possible extent allowed by law. I direct that no part of any Trust or Trust Share herein created, nor the income therefrom, is to be subject to execution or other legal process for any obligation of any beneficiary or subject to the claims of creditors of any beneficiary in any manner, nor shall any beneficiary have the power to sell or mortgage or encumber same, or any part thereof, nor anticipate the same, nor any part thereof, by assignment or otherwise. Likewise, no fiduciary hereunder shall be required to exercise any discretion herein granted to satisfy any obligation of any beneficiary to any third party.

ARTICLE VIII. WAIVER OF FILINGS

8.1. I hereby waive the requirement that my Executor file an inventory or accounting of my estate with the court having probate jurisdiction over my estate. This waiver shall include, but not be limited to, the inventory as required by T.C.A. § 30-2-301, and the accounting as required by T.C.A. § 30-2-601, or any amendments or successors to such sections.

ARTICLE IX. ADMINISTRATION OF REAL PROPERTY

9.1. I direct pursuant to T.C.A. § 31-2-103 that any interests in real property which I may own at my death be administered as part of my estate subject to the control of my personal

COPY

*EFILED 05/24/21 01:20 PM CASE NO. 21P901 Richard R. Rooker, Clerk

representative, who shall have full power to grant, bargain, sell, convey, lease, encumber, manage, and otherwise deal in any lawful manner with said real property at any time during the administration of the estate, in the sole and reasonable discretion of my personal representative, without the approval or joinder of any beneficiary and without the necessity of any person or entity looking to the application of any proceeds that may or might result from any acts of my personal representative in the premises; provided, however, that the provisions of this Article shall not have the effect of revoking or varying any written agreement entered into during my lifetime as to the ownership, use, descent or rights in or to, any real property.

ARTICLE X. DISCLAIMERS

10.1. Any beneficiary, or any beneficiary's personal representative, if such beneficiary shall fail to survive me for the time period granted for disclaimers by T.C.A. § 31-1-103, is hereby authorized to disclaim all or any part of such beneficiary's interest in my estate under this Will or otherwise. After any disclaimer or release, the interest disclaimed shall pass as though the disclaimant had predeceased me and shall be held, administered and distributed according to the terms and conditions as set forth therein.

THIS SECTION LEFT BLANK INTENTIONALLY.

COPY

EFILED 05/24/21 01:20 PM CASE NO. 21P901 Richard R. Rooker, Clerk

IN WITNESS WHEREOF, I have hereunto set my hand on this 17 day of May, 2017, to this my Last Will and Testament and have initialed the foregoing numbered pages at the bottom thereof for the purpose of identification.

Thelma E. Elliott
THELMA JUANITA EZELL ELLIOTT

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

On this 17th day of May, 2017, before me personally appeared Thelma Juanita Ezell Elliott to me known to be the person described in and who executed the foregoing instrument, and acknowledged to have executed the same as a free act and deed.

Jessica L Bailey
NOTARY PUBLIC

JESSICA L. BAILEY STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY My Commission Expires SEPT. 10. 2018

My Commission Expires: September 10 2018

The foregoing instrument, consisting of this and the foregoing numbered typewritten pages, was signed, sealed, published, and declared by Thelma Juanita Ezell Elliott, the Testator, to be her last Will and Testament, in our presence, and we, at her request and in her presence, and in the presence of each other, have hereunto subscribed our names as witnesses.

Tamara Brasher
Witness: **TAMARA BRASHER**
Date: 5/17/17

Christine F Kalcheim
Witness: **CHRISTINE F. KALCHEIM**
Date: 5/17/2017

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

On this 17th day of May, 2017, before me personally appeared Tamara Brasher and Christine F. Kalcheim to me known to be the persons listed above as witnesses and have executed the same as a free act and deed.

Jessica L Bailey
NOTARY PUBLIC

JESSICA L. BAILEY STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY My Commission Expires SEPT. 10. 2018

My Commission Expires: September 10 2018

COPY

EFILED 05/24/21 01:20 PM CASE NO. 21P901 Richard R. Rooker, Clerk

AFFIDAVIT OF WITNESSES TO PROVE WILL

Tamara Brasher and Christine F. Kalcheim, after being sworn according to law, depose and say:

1. That they are adult citizens of Davidson County, Tennessee and Davidson County, Tennessee, respectively.

2. That they witnessed the execution of the Last Will and Testament of Thelma Juanita Ezell Elliott, dated May 17, 2017, to which this Affidavit is attached, and that this Affidavit is being made at the request of the Testator.

3. That their signatures are affixed to said Last Will and Testament, and they are signed or affixed the same at the instance and at the request of the Testator and in her sight and presence, and in the presence of each other, at the place and on the date recited in said Last Will and Testament.

4. That the Testator signed said paper writing, declaring and signifying it to be her Last Will and Testament in their sight and presence at the place and on the date recited in said Last Will and Testament.

5. That at time they witnessed said Will the Testator was, in their opinion, of sound mind and did not appear under any undue influence.

Tamara Brasher

TAMARA BRASHER
Date: 5/17/17

Christine F Kalcheim

CHRISTINE F. KALCHEIM
Date: 5/17/2017

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Sworn to and subscribed before me this 17th day of May, 2017.

Jessica L Bailey

NOTARY PUBLIC

My Commission Expires:

September 10 2018

JESSICA L. BAILEY
STATE OF TENNESSEE
NOTARY PUBLIC
DAVIDSON COUNTY
My Commission Expires SEPT. 10, 2018