Karen Johnson Davidson County
Batch# 766539 ORDER
12/03/2021 09:23:30 AM 15 pgs
Fees: $77.00 Taxes: $0.00
20211203-0160351

STATE OF TENNESSEE

I, RICHARD R. ROOKER, Clerk of the Circuit Court for Davidson County, do hereby certify that the foregoing is a true and complete copy of the **ORDER FOR MUNIMENT OF TITLE** heretofore assigned to Seventh Circuit Court (Probate Division) for Davidson County, Tennessee, Case No. **21P1727**.

CAROLYN COLE MELTON

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 17th day of NOVEMBER in the year Two Thousand and twenty-one.

RICHARD R. ROOKER CIRCUIT COURT CLERK

RICHARD R. ROOKER, Clerk

By: _____
Deputy Clerk

Tax Map ____, Group ___, Parcel ___
Send Tax Bills to:
Nicole Melton
3000 Hillsboro Road, Unit 98
Nashville, TN 37215

Seventh Circuit Court for Davidson County, Tennessee
Probate Division, at Nashville

In the Estate of:)
) Docket No. 21P1727
Carolyn Cole Melton)

Order Admitting Will to Probate and
Establishing Title to Certain Real Estate

This matter was before the Court, the Honorable Judge Randy Kennedy presiding, upon the Petition to admit to probate without administration the Last Will and Testament of Carolyn Cole Melton. From the Will exhibited to the Court, the affidavits of the attesting witnesses to the Will, statements of counsel, and the entire record in this matter, the Court finds that the instrument should be admitted to probate as the Last Will and Testament of Carolyn Cole Melton for the purpose of establishing a muniment of title to real estate under TENN. CODE ANN. §32-2-111.

It is therefore ORDERED, that the Last Will and Testament of Carolyn Cole Melton, dated September 25, 2020, be admitted to probate without administration for the purpose of establishing a muniment of title to certain real estate located at 1195 Dalemere Drive, Davidson County, Tennessee, described as follows:

> LAND in the Tenth Civil District of Davidson County, Tennessee, being Lot No. 64 of Dalemere Subdivision, Section 4, of record In Book 3300, page 45, Register's Office for said County, more particularly described as follows:
>
> BEGINNING at an iron pin in the southerly margin of Dalemere Drive, said pin being 175 feet east of the intersection of Dalemere Drive, with Marydale Drive; thence south 2° 18' west 201 feet to a concrete monument; thence south 34° 57' 227.30 feet through an Iron pin to a concrete monument; thence north 2°18' east 383 feet to an iron pin in the southerly margin of Dalemere Drive; thence north 87° 42' west along said southerly margin 137.6 feet to the point of beginning.

Being the same property conveyed to Carolyn C. Melton by deed from Earl Ray Melton of record with deed reference #20200630-0070734, Register's Office for Davidson County, Tennessee.

Futher, it is hereby ORDERED the aforementioned property is vested in Nicole Melton.

APPROVED AS TO FORM:

/S/ Barbara B. McGinnis
Barbara B. McGinnis, BPR #29299
Takacs McGinnis Elder Care Law, PLLC
104 Wyncrest Way, Suite 100
Hendersonville, Tennessee 37075
P: 615-8242571 | F: 615-824-8772
BMcGinnis@TN-ElderLaw.com
Attorney for Personal Representative

Certificate of Service

I hereby certify that a true and exact copy of the foregoing Petition has been forwarded on August 23, 2021, by U. S. mail to the following:

Nicole Melton
3000 Hillsboro Road, Unit 98
Nashville, TN 37215
Personal Representative

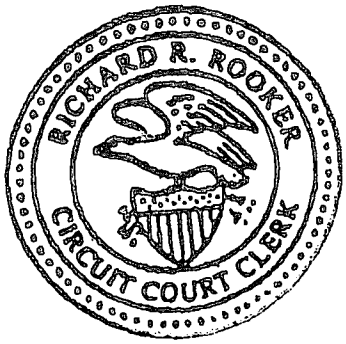
/S/ Barbara B. McGinnis
Barbara B. McGinnis

STATE OF TENNESSEE

I, RICHARD R. ROOKER, Clerk of the Circuit Court for Davidson County, do hereby certify that the foregoing is a true and complete copy of the **LAST WILL & TESTAMENT** heretofore assigned to Seventh Circuit Court (Probate Division) for Davidson County, Tennessee, Case No. **21P1727**.

CAROLYN COLE MELTON

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 17th day of NOVEMBER in the year Two Thousand and twenty-one.



RICHARD R. ROOKER, Clerk

By: _____
Deputy Clerk

ZIP1727

FILED
NOV 18 2021
RICHARD D. ROOKER, CLERK
BY Cofuse DEPUTY

The Will

of

Carolyn Melton

My Name. My name is Carolyn Melton. I am a resident of the State of Tennessee. This is my Will. I revoke any earlier dated Will of mine.

My Family. My Husband's name is Earl Ray Melton. The name of my child is: Nicole Melton.

My Personal Representative. I appoint Nicole Melton to serve as Personal Representative of my Will.

My Estate

Funeral and Administration Expenses. My Personal Representative should pay my funeral expense (including the cost of a grave marker), and the administration expenses of my estate as soon as possible after my death.

Debts. My Personal Representative shall pay my lawful debts. If permitted by law, my Personal Representative may pay a debt without requiring the creditor to file a claim. I suggest that my Personal Representative consult with the attorney for my estate before paying any debt. An asset serving as security for a debt passes subject to the secured lien without right of exoneration by the recipient. However, if my husband survives me, my Personal Representative shall pay any debt which is secured by a deed of trust on any property owned by me and my husband and shall not seek contribution from my husband.

Tangible Personal Property. Unless otherwise specifically set forth in this Will or a Written Memorandum, I give my Tangible Personal Property to my husband if he survives me for 30 days. If my husband does not survive me for 30 days, I give my Tangible Personal Property to my child.

My Personal Representative may dispose of all or part of my Tangible Personal Property in any other manner my Personal Representative considers proper. My Personal Representative also may give any part of my Tangible Personal Property not wanted by a

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beneficiary to some worthy charity or individual.

The decision of my Personal Representative on these matters is conclusive on each beneficiary.

Written Memorandum. I may prepare a written memorandum concerning the disposition of Tangible Personal Property. I request that my wishes as set forth in this memorandum be observed. If no such memorandum is found within 60 days following my death, then all of my Tangible Personal Property shall be distributed as otherwise provided in this Will.

Disposition of Residuary Estate. If my husband dies before I do, I give all other property to my child, per stirpes.

Disclaimer. If, pursuant to IRC Section 2518, as amended from time to time, my husband or child disclaims all or a portion of the interest in an asset passing to them, such as by this Will or by right of survivorship, transfer on death, and the like, the portion disclaimed shall be distributed to the Trustee of the Special Needs Trust created hereunder.

Special Needs Trust for My Husband, Earl Ray Melton

If my husband survives me for more than 30 days, I give 50% of my residuary estate to Nicole Melton, the Trustee of the Earl Ray Melton Special Needs Trust, and 50% to Nicole Melton, per stirpes.

This trust continues for the life of Earl Ray Melton as Beneficiary and is not revocable. The Trustee shall hold, manage, and distribute the trust estate for the benefit of the Beneficiary as follows:

A. Purpose and Intent.

The purpose of this Trust is to provide for the greatest degree of security for Beneficiary and to preserve and enhance the assets of this Trust in order to provide for Beneficiary's lifelong care while still maintaining the Beneficiary's actual or potential eligibility for public benefits programs. This Trust is created expressly to benefit Beneficiary by providing for the special needs and supplemental care, in addition to benefits for which Beneficiary may be eligible from any local, state or federal agency, or through any private or public profit or non-profit source, and not to supplant any such benefits.

Likewise, the intent of this Trust is to provide a system for handling funds, fiscal management, administration and disbursement, respite care, personal attendant services, advocacy, social development services, rehabilitation, care, education, training and guidance for the sole benefit of Beneficiary.

B. Distributions for Special Needs.

At the sole and absolute discretion of the Trustee, the Trustee

shall distribute so much income and principal to or for the benefit of Beneficiary as the Trustee shall determine in order to provide special needs and supplemental benefits to the Beneficiary not provided by or through private or governmental assistance programs. All distributions shall be based primarily upon Beneficiary's best interest. No Trust income or principal shall be paid or expended for Beneficiary so long as the Trustee determines there are sufficient resources available for Beneficiary's care, support, comfort and welfare from any governmental or private programs.

Moreover, the Trustee may make distributions of trust assets to meet any need not fully met by public or private benefit programs; pay to or for Beneficiary's benefit that amount that does not exceed the state or federal regulations for maximum supplemental income; and repay any, some or all of any amounts owed to the Social Security Administration if an overpayment of benefits to Beneficiary has been made, either prior to or subsequent to the establishment of this Trust, in order to prevent a loss of SSI or other related government assistance by Beneficiary.

Although the intent of this trust is to preserve Beneficiary's eligibility for public benefits, the overriding goal of the trust is to ensure Beneficiary's good health, safety and welfare. The Trustee may therefore make distributions that may result in a loss or reduction of public benefits if the Trustee determines that such distributions are in the best interests of the Beneficiary. Specifically, the Trustee is not prohibited from making distributions for food, clothing, shelter, and health care for the Beneficiary. The availability of public benefits to pay for a specific need shall not deprive the Trustee of the authority, in the Trustee's discretion, to make distributions of trust assets for the specific need, even if the distributions cause the loss or reduction of public benefits.

C. Distribution Guidelines.

In making any distribution, the Trustee shall:

1. Consider any other income or resources of Beneficiary known to the Trustee and reasonably available;

2. Take into consideration Beneficiary's entitlement to benefits from any government agency, such as federal SSDI, SSI, food stamps, Medicare, Medicaid, welfare, and any other special purpose benefits for which Beneficiary is or may be or become eligible;

3. Consider resource and income limitations of any such assistance program;

4. Not be obligated to or compelled to make such payments, as it is the trustor's intent that, in exercising discretion, the Trustee may act arbitrarily, if the Trustee acts at all, because the Trustee is to be guided solely by his or her own judgment as to what distributions, if

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any, should be made to further the interests of the Beneficiary;

5. Not be liable for any loss of benefits which may occur as a result of Trustee's good faith actions in the administration of this trust.

D. No Availability of Trust Funds for Reimbursement of Public Benefits.

The beneficial interest in this trust shall in no way affect the Beneficiary's entitlement to Supplemental Security Income, Medicaid, Social Security, Veterans Affairs, Medicare, TRICARE, CHAMPUS, disability, or other governmental benefits; or benefits from any private agency providing services or benefits to elderly, handicapped or disadvantaged persons.

In the event the Trustee is requested by any department or agency to release principal or income of the Trust Estate to or on behalf of Beneficiary to pay for equipment, medication or services which other organizations or agencies are authorized to provide were it not for the existence of this Trust, or in the event the Trustee is requested by any department or agency administering such benefits to petition a court or administrative agency for the release of trust principal or income for this purpose, or in the event any department or agency shall terminate payment or eligibility for any benefits to Beneficiary based upon the existence of or payments from this Trust, the Trustee is authorized to deny and contest such request or termination through administrative or judicial action and to defend any contest or other attack of any nature on this Trust and the public assistance program eligibility of Beneficiary. Trustee is also authorized to settle or otherwise compromise, in whole or in part, any such claim or litigation. Any expenses of the Trustee in this regard, including reasonable attorney's fees, shall be a proper charge to the Trust.

E. Administration Expenses.

The Trustee is authorized to pay out of the income or principal of this Trust any expenses of administration related to the Trust, including reasonable trustee's and attorney's fees, fees and expenses relating to the administration or termination of a guardianship or any legal action commenced by or on behalf of Beneficiary prior to Beneficiary's death. The Trustee should further consider purchasing a reasonable burial plan and paying the expenses relating to Beneficiary's funeral and burial during Beneficiary's lifetime.

F. Acquisition and Maintenance of Residential Real Estate.

The Trustee may purchase or maintain an interest in real estate as an asset of the trust, without liability for loss or depreciation in value and even though it may be non-productive property. The Trustee may purchase, maintain, improve or replace a residence or any interest in a residence where the Beneficiary may reside, whether by purchase, lease or purchase of

an interest in any such residence, including any portion of a residence which may be owned by a family member. The Trustee may acquire furnishings, make home improvements and provide for regular household assistance to Beneficiary and pay for the continued upkeep and maintenance of the realty. The Trustee may permit Beneficiary's occupancy or use without charge in such manner as, in the opinion of the Trustee, best serves Beneficiary's needs, without the necessity of turning such property into cash or gaining an income therefrom.

The Trustee is expressly authorized, in its absolute discretion, to permit any family member of Beneficiary, who is residing now or at any time in the future upon any real property forming a part of the Trust Estate to continue residing there on such terms as the Trustee shall deem proper, whether rent free or in consideration of payment of taxes, insurance, maintenance, and ordinary repairs, or otherwise.

G. Termination of Trust.

Death of Beneficiary. During the lifetime of the Beneficiary, the Beneficiary shall be treated as the sole beneficiary of the Trust. Upon the death of the Beneficiary, the residuary (balance remaining of the trust corpus and any income) shall be distributed to those persons named above to whom my residuary estate would have been distributed if the Beneficiary had predeceased me.

Exhaustion of Trust. Once all assets have been distributed, the trust shall terminate.

H. Other Provisions.

Powers of the Trustee. In addition to the powers otherwise granted by law, a fiduciary shall have all the powers enumerated in the Tennessee Uniform Trust Code of 2004, Sections 73 and 74, to the extent not inconsistent with the expressed provisions in my Will. The provisions of this statute are incorporated into my Will by reference as if fully copied out here verbatim. These powers (as set out in the statute on the date I execute this Will) are granted even though this statute may be amended later or repealed at the time of my death.

The Trustee's discretion, however, as to distributions from the trust estate shall be limited as specifically provided herein.

If the Trustee believes that the principal amount in the trust does not warrant the costs of continuing the trust, its administration would be impracticable, or the express purpose of this trust cannot be accomplished, the Trustee may terminate this trust.

Successor Trustee. If no successor Trustee is named or the designated successor Trustee is unable or unwilling to serve, a Trustee shall have the right to designate as successor Trustee any natural person or corporation having trust powers, effective upon the resignation, incapacity, or death of the Trustee.

Such designation shall be made by an instrument executed by the Trustee during the Trustee's lifetime in the manner provided for the execution of a deed or by the terms of the Trustee's last will, and any such designation shall become effective upon the execution by such successor Trustee of a writing accepting the duties of Trustee and without further formality or notice to any party. Any *inter vivos* designation of a successor may be revoked by the Trustee at any time before it shall become effective.

If administration of the trust should be necessary in any jurisdiction in which the Trustee is unable to serve, the Trustee is authorized to designate any individual or corporation with trust powers to serve with the Trustee or in the Trustee's stead. No successor Trustee shall be responsible for or required to inquire into the transactions of any predecessor Trustee, and a successor Trustee may rely conclusively upon the accounts of a predecessor Trustee.

Compensation of the Trustee. A trustee may receive payment for his or her services as trustee from the assets of the Trust in such amounts and at such frequency as may be reasonable as compared with the rates charged by third-party, professional fiduciaries for similar services. Such fees may include, but are not limited to, payments for investment advisory or management services and administrative and sub-accounting services. A trustee shall be entitled to reimbursement for any reasonable expenses incurred by him or her individually on behalf of any trust estate. Any corporate Trustee shall receive for its services the compensation for which it is willing to undertake similar services for others at the time such services are rendered, as evidenced by its published fee schedule in effect from time to time.

l. Eligible Designated Beneficiary Trust.

To the extent applicable, it is likewise intended that this trust be an eligible designated beneficiary trust under IRC §401(a)(9) and applicable regulations thereunder. Accordingly, the Trustee shall not use retirement assets payable to this trust to make payments of taxes, expenses of administration (other than trust related expenses), debts or claims after the date defined by the Internal Revenue Code, regulations or other guidance as the date for determining whether this Special Needs Trust qualifies as an eligible designated beneficiary (currently September 30 of the year following the year of Grantor's death) if doing so would result in this trust not being considered an eligible designated beneficiary.

Administrative Provisions of My Will

Waiver of Bond, Inventory, and Accounting. No bond is required of any fiduciary appointed under this will or by a court. The requirement

to file an inventory or accounting is waived.

Powers of My Fiduciary. In addition to the powers otherwise granted by law, a fiduciary shall have all the powers enumerated in the Tennessee Uniform Trust Code of 2004, Sections 73 and 74, to the extent not inconsistent with the expressed provisions in my Will. The provisions of this statute are incorporated into my Will by reference as if fully copied out here verbatim. These powers (as set out in the statute on the date I execute this Will) are granted even though this statute may be amended later or repealed at the time of my death.

The fiduciary may make authorized distributions to or for the benefit of any beneficiary who is a minor or who is under other legal disability without the intervention of a guardian and is authorized to make distributions to or for the benefit of any beneficiary who is a minor to a custodian for any such minor.

Disability of Beneficiary. During any period in which any beneficiary or distributee under this Will shall be incapacitated, or, although not adjudicated incapacitated, shall be incapable of managing his or her affairs by reason of absence, illness, minority or otherwise, the personal representative or any trustee appointed or named herein shall use and apply the share to which the beneficiary may be entitled for such beneficiary's direct or indirect benefit.

Supplemental Needs Provisions. If any beneficiary or distributee hereunder, whether under this Will or any trust created hereunder, is or shall become disabled or incapacitated, institutionalized and/or shall be receiving nursing or other professional care "in home" or other out-patient basis, thereby entitling the beneficiary to government benefits such as Medicaid or SSI, the Personal Representative is authorized to distribute such share to which such beneficiary is entitled to a trustee for his or her benefit. The Personal Representative shall designate a trustee, who may be himself or herself. The Trustee shall serve without bond and shall not be subject to the continuing jurisdiction of the court.

The Trustee's discretion shall be sole and absolute. For the purposes of the beneficiary's continuing eligibility for public or private benefits, the trust estate shall not be counted as a resource available to the beneficiary, and distributions from the trust not counted as income to the beneficiary, as it is my intent that the assets in the trust supplement, not supplant, the public benefits otherwise available to the beneficiary. The availability of public or private benefits to pay for a specific need, however, shall not deprive the Trustee of the authority, in the Trustee's discretion, to make distributions of trust assets for the specific need, even if the distributions cause the loss or reduction of public benefits.

The trust shall be irrevocable and continue for the life of the trust beneficiary. Upon the death of the beneficiary, the trust shall terminate and the trust estate distributed to the beneficiary's lineal descendants, unless the beneficiary shall have named, in writing, someone else.

Rule Against Perpetuities. All beneficial interests created by any trust herein shall vest or terminate within 360 years. The termination or vesting of any such beneficial interest is intended to occur within the permissible period under the relevant application of the rule against perpetuities.

Spendthrift Provision. To the extent permitted by law, neither the principal nor income of a beneficiary's interest under this will or of any trust created herein shall be liable for the debts of any beneficiary. The interest of any beneficiary in the principal or income of any trust estate herein created shall not be subject to the claims of any creditor or be involuntarily or voluntarily transferred, assigned, alienated, anticipated, encumbered, or otherwise disposed of.

Because this trust is to be conserved and maintained for the supplemental needs of the Beneficiary, no part of the corpus, principal or undistributed income shall be subject to the claims of voluntary or involuntary creditors for the provision of care and services, including residential care, by any public or governmental entity, office, department, or agency.

For purposes of determining the Beneficiary's eligibility for such benefits, no part of the principal or income of the trust estate shall be considered available to the Beneficiary. The assets of this trust shall at all times be free of the claims of all governmental bodies.

If a claimant attempts to reach the Beneficiary's interest at time of distribution, the Trustee may transfer that distribution to third parties who will provide services or benefits to the Beneficiary or the Beneficiary's dependents in any manner that the Trustee decides in the Trustee's sole discretion.

Real Estate. The realty and any income from it during estate administration are part of the probate estate, do not pass directly to a beneficiary, and are subject to all the powers of the Personal Representative, including but not limited to the power of sale. Disposition of the realty is governed by this Will.

Ancillary Administration. If ancillary administration of my estate is needed, I appoint my domiciliary personal representative as my Personal Representative in the other jurisdiction. The ancillary administrator is not required to post bond, file inventories, or make reports to any court and has the same powers as my domiciliary personal representative.

Interpretive Provisions. Unless I clearly state otherwise in my Will, I intend for the provisions of TENN. CODE ANN. §§ 32-3-104 and 105 to

apply so that the descendant of a deceased beneficiary will take the place of the deceased beneficiary under the same terms and conditions as the deceased beneficiary, regardless of whether the beneficiary died before or after me.

Definitions.

a. Tangible Personal Property. Means any effects of a strictly personal nature; household furnishings, goods and decorations; personal motor vehicles, boats, and watercraft used for personal purposes; and any other tangible personalty that is used in a personal manner. The term "Tangible Personal Property" does not mean the tangible assets of a business such as fixtures, furnishings, inventory, and equipment; real property or appurtenant fixtures or structures; intangible assets such as accounts in financial institutions; or digital assets.

b. Digital Assets. Includes files stored on the Testator's digital devices, including but not limited to, desktops, laptops, tablets, peripherals, storage devices, mobile telephones, smart phones, and any similar digital device which currently exists or may exist as technology develops or such comparable items as technology develops. The term "digital assets" also includes but is not limited to emails received, email accounts, digital music, digital photographs, digital videos, software licenses, social network accounts, file sharing accounts, financial accounts, domain registrations, DNS service accounts, web hosting accounts, tax preparation service accounts, online stores, affiliate programs, other online accounts and similar digital items which currently exist or may exist as technology develops or such comparable items as technology develops, regardless of the ownership of the physical device upon which the digital item is stored.

c. Written Memorandum. Means a written memorandum concerning the disposition of Tangible Personal Property prepared in the Testator's handwriting, and signed and dated by the Testator.

Signature. This Will consists of 10 pages (each of which I have signed or initialed). I now sign this document as my Will on September 17, 2020, and pursuant to TENN. CODE ANN. § 32-2-110, I request the attesting witnesses to make the Affidavit attached to this Will.

Carolyn Melton

Carolyn Melton, Testator

Witness Attestation

By signing our names to this instrument, we declare that the Testator signs

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and executes this instrument as her last Will and that she signs it willingly (or willingly directs another to sign for her), and that each of us, in the presence and sight of the Testator and of each other, signs this Will as witness to the Testator's signing. And, further, to the best of our knowledge, the Testator is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Witness

Pati Bedwell
Witness

202112030160351

This Instrument Prepared By:
Takacs McGinnis Elder Care Law, PLLC
104 Wyncrest Way, Suite 100
Hendersonville, TN 37075

State of Tennessee
County of Sumner

AFFIDAVIT

Josh Bey and Pati Bedwell do hereby affirm:

1. That they are the witnesses to the Will of Carolyn Melton, the Testator, dated on September 17, 2020.
2. That the Testator indicated to the witnesses that the document the Testator was signing was a Will.
3. That this Will was signed by the Testator in their presence via video teleconference, pursuant to Executive Order No. 26 dated April 9, 2020, Executive Order No. 37 dated May 12, 2020, Executive Order No. 52 dated June 29, 2020, and Executive Order No. 61 dated August 28, 2020, signed by Tennessee Governor Bill Lee.
4. That they, at the request of Testator, and in the sight and presence of the Testator and in the sight and presence of each other, signed their names as witnesses to this Will as requested.
5. In their opinion, the Testator was over the age of eighteen years and appeared to be of sound mind and disposing memory.

Josh Bey

Pati Bedwell

Subscribed and affirmed before me on 9/25/2020.

Barbara Boone McGinnis

Notary Public

My Commission Expires: 5/23/2023

BARBARA BOONE MCGINNIS
STATE OF TENNESSEE
NOTARY PUBLIC
COUNTY OF SUMNER