Karen Johnson Davidson County
Batch# 796684 WILL
01/28/2022 11:32:43 AM 11 pgs
Fees: $57.00 Taxes: $0.00
20220128-0010471

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. **22P64.**

ESTATE OF: WILLIAM EWARD GREEN JR.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 28th day of January in the year Two Thousand and twenty-two.

RICHARD R. ROOKER Clerk

By: _____ Deputy Clerk

RICHARD R. ROOKER CIRCUIT COURT CLERK

22p64



LAST WILL AND TESTAMENT

OF

WILLIAM EDWARD GREEN, JR.

Prepared by:

Miles T. Martindale, Esq.
Meridian Law, PLLC
2900 Vanderbilt Place
Suite 100
NASHVILLE, Tennessee 37212

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FILED
JAN 28 2022
P. TAYLOR BOOKER, CLERK
DEPUTY

LAST WILL AND TESTAMENT
OF
WILLIAM EDWARD GREEN, JR.

I, WILLIAM EDWARD GREEN, JR., of Davidson County, Tennessee, make this my Last Will and Testament, and I revoke all Wills and Codicils previously made by me.

ARTICLE I.
Identification

A. **Marital Status.** I am not currently married.

B. **Children.** I have no children.

ARTICLE II.
Memorandum

A. **Memorandum.** I request that the beneficiaries of my estate and my Personal Representative honor the provisions of any memorandum written by me directing the disposition of any portion of my tangible personal property.

ARTICLE III.
Specific Bequests

A. **Tangible Personal Property.** All of my interest in any motor vehicles, boats and personal watercraft, household goods, appliances, furniture and furnishings, pictures, silverware, china, glass, books, clothing, jewelry or other articles of personal use or ornament, and other personal effects of a nature, use or classification similar to the foregoing, except as may be provided in a memorandum authorized by Article II, shall be distributed in the same manner as the residue of my estate, with such property to be divided and allocated as such beneficiaries may agree, or if they cannot agree, as my Personal Representative shall decide. If any beneficiary hereunder is a minor, my Personal Representative may distribute such minor's share to such minor or for such minor's use to any person with whom such minor is residing or who has the care or control of such minor without further responsibility, and the receipt of the person to whom such minor's share is distributed shall be a complete discharge of my Personal Representative. The cost of packing and shipping such property to any such beneficiary shall be

charged against my estate as an expense of administration.

ARTICLE IV.
Residue

All of the residue of my estate shall be distributed to the following beneficiary in the noted percentage:

1. One Hundred Percent (100%) shall be distributed to my caregiver and friend, Thomas Osteen; however, if he fails to survive me, then I give, devise and bequeath all of the residue of my estate to his heirs at law.

ARTICLE V.
Personal Representative Nominations

A. **Personal Representative.** I nominate my caregiver and friend, Thomas Osteen, to be Personal Representative of my Will and estate.

B. **Bond; Unsupervised Administration.** To the extent permissible by law, no bond, surety, or other security shall be required of my Personal Representative in any jurisdiction. If permitted by the laws of the state in which my Will is probated, my Personal Representative shall administer my estate without court supervision, and no action shall be required in any court in relation to the settlement of my estate other than the probating and recording of my Will and the return of an inventory, appraisement and list of claims of my estate.

C. **Expenses and Compensation.** Every Personal Representative shall be reimbursed for the reasonable costs and expenses incurred in connection with such Personal Representative's duties. Every Personal Representative shall be entitled to fair and reasonable compensation for services rendered by such Personal Representative in an amount not exceeding the customary and prevailing charges for services of a similar character at the time and place such services are performed.

D. **Ancillary Personal Representatives.** If my estate contains property located in another state or a foreign jurisdiction and my Personal Representative cannot or chooses not to serve under the laws thereof, my Personal Representative shall have the power to nominate an ancillary individual or corporate Personal Representative of such property.

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E. **Multiple Personal Representatives.** Unless another meaning is clearly indicated or required by context or circumstances, the term "Personal Representative" shall also mean and include any Co-Personal Representatives, alternates, or successors. Except as otherwise specifically provided in this Will, if Co-Personal Representatives are designated to serve hereunder or if Co-Personal Representatives are already serving, and one such Co-Personal Representative declines to serve, fails to qualify, dies, resigns, becomes incapacitated, or otherwise ceases to serve for any reason, then the remaining Personal Representative or Co-Personal Representatives, as the case may be, shall serve or continue to serve in such capacity.

F. **Actions by Co-Personal Representatives.** In all matters relating to my estate, when Co-Personal Representatives are serving, all such Co-Personal Representatives must act jointly and together.

ARTICLE VI.
Personal Representative Powers

Each Personal Representative shall, to the extent permitted by law, act independently and free from the control of any court as to my estate (and as to all of the property of my estate). Each Personal Representative shall have and possess all powers and authorities conferred by statute or common law in any jurisdiction in which such Personal Representative may act, including all powers and authorities conferred by Section 35-50-110 of the Tennessee Code and by any future amendments thereto, except for any instance in which such powers and authorities may conflict with the express provisions of this Will, in which case the express provisions of this Will shall control. In addition to such powers and authorities, each Personal Representative shall have and possess the following powers and authorities (each of which shall be exercisable in the discretion of such Personal Representative) with respect to my estate, and the following provisions shall apply to my estate:

(1) To retain, in the discretion of my Personal Representative, any property owned by me without regard to the duty to diversify investments under the laws governing my estate and without liability for any depreciation or loss occasioned by such retention;

(2) To exchange, sell or lease for cash, property or credit, or to partition, publicly or privately, at such prices, on such terms, times and conditions and by instruments of such character and with such covenants as my Personal

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Representative deems proper, all or any part of the properties of my estate, specifically including the power to sell and convey real property and the power to execute deeds with regard to any such sale or conveyance, and no vendee or lessee shall be required to look to the application of any funds paid to my Personal Representative;

(3) To borrow money from any source (including any Personal Representative) and to mortgage, pledge, or in any other manner encumber all or any part of the properties of my estate as may be advisable in the judgment of my Personal Representative for the advantageous administration of my estate;

(4) To make, in the discretion of my Personal Representative, any distribution required or permitted to be made to any beneficiary under this Will in any of the following ways when such beneficiary is a minor or is incapacitated: (i) to such beneficiary directly; (ii) to the guardian or conservator of such beneficiary's person or property: (iii) by applying the required or permitted distribution for the benefit of such beneficiary; (iv) to a person or financial institution serving as custodian for such beneficiary under a uniform transfers to minors act of any state; (v) by reimbursing or advancing funds to the person who is actually taking care of such beneficiary (even though such person is not the legal guardian or conservator) for expenditures made or to be made by such person for the benefit of such beneficiary; and (vi) by managing such distribution as a separate fund on the beneficiary's behalf, subject to the beneficiary's continuing right to withdraw the distribution; and the written receipts of the persons receiving such distributions shall be full and complete acquittances to my Personal Representative;

(5) To make divisions, partitions, or distributions in money or in kind, or partly in each, whenever required or permitted to divide, partition, or distribute all or any part of my estate; and, in making any such divisions, partitions, or distributions, the judgment of my Personal Representative in the selection and valuation of the assets to be so divided, partitioned, or distributed shall be binding and conclusive; and, further, my Personal Representative shall be authorized to make distributions from my estate in divided or undivided interests and on a pro rata or non-pro rata basis and to adjust distributions for resulting differences in valuation; and

(6) To invest and reinvest the properties of my estate in any kind of property whatsoever, real or personal, whether or not productive of income and without regard to the proportion that such property or property of a similar character held may bear to my entire estate.

ARTICLE VII.
Miscellaneous

A. **Spendthrift Provisions.** Prior to the actual receipt of property by any beneficiary, no property (income or principal) distributable under this Will shall, voluntarily or involuntarily, be subject to anticipation or assignment by any beneficiary, or to attachment by or to the interference or control of any creditor or assignee of any beneficiary, or taken or reached by any legal or equitable process in satisfaction of any debt or liability of any beneficiary, and any attempted transfer or encumbrance of any interest in such property by any beneficiary hereunder prior to distribution shall be void.

B. **Survivorship Provisions.** There shall be no requirement that a person who is named as a beneficiary herein must survive me by any set number of days. Such person must simply outlive me, no matter the length of time, to be considered a beneficiary of my estate. Any person who is prohibited by law from inheriting property from me shall be treated as having failed to survive me.

C. **Payment of Debts.** I direct that all of my legal debts, funeral and testamentary expenses, costs and expenses of administration of my estate, and all estate, inheritance, transfer and succession taxes (Federal, State and others) upon or with respect to any property required to be included in my gross estate under the provisions of any law, and whether or not passing hereunder, shall be paid as soon after my death as in the opinion of my Personal Representative is practical and advisable. If at the time of my death any of my property is subject to a mortgage, lien, or other debt, I direct that the devisee taking such property shall take it subject to such mortgage, lien, or other debt, and that such person shall not be entitled to have the obligation secured thereby paid out of my general estate. My Personal Representative is specifically given the right to renew, refinance and extend, in any form that my Personal Representative deems best, any secured or unsecured debt or charge existing at the time of my death. Under no circumstances shall my Personal Representative be required to prepay any debt of mine.

D. **Descendants.** References to "descendant" or "descendants" mean lineal blood descendants of the first, second or any other degree of the ancestor designated; provided, however, such references shall include, with respect to any provision of this Will, descendants who have been conceived at any specific point in time relevant to such provision and who thereafter survive birth; and provided, further, an adopted child and such adopted child's lineal

descendants by blood or adoption shall be considered under my Will as lineal blood descendants of the adopting parent or parents and of anyone who is by blood or adoption a lineal ancestor of the adopting parent or of either of the adopting parents.

E. **Discretion.** Whenever in this Will an action is authorized in the discretion of my Personal Representative, the term "discretion" shall mean the reasonable discretion of such Personal Representative.

F. **Incapacitated.** A beneficiary shall be deemed "incapacitated" if my Personal Representative, in my Personal Representative's discretion, determines that such beneficiary lacks the ability, due to a physical or mental condition, to manage his or her own personal and financial affairs. My Personal Representative shall be deemed "incapacitated" if and for as long as (i) a court of competent jurisdiction has made a finding to that effect, (ii) a guardian or conservator of such Personal Representative's person or property has been appointed by a court of competent jurisdiction and is serving as such, or (iii) two physicians (licensed to practice medicine in the state where my Personal Representative is domiciled at the time of the certification, and one of whom shall be board certified in the specialty most closely associated with the cause of such Personal Representative's incapacity) certify that due to a physical or mental condition my Personal Representative lacks the ability to manage his or her own personal and financial affairs. A Personal Representative shall immediately cease to serve upon being deemed incapacitated.

G. **Heirs.** References to "heirs" are to those persons who would inherit separate personal property from the person designated under the statutes of descent and distribution of the State of Tennessee, if such person died intestate and single at such time.

H. **Per Stirpes.** When a distribution is to be made to a person's descendants "per stirpes," property shall be divided into as many equal shares as there are (i) living children of such person, if any, and (ii) deceased children who left descendants who survive such person. Each living child shall receive one share, and the share that would have passed to each deceased child shall be divided in a similar manner (by reapplying the preceding rule) among his or her descendants who survive such person. For example, if a person has deceased children and surviving children when a distribution is to be made, the assets will be divided into equal shares at the child level and distributed per stirpes below that level; however, if the person has no surviving children at such time, that equal division will still be made at the child level and

distributed per stirpes below that level. This definition is intended to override any conflicting or contrary common law definition.

ARTICLE VIII.
No Contest Clause

If any beneficiary of my estate in any manner, directly or indirectly, contests the probate or validity of this Will or any of its provisions, or institutes or joins in, except as a party defendant, any proceeding to contest the probate or validity of this Will or to prevent any provision hereof from being carried out in accordance with the terms hereof, then all benefits provided for such beneficiary and such contesting beneficiary's descendants are revoked and shall pass as if that contesting beneficiary and such contesting beneficiary's descendants had failed to survive me. Each benefit conferred herein is made on the condition precedent that the beneficiary receiving such benefit shall accept and agree to all of the provisions of this Will, and the provisions of this Article are an essential part of each and every benefit. My Personal Representative shall be reimbursed for the reasonable costs and expenses, including attorneys' fees, incurred in connection with the defense of any such contest. Such reimbursement shall be made from my estate.

IN WITNESS WHEREOF, I WILLIAM EDWARD GREEN, JR., subscribe, publish and declare this instrument as my Last Will and Testament on the 29 day of MAY, in the year 2019.

WILLIAM EDWARD GREEN, JR.

The foregoing instrument was subscribed, published and declared by WILLIAM EDWARD GREEN, JR., the above-named Testator, to be her Last Will and Testament in our presence, all being present at the same time, and we, at her request and in her presence and in the presence of each other have subscribed our names as witnesses on the date above written.

Claudia D. Green
Witness Signature

3722 Bill Owens Parkway
Street Address

Longview TX 75605
City, State and Zip Code

Witness Signature

3722 Bill Owens Parkway
Street Address

Longview TX 75605
City, State and Zip Code

SELF-PROVING AFFIDAVIT

STATE OF TENNESSEE)
) ss.
COUNTY OF DAVIDSON)

Before me, the undersigned authority, on this day personally appeared WILLIAM EDWARD GREEN, JR., CLAUDIE D. GREEN and BARRY GREEN, known to me to be the testator and the witnesses whose names are subscribed to the foregoing instrument. The testator, WILLIAM EDWARD GREEN, JR., declared to me and to the witnesses in my presence that said instrument is her last will and testament and that she had willingly signed or directed another to sign the same for her, and executed it in the presence of said witnesses as her free and voluntary act for the purposes therein expressed. The witnesses declared that they witnessed the execution of the will of the testator, WILLIAM EDWARD GREEN, JR.; that said testator subscribed, published and declared the same to be her will in their presence; that they thereafter subscribed the will as witnesses in the presence and sight of the testator, WILLIAM EDWARD GREEN, JR, at her request, and in the presence and sight of each other; that at the time of the execution of said will, the testator, WILLIAM EDWARD GREEN, JR, appeared to them to be of full age and of sound mind and disposing memory, and not under any restraint or in any respect incompetent to make a will; and that they make this affidavit at the request of the testator, for the purpose of proving the testator's will as provided in T.C.A. Section 32-3-110, on the 29 day of MAY, in the year 2019.

WILLIAM EDWARD GREEN, JR, Testator

Claudie D. Green
Witness Signature

Witness Signature

Subscribed and sworn to before me on the 29 day of MAY, in the year 2019.

Natalie L. Shacklett
Notary Public

My commission expires: 11/08/2021

NATALIE L. SHACKLETT
STATE OF TENNESSEE
NOTARY PUBLIC
DAVIDSON COUNTY
MY COMMISSION EXPIRES 11-8-2021