Karen Johnson Davidson County
Batch# 836254 AFFIDAVITH
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This Instrument Prepared By and Return To:
Rudy Title and Escrow, LLC
2012 21st Avenue South
Nashville, TN 37212
615-383-2903

AFFIDAVIT OF HEIRSHIP

I, Sarah Vongkhamchanh, hereinafter referred to as Affiant, being first duly sworn, make an oath as follows:

1. That Affiant is at least eighteen (18) years of age and presently resides at the following address:

   5037 W Oak Highland Dr., Antioch, TN 37013

2. That Affiant knew Boualoy Phonthongsy hereinafter referred to as Decedent and has personal knowledge of the family, life, and death of the Decedent by reason of the following:

   a. Affiant was a personal acquaintance of the Decedent and family of the Decedent, having known Decedent for more than 20 years.

3. That Affiant knew that at date of death, Decedent had ownership in the following described real estate in Davidson County, Tennessee:
   4905 Algonquin Trail
   Antioch, TN 37013

4. That Decedent died on March 22, 2021, and was at that time a resident of Davidson County, State of Tennessee.

5. That Decedent died with a will that has not been admitted to probated, a copy of which is herewithin attached as exhibit A.

6. That Decedent was widowed at the time of her death. Her husband, Chanthip Phothongsy, having predeceased her on or about March 2, 2016.

7. That the following were the only children born to or adopted by Decedent during his/her lifetime.

   Chanthaly Pulizzano
   Anonglack Vongkhamchanh
   Chanthala Phonthongsy

8. That as of the date of execution of this Affidavit, the following are the heirs-at-law of the Decedent.

   Chanthaly Pulizzano – Adult – resident of: Davidson County
   Anonglack Vongkhamchanh – Adult - resident of: Davidson County
   Chanthala Phonthongsy – Adult - resident of: Davidson County

9. The Affiant is not beneficiary, legatee or heir of Boualoy Phonthongsy and has no financial interest in her **Estate.**

10. That this Affidavit of Heirship is freely given with all full knowledge that whoever willfully, corruptly, and falsely swears to any statement in any such affidavit known by such person to be false, or about which such person does not have sufficiently definitive knowledge to justify the making of such sworn statement, and such statement is false, commits a Class E Felony. T.C.A. Section 30-2-712 (2).

11. That Affiant fully understands that this Affidavit of Heirship is being relied upon to authenticate the ownership of the above mentioned property, and Affiant hereby agrees to indemnify any entity, person that incurs damages arising from any false or misleading statement contained in this Affidavit.

12. Additional information, if any, either known or understood to be true by Affiant:

_____

FURTHER AFFIANT SAITH NOT.

STATE OF TENNESSEE)
COUNTY OF Davidson

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared the within named Affiant, Sarah Vongkhamchanh with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who made oath that the statements contained in the foregoing affidavit are true of Affiant's own knowledge.

WITNESS my hand and official seal this 3 day of February, 2022.

Anu Sagarad
Notary Public

My Commission expires: 09/21/2024

ANURADHA SAGARAD
TENNESSEE
NOTARY
PUBLIC
My Comm Exp.
Sep 21. 2024
COUNTY OF WILLIAMSON

Ex. A

Last Will and Testament

Of
BOUALOY PHONTHONGSY

I, BOUALOY PHONTHONGSY, currently residing in Antioch, Davison County, Tennessee, being of sound mind and disposing memory, do make, declare and publish this document as my last Will and Testament, hereby revoking all former Wills and Codicils to any Wills heretofore executed by me.

ARTICLE I

A. Spouse. I am currently married not married.

B. Children. References in this Will to child or children shall refer only to the following adult children: Anonglack Vongkhamchanh; Chanthaly Pullizano; Chanthala Phonthongsy; and any child born to or adopted by me after I sign this Will.

C. Grandchildren. References in this Will to grandchild or grandchildren shall refer only to the following grandchildren: Kayleigh Vongkhamchanh; Chauncey Vongkhamchanh; Gianna Pullizano; Dominic Pullizano; and any subsequently natural-born or adopted grandchild(ren).

D. Issue. References to issue in this Will shall refer to both natural-born and adopted descendants. Unless otherwise provided herein, all issue shall take by representation, with the initial division into shares for such purpose to be the first generation below me.

ARTICLE II

A. Executor. I appoint my Daughter, ANONGLACK VONGKHAMCHANH to serve as the Executor of this Will.

B. Alternate Executor. Should KHAM VONGKHAMCHANH predecease me or is for any reason unable to serve as Executor, then I appoint the following person to serve as the Executor of this Will: CHANTHALY PULLIZANO

To the extent permitted by applicable law, no Executor or Executrix shall be required to furnish bond, file any inventory or file any accountings with respect to the performance by the Executor or Executrix of their duties.

C. Trustee. I appoint my daughter, ANONGLACK VONGKHAMCHANHto serve, without bond, as the Trustee of any trust created herein.

D. Alternate Trustee. Should ANONGLACK VONGKHAMCHANH for any reason be unable or unwilling to serve as Trustee, I appoint CHANTHALY PULLIZANO to serve, without bond, as the Alternate Trustee of any trust created herein.

ARTICLE III

A. Payment of Debts, Administration Expenses and Taxes. All of my legally enforceable debts (except secured debts, which may be paid or retained in the discretion of the

Executor, and if paid shall be without right of contribution from my spouse if I am married or my spouse does not predecease me), and the expenses of administration of my estate, both domiciliary and ancillary, shall be paid by my Executor as soon as practicable after my death. My Executor shall pay out of my residuary estate all estate, inheritance and other death taxes which shall become payable by reason of my death, whether in respect of property passing under this Will or otherwise, as an expense of administration, without apportionment.

B. Life Insurance. The proceeds of any life insurance payable to any named beneficiary, or my estate are to be free from the claims of creditors, and are to be held and distributed as provided by the terms of this Will. My Executor may use (but shall not be required to use) any portion of such proceeds as she deem advisable for the payment of debts, expenses and taxes, but only if she deem such use of the proceeds to be in the best interests of my legatees and beneficiaries hereunder.

C. Real Property. Any real property I own at my death is to be part of my probate estate and treated as forming part of my personal estate for purposes of administration.

D. Powers of Executor. The Executor, in the exercise of reasonable discretion with respect to all property, real and personal, at any time forming a part of my estate or any trust hereunder, may exercise any and all of the powers set forth in *Tennessee Code Annotated* § 35-50-110, to the extent applicable, all of which provisions and powers are incorporated herein by reference (as set out in this statute on the date I sign this Will), even if this statute is amended or repealed hereafter and even if my estate or any trust hereunder is administered in a state other than Tennessee. Without in any way limiting the foregoing, the Executor shall at all

times during the administration of my estate be vested with all the powers, duties and authority of the Trustee herein provided, and shall be authorized to make payments in the same manner and to the same extent as if the Executor were acting as Testamentary Co-Trustees. I grant to my fiduciaries the authority to appoint resident fiduciaries to serve with them if applicable law requires.

E. Rule Against Perpetuities. Anything in this Will to the contrary notwithstanding, any trusts created hereunder shall terminate one day prior to the expiration of the permissible period under the relevant application of the rule against perpetuities, if any; and upon such termination, all the assets thereof shall be distributed absolutely to those parties (and in the same proportions) as are then receiving or entitled to receive the income therefrom.

F. Distribution to a Minor or Incapacitated Beneficiary. During the minority or incapacity of any beneficiary to whom income or principal is payable under this Will, the Executor(s) or Trustee, exercising a reasonable discretion, may make distribution in any one or more of the following ways: (a) directly to such beneficiary such amount as the Executor(s) or Trustee may deem advisable as an allowance; (b) to the guardian, conservator or limited guardian (other than the Executor(s) or Trustee) of the person or of the property of such beneficiary; (c) to a custodian (other than the Executor(s) or Trustee) under the Uniform Transfers to Minors Act, including a custodian selected by the Executor(s) or Trustee; (d) to a relative (other than the Executor(s) or Trustee) of such beneficiary upon the agreement of such relative to expend such income or principal solely for the benefit of the beneficiary; or (e) by expending such income or principal directly for such beneficiary. The Executor(s) or Trustee

shall have the power, in their reasonable discretion, to determine whether a beneficiary is incapacitated, and the Executor(s) or Trustee determination in such regard shall be conclusive.

G. Spendthrift Provision. Neither the income nor principal of any trust herein created, or any share thereof, shall be pledged, assigned, transferred, sold or in any manner whatsoever accelerated, anticipated or encumbered by any beneficiary, nor shall any income or principal of any trust estate hereunder be in any manner subject to or liable in the hands of the Executor(s) or Trustee for the debts, contracts or engagements of any beneficiary or be subject to any assignment or any other voluntary or involuntary alienation or disposition whatsoever; but in all distribution of income or principal, the same shall be paid only to the beneficiary entitled, upon receipt of the beneficiary, or to others for his or her benefit as herein provided.

H. Combination of Trusts. If any trust is created under the will of my spouse, if I am married and she does not predecease me, or under an inter-vivos trust established by me or by my spouse or by both of us, which trust is substantially identical in all material respects with any trust created under this my Will, then the Trustees in the Trustee's reasonable discretion, may combine such trusts or merge the trust under my Will into such other trust or take any other appropriate action, provided no adverse transfer tax consequences are thereby triggered, in the interests of efficiency and economy of administration.

I. Reports of Trustee. I excuse the Trustee from making any accounting or report to any court or person regarding the administration of any trust herein created, but the Trustee shall furnish to each current or permissible income beneficiary of each trust (or to the parent or

guardian of any minor beneficiary) a statement showing the receipts, disbursements and the estimated net value of the trust, on an annual or more frequent basis.

J. Resignation of Trustee. Any Trustee may resign upon thirty (30) days' written notice to the beneficiaries then receiving or entitled to receive income of the trust and to all successor Trustees named hereunder, if any. If resignation occurs, the successor Trustee designated in the preceding Item of this Will shall serve, but if no successor Trustee is designated or able to serve, the Trustee's successor shall be appointed by a majority of such beneficiaries. If the beneficiaries fail to appoint a successor Trustee within this thirty (30) day period, the Trustee may petition the court having jurisdiction over the trust for the appointment of a successor Trustee. The successor Trustee must be a trust company or bank or other financial institution, having trust powers and trust assets under management of not less than One Hundred Million ($100,000,000) Dollars. The successor Trustee does not have to be located in Tennessee. Upon appointment of the successor Trustee, the resigning Trustee shall deliver all assets then held to the successor Trustee. The resigning Trustee shall then have full acquaintance for all assets so delivered (subject to judicial settlement of the accounts of the resigning Trustee if requested by the beneficiaries or by the successor Trustee). A parent or legal guardian for any minor beneficiary shall act on behalf of the minor concerning appointment of any successor Trustee. The successor Trustee shall have all powers and authority herein conferred on the Trustee so replaced, and bond is excused.

K. References to Fiduciaries. For convenience, the fiduciaries named in this Will (including any alternates or successors) are sometimes referred to in the singular person and

masculine gender, regardless of the number or gender of those actually named herein.

ARTICLE IV

A. Distribution to Persons Under Age 25. If any issue of a child of mine or any person receiving assets under this Last Will and Testament, hereinabove is under age Twenty-One (21)years when an outright distribution of estate or trust principal is to be made to such person (the "beneficiary"), then such principal shall be retained in trust by the Trustee as a separate trust for the beneficiary until he or she attains age Twenty-One (21).

The Trustee shall pay to the beneficiary, until age Twenty-One (21) is reached, any amounts of income and principal of the trust, payable at any time and from time to time, which the Trustee, in the Trustee's reasonable discretion, determines necessary for the beneficiary's health, education, support or maintenance. If any beneficiary should die prior to attaining age Twenty-One (21), then the assets of the beneficiary's trust shall first be utilized to pay the expenses of the proper funeral and burial of the beneficiary's body, as the Trustee, exercising an absolute discretion, considers appropriate, then all remaining assets held by the Trustee for the beneficiary shall be distributed to the then-living issue of the beneficiary, but if the beneficiary leaves no issue then-living, then the remaining trust assets shall be distributed by the Trustee to those persons and in such manner as such assets would have otherwise been disposed of under the provisions of this Article of my Will.

B. Lack of Beneficiaries. If, in the absence of this Article, I otherwise would die intestate or any trust otherwise would fail for lack of a beneficiary, then I devise and bequeath the assets thereby affected entirely according to ARTICLE VI of this Will.

ARTICLE V

I give, devise and bequeath, in fee, to my children, ANONGLACK VONGKHAMCHANH 50% of my remaining estate, CHANTHALY PULLIZANO 25% of my remaining estate, and CHANTHALA PHONTHONGSY 25% of my remaining, and to the issue of those who do not survive me, per stirpes, to share and share alike, all the rest, residue and remainder of the property which I may own at the time of my death, real, personal and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this Will, including all lapsed legacies and devises, including any and all money market or investment accounts.

ARTICLE VI

If any beneficiary hereunder shall contest the probate or validity of this Will or any provision thereof, or shall institute or join in any proceeding to contest the validity of this Will or to prevent any provision thereof from being carried out in accordance with its term, regardless of whether such proceedings are instituted in good faith and with probable cause, then all benefits provided for such beneficiary are revoked and such benefits shall pass to the residuary beneficiaries of this Will. Each benefit conferred herein is made on the condition precedent that the beneficiary 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.

IN WITNESS WHEREOF, I sign this Will, consisting of this and the preceding and subsequent eight (8) printed pages, and for the purpose of identification, I have signed or initialed each page, all in the presence of the persons witnessing it, whom I have requested to act as such by signing their names as attesting witnesses in my presence and in the presence of each other, and by signing the Affidavit below pursuant to the provisions of T.C.A. 32-2-110 on this the 28 day of August, 2017, at Murfreesboro, Tennessee.

Boualoy Phonthongsy

BOUALOY PHONTHONGSY

ATTESTATION CLAUSE

Signed and declared by BOUALOY PHONTHONGSY, to be such person's Will in the presence of all of us at one and the same time, and we, at such person's request and in such person's presence and in the presence of each other, have subscribed our names as witnesses, and we do hereby attest to the sound and disposing mind of BOUALOY PHONTHONGSY and to the performance of the aforesaid act of execution at the place and on the date hereinabove set out.

WITNESSES:

Signature — 620 W Walnut St. Milton, TN 37150
Address

Signature — 112 Toddington Dr. Murfreesboro TN 37130
Address

AFFIDAVIT OF WITNESSES

STATE OF TENNESSEE)
)
COUNTY OF RUTHERFORD)

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

1. We are adult citizens and residents of Tennessee.

2. We witnessed the execution of this Will by the testator, BOUALOY PHONTHONGSY, dated the 28 day of August, 2017, to which this Affidavit is attached, and that this Affidavit is being made at the request of such person and in accordance with the provisions of *Tennessee Code Annotated* § 32-2-110.

3. Our signatures are affixed to the Will; we signed the Will at the request of such person, and in the presence of the testator, and in the presence of each other witness, at the place and on the date recited in said Will.

4. BOUALOY PHONTHONGSY signed said paper writing as and for a Will in our sight and presence.

5. At the time we witnessed the Will, BOUALOY PHONTHONGSY was, in our opinion, of sound mind.

Witness

Witness

Sworn to and subscribed before me by the two (2) persons whose signatures are affixed hereto on this 28th day of August, 2017, at 4:00 p.m.

Notary Public
My Commission Expires: 3/18/2018

ROBERT J FOY
STATE OF TENNESSEE
NOTARY PUBLIC
RUTHERFORD COUNTY

THIS DOCUMENT WAS PREPARED BY:

ROBERT J. FOY
FOY LAW GROUP, P.A.
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Murfreesboro, Tennessee 37130
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