This Instrument Prepared By:

Joseph P. Rusnak
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Nashville, TN 37238

Karen Johnson Davidson County
Batch# 869334 AFFIDAVITH
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# AFFIDAVIT AS TO HEIRS OF JANET H. HESSEY (Pursuant to Tenn. Code Ann. §30-2-712)

**STATE OF TENNESSEE )**
**COUNTY OF DAVIDSON )**

The affiant, Joseph P. Rusnak, after being duly sworn, states upon oath that the following is based upon his own personal knowledge and that if called to testify, he would competently state as follows:

1. I am Joseph P. Rusnak. I am more than 18 years of age. I understand that this Affidavit is being used in connection with the sale of certain real property and improvements located thereon commonly known as 1603 Lethia Drive, Nashville, Tennessee (the "Property") and the issuance of a policy of title insurance. I am familiar with the family history of Janet H. Hessey, deceased, who was the owner of the Property.

2. I have known Janet H. Hessey and her family for over 23 years as a friend and attorney. At the time of her death on August 31, 2021, she resided at the Property.

3. At the time of her death, Janet H. Hessey had two children, Teresa H. Hobbs and Lynette H. Culbreth, with both of whom I am also acquainted.

4. The children mentioned above were the only children born to Janet H. Hessey and are her only heirs.

5. Janet H. Hessey's husband, Melvin O. Hessey, Jr., died in 2015 and she never remarried.

6. Janet H. Hessey left a will, but it has not been probated. (Copy attached.)

7. It is my understanding that all debts of the estate have been paid.

Further, Affiant saith not.

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**STATE OF TENNESSEE )**
**COUNTY OF DAVIDSON )**

Before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Joseph P. Rusnak, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the foregoing instrument for the purposes therein contained.

**Witness** my hand and official seal at office, on this the 19th day of May 2022.

Notary Public

My Commission Expires: 3-7-2023

CANDACE CROOM
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON
MY COMMISSION EXPIRES MARCH 07, 2023

# LAST WILL & TESTAMENT

# OF

# JANET HALL HESSEY

I, JANET HALL HESSEY, a resident of Nashville, Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make and declare this to be my Last Will and Testament, and do hereby revoke all prior testamentary instruments made by me.

## I. DEFINITIONS

As used herein, the following terms shall have the meanings specified for each such term, unless the context clearly indicates contrary meaning:

(a) "Child" or "children" includes any individual, whether adopted or natural born, entitled to take as a child by virtue of the laws of intestate succession of the State of Tennessee, and excludes any person who is only a stepchild, a foster child, a grandchild, or any more remote descendant. I only have two children at the time of making this Last Will and Testament: TERESA H. HOBBS and LYNETTE H. CULBRETH.

(b) "Issue" means lineal descendants, adopted or natural born, of all generations, with the relationship of parent and child at each generation being determined by the definition of "child" contained herein.

(c) "Devise" means to dispose of real and personal property by this Last Will and Testament.

(d) "Property" includes both real and personal property or any interest therein, and means anything that may be the subject of ownership.

(e) "Executor" means any executor or executrix named in Article VIII of this instrument, or otherwise duly qualified as the executor of my estate.

## II. PAYMENT OF DEBTS AND TAXES

I direct all of my matured debts, funeral expenses, expenses of my last illness and for the administration of my estate, and any estate or inheritance taxes that may be imposed by reason of my death, be paid out of my residuary estate by my Executor without proration among the several beneficiaries named herein.

## III. DEVISE OF REAL PROPERTY

(a) I hereby devise to my husband, MELVIN OWEN HESSEY, JR., our jointly owned residence and real property located at 1603 Lethia Drive, Nashville, Tennessee, if he survives me by at least thirty (30) days. If he does not survive me by at least thirty (30) days, I hereby devise the real property located at 1603 Lethia Drive, Nashville, Tennessee to my children, TERESA H. HOBBS and LYNETTE H. CULBRETH.

(b) I hereby devise to my children, TERESA H. HOBBS and LYNETTE H. CULBRETH, all of my interest in the real property located on Willow Grove Highway, Allons, Clay County, Tennessee to be split equally between them.

## IV. DEVISE OF TANGIBLE PERSONAL PROPERTY

(a) I hereby devise to my husband, MELVIN OWEN HESSEY, JR., any boats, lawn mowers, and tools co-owned by us at the time of my death.

(b) I hereby devise to my children, TERESA H. HOBBS and LYNETTE H. CULBRETH, all of my tangible personal property, excluding the tangible personal property described above in this part (a), and in parts (c) and (d) below, to be given to my children and divided among them as they may agree.

(c) I hereby devise to my daughter, TERESA H. HOBBS, the following specific items:

Dining Room table, China cabinet, & Straight chairs

Diamond Pendant & Onyx Ring w/Center Diamond

(d) I hereby devise to my daughter, LYNETTE H. CULBRETH, the following specific items:

Dining Room buffet & Captain's chair

Piano

Computer cabinet w/ Computer & Printer

Revolver

Ford Windstar Van

Round Diamond ring & Waterfall Diamond Ring

## V. RESIDUARY ESTATE

I devise all the rest and residue of my property as follows:

(a) I direct that all the rest and residue of my property be divided equally between my children who survive me by at least thirty (30) days, or their issue then living.

(b) If no child of mine survives me by at least thirty (30) days, then I devise all the rest and residue of my property, outright and in fee simple and in equal shares, as follows:

(1) KIMBERLY H. BEST;

(2) J.D. HOBBS, III;

(3) MEGAN H. CULBRETH; and

(4) MICHAEL D CULBRETH, JR.

## VI. LIFE INSURANCE PROCEEDS

I direct that the proceeds of any insurance on my life that may be payable to my estate be administered and distributed in accordance with Article V of this Will, just as though the proceeds were part of the rest and residue of my estate.

Section 35-50-110), even if said section shall be amended or repealed following execution of this instrument, which enumerates the administrative powers that I hereby confer upon my Executors.

## VIII. APPOINTMENT OF EXECUTORS

I appoint my children, TERESA H. HOBBS and LYNETTE H. CULBRETH, to be the Co-Executors of this my Last Will and Testament. If my children, TERESA H. HOBBS and LYNETTE H. CULBRETH, should for any reason fail or cease to serve as Executors hereunder, then in such event I appoint JOSEPH P. RUSNAK, to serve as Executor of my estate. I direct that no bond or other security be required of any of the above-named fiduciaries for the faithful performance of their respective duties.

IN WITNESS THEREOF, I have hereunto subscribed my name to this fourth (4th) page of my Last Will and Testament, consisting of five (5) typewritten pages, and for the purpose of identification, I have signed each such page, all in the presence of the persons witnessing it at my request on this 13th day of September 2006, at Nashville, Tennessee.

Janet Hall Hessey
JANET HALL HESSEY

SIGNED, PUBLISHED AND DECLARED by the above-named Testator, JANET HALL HESSEY, as and for her Last Will and Testament, in the presence of us, who at her request, in her presence, and in the presence of each other, all being present at the same time, have hereunto subscribed our names as witnesses and do hereby certify that we believe the Testator to be of sound mind and disposing memory.

Amber L. Atrip
Witness

Address: 3809 Elkins Nash, TN

**STATE OF TENNESSEE )**
**) SS.**
**COUNTY OF DAVIDSON )**

We, Amber L. Atnip, Kris L. Cox,

_____, being first duly sworn, depose and say:

(1) That we, and each of us, know JANET HALL HESSEY, who is a citizen and resident of Nashville, Davidson County, Tennessee, over eighteen years of age, and appears to be of sound mind and disposing memory.

(2) That JANET HALL HESSEY requested us, and each of us, to act as witnesses to the execution by her of her Last Will and Testament.

(3) That JANET HALL HESSEY on September 13, 2006, produced a document which she declared in the presence of all of us; and that each of us, in the presence of each other, and in the presence of JANET HALL HESSEY signed said document as attesting witnesses.

(4) This Affidavit is being made at the request of JANET HALL HESSEY and for the purpose of proving her Last Will and Testament, all in accordance with the provisions of Chapter 568 of the Public Acts of Tennessee for the year 1972, to be attached to the Will of JANET HALL HESSEY upon the execution thereof by her.

Further deponents saith not.

Amber L. Atnip
Witness

Kris L. Cox
Witness

_____
Witness

Subscribed and sworn to before me this 13 day of SEPTEMBER 2006.

_____
NOTARY PUBLIC

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Certificate of Authenticity

I, Tonya Loftin, 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 **May 19, 2022**.

Date

Tonya Loftin
Affiant Signature

June 2, 2022
Date

State of TN

County of Rutherford

Sworn to and subscribed before me this 2nd day of June, 20 22.

Notary's Signature

CHRISTIE PERRY
STATE OF TENNESSEE
NOTARY PUBLIC
RUTHERFORD COUNTY

My Commission Expires: 7/22/2022
Date

Notary's Seal (if on paper)