Karen Johnson Davidson County
Batch# 928180 DEEDQC
10/12/2022 08:28:07 AM 12 pgs
Fees: $62.00 Taxes: $0.00
20221012-0111697

PREPARED BY:
Martin Heller Potempa & Sheppard
1935 21st Avenue South, Suite 100
Nashville, Tennessee 37212
(615) 800-7096

This Deed was prepared based upon information provided by the parties. No independent title examination was conducted. The preparer makes no representation as to the status of the title or the accuracy of the description.

STATE OF Alabama
COUNTY OF Madison

The actual consideration for this transfer is $0.00.

Randy Mills Pemberton, Executor
Randy Mills Pemberton, *Executor*

Subscribed and sworn to before me, this 28th day of September 2022.

Melinda Langston
NOTARY PUBLIC
My Commission Expires: 06/09/2023

MELINDA LANGSTON NOTARY PUBLIC ALABAMA STATE AT LARGE

EXECUTOR'S QUITCLAIM DEED

Address New Owner:	Send Tax Bills To:	Tax Information:
Randy Mills Pemberton, *et. al.* 132 Hunter Brown Road Huntsville, AL 35806	New Owner	13603004200

WHEREAS, Thelma Joyce Pemberton (hereinafter the "Decedent") died testate as a resident of Davidson County, Tennessee on January 27, 2022. Decedent's Last Will and Testament dated October 22, 1991 (the "Will"), was admitted to probate on August 11, 2022, under Docket Number 22P903 in the Seventh Circuit Court of the Twentieth Judicial District of Nashville and Davidson County, Tennessee. Said Order is attached hereto as **Exhibit 1**.

WHEREAS, by entry of the same Order, Randy Mills Pemberton was appointed as the Executor of Decedent's Estate. The Court issued Letters Testamentary accordingly and the same are attached hereto as **Exhibit 2**.

WHEREAS, Decedent was predeceased by her husband Horace M. Pemberton, Jr. who passed away on December 7, 1988. A copy of his obituary is attached hereto as **Exhibit 3**. Decedent never remarried following his death.

WHEREAS, Decedent was survived by her two children, Randy Mills Pemberton and Karen Susan Pemberton Golden. No other children were born to or adopted by Decedent during her lifetime.

WHEREAS, Randy Mills Pemberton and Karen Susan Pemberton Golden are Decedent's sole heirs at law and are the sole residuary beneficiaries of Decedent's Will.

Pursuant to Tenn. Code Ann. § 31-2-103, Decedent's interest in the Property vested in Randy Mills Pemberton and Karen Susan Pemberton Golden immediately upon Decedent's death in equal parts.

WHEREAS, Randy Mills Pemberton, in his capacity as Executor of Decedent's Estate, hereby memorializes said vesting in **RANDY MILLS PEMBERTON** and **KAREN SUSAN PEMBERTON GOLDEN** as tenants in common, in certain real property located in Davidson County, Tennessee, specifically described as follows:

> Land in Davidson County, Tennessee, being Lot No. 154 on the Plan of Priest Lake Park, Section IV, as of record in Book 4460, page 15, Register's Office for said County, to which plan reference is here made for description.
>
> This conveyance is made subject to restrictions of record in Book 4505, page 774; and easements, setback lines, conditions of owner's certificate, etc., as shown on plan of record in Book 4460, page 15, said Register's Office.
>
> Being the same property conveyed to Horace M. Pemberton, Jr. and wife, Thelma J. Pemberton by warranty deed from John A. Farrar and wife, Marjorie L. Farrar, of record in Book 4707, Page 981, Register's Office of Davidson County, Tennessee. Said Horace M. Pemberton, Jr. having since died on December 7, 1988, leaving Thelma J. Pemberton as surviving tenant by the entirety.
>
> This is improved property commonly known as: **3855 Priest Lake Dr, Nashville, Tennessee 37217.**

The legal description provided herein is exactly the same as in the prior recorded deed. Said property is conveyed subject to such limitations, restrictions and encumbrances as may affect the premises.

TO HAVE AND TO HOLD THE property, with the appurtenances, estate, title and interest thereto belonging to the Beneficiaries, its successor and assigns, forever; and the Executor hereby transfers, assigns and sets over unto the Beneficiaries, all of the Estate's right, title and interest in the said Property with full benefit of the Executor's warranties to the maximum extent that she can or should do as Executor but not further or otherwise.

IN WITNESS WHEREOF, Grantor has executed this instrument on this the 28 day of September 2022.

ESTATE OF THELMA JOYCE PEMBERTON

Randy Mills Pemberton, Executor

RANDY MILLS PEMBERTON, *Executor*

STATE OF Alabama)
)
COUNTY OF Madison)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named **Randy Mills Pemberton**, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who acknowledged themselves as **Executor** of the **Estate of Thelma Joyce Pemberton** and in his capacity as such **Executor**, acknowledged that the execution of the within instrument was for the purposes therein contained.

Witness my hand and official seal at office, this 28th day of September 2022.

Melinda Langston
Notary Public
My Commission Expires: 06/09/2023

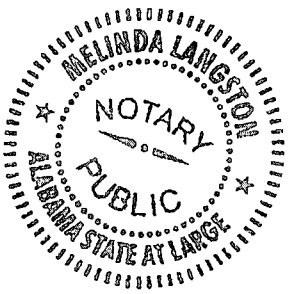


EXHIBIT INDEX:

Exhibit 1: Order to Admit Last Will & Testament to Probate and for Issuance of Letters Testamentary

Exhibit 2: Letters Testamentary appointing Randy Mills Pemberton as Executor

Exhibit 3: Obituary for Horace M. Pemberton

EFILED 08/11/22 12:29 PM CASE NO. 22P903 Richard R. Rooker, Clerk

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE AT NASHVILLE (PROBATE DIVISION)

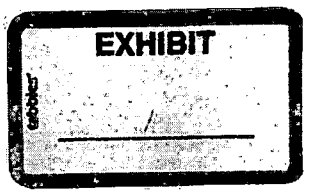
IN RE: ESTATE OF THELMA JOYCE PEMBERTON, Decedent.	)))	**No. 22P903**

ORDER TO ADMIT LAST WILL AND TESTAMENT TO PROBATE AND FOR ISSUANCE OF LETTERS TESTAMENTARY

This cause came to be heard this the 11th day of August 2022, before the Honorable Randy Kennedy, Seventh Circuit Court Judge for Davidson County, Tennessee, upon the Petition to Admit Last Will and Testament to Probate and for Issuance of Letters Testamentary filed by Randy Mills Pemberton, Petitioner. Based upon the unopposed Petition, a review of the record as a whole, the Court finds the Petition to be well-taken and, therefore, granted.

All interested persons were provided notice of this proceeding and sent a copy of the pending Petition. The original Last Will and Testament of Decedent, executed on October 22, 1991, was properly executed and witnessed by two persons. The Attestation Clause of the witnesses is attached to the Last Will and Testament. There is no opposition to the requested relief. From the findings of the Court, and for other good cause shown, the following is hereby Ordered:

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** that the Last Will and Testament of the Decedent, dated October 22, 1991, shall be admitted for the purpose of probate. Notice to Creditors shall be given by the Clerk of the Court through publication or as otherwise required by law.



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It is, further, **ORDERED** that Petitioner, Randy Mills Pemberton, shall be appointed Executor of the Estate of Thelma Joyce Pemberton. The Clerk of the Court shall issue Letters Testamentary accordingly. The requirements of posting a Bond are waived pursuant to the provisions of Decedent's Last Will and Testament. The requirements of inventory and accountings have been waived by the residual beneficiaries. Annual status report shall be filed in accordance with TCA §30-2-601.

It is, further, **ORDERED** that the costs and attorneys' fees incurred in connection with this cause shall be taxed to Decedent's estate.

It is so **ORDERED**.

ENTERED this 11th day of August 2022.

HONORABLE RANDY KENNEDY

APPROVED FOR ENTRY:

Jennifer Sheppard (024699)
Adam Barber (031014)
Kate Nyquist (038589)
MARTIN HELLER POTEMPA & SHEPPARD, PLLC
1935 21st Avenue South, Suite 100
Nashville, TN 37212
(615) 800-7096 Office
jsheppard@mhpslaw.com
abarber@mhpslaw.com
knyquist@mhpslaw.com

Attorneys for the Estate

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been forwarded to the following persons via United States Postal Service, postage prepaid, and/or electronically to the address(es) as indicated:

Randy Mills Pemberton
132 Hunter Brown Road
Huntsville, AL 35806

Karen Susan Pemberton Golden
737 NE 7th Ave
Gainesville, FL 32601

this 11 day of August 2022.

Kate Nyquist

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22P903

Last Will and Testament

OF

THELMA JOYCE PEMBERTON

FILED
AUG 11 2022
RICHARD R. ROOKER, Clerk
By _____ Deputy

I, Thelma Joyce Pemberton, a resident of Davidson County, Tennessee, being of sound mind and disposing memory do publish and declare this to be my Last Will and Testament hereby revoking all Wills and Codicils heretofore made by me.

1. **PAYMENT OF DEBTS**. I direct that all my just debts, my funeral expenses, the expense of the administration of my estate, any estate inheritance or like taxes that may be imposed by reason of my death, be first paid by my Executor hereinafter named out of any funds coming into his hands as soon as practical after my death. My Executor in his sole discretion may pay from any domiciliary estate all of any portion of the costs of ancillary administration and any other similar proceedings in other jurisdictions.

2. **GIFT TO DAUGHTER**. I give, devise and bequeath outright and forever, $25,000 to my daughter, Karen Susan Pemberton Golden.

3. **GIFT OF REMAINING ESTATE TO CHILDREN**. I hereby give, devise and bequeath outright and forever, all of the remaining property whether real, personal or mixed and wheresoever situated of which I may die seized or possessed or over which I may have a power of appointment, equally to my children, Randy Mills Pemberton and Karen Susan Pemberton Golden or if they should predecease me to their children of the body per stirpes.

4. **APPOINTMENT OF EXECUTOR**. I hereby appoint my Son, Randy Mills Pemberton, to be my Executor of this my Last Will and Testament. If my Son shall predecease me or for any reason fail to qualify as Executor hereunder, or be unwilling to serve, or die, or resign, then in such event I appoint Karen Susan Pemberton Golden to act as Executrix of my estate. I direct that no bond or other security shall be required of the above-named Executor or substitute Executrix for the faithful performance of their duties. I authorize my Executor, including my substitute Executrix in the exercise of reasonable discretion with respect to all property, real and personal at anytime forming a part of my estate, to exercise any and all powers set forth in Section 3 of Chapter 110 of the Tennessee General Assembly Act of 1963, Tenn. Code Ann. § 35-50-110, to the extent applicable, all of which provisions and powers are incorporated herein by reference as fully as if copied herein verbatim. These powers, as set out in said Statute on the date of execution of this Will, are granted not withstanding that said Statute may be amended hereafter or repealed at the time of my death.

5. **USE OF GENDER AND NUMBER**. Whenever used within this Last Will and Testament, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

6. **PERPETUITIES**. If any portion of this Last Will and Testament violates the rule against perpetuities then that portion shall be deleted as necessary and the remaining portion of this Last Will and Testament shall be treated as valid and as if the rule against perpetuities had not been violated.

Thelma Joyce Pemberton
TESTATRIX

EFILED 08/11/22 12:29 PM CASE NO. 22P903 Richard R. Rooker, Clerk

Thelma Joyce Pemberton
TESTATRIX

The foregoing instrument, consisting of this and one preceding page, was on this 22 day of October, 1991 subscribed on each page and at the end thereof by, Thelma Joyce Pemberton, the testatrix and by her signed, sealed, published and declared to be her Last Will and Testament, in the sight and presence of us and each of us who thereupon, at her request, in her presence, and in the presence of each other, have subscribed our names as attesting witnesses the day and date above written.

WITNESS

Thelia Weathers
WITNESS

Thelma Joyce Pemberton
TESTATRIX

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AFFIDAVIT

Clark L. Shaw and Shelia Weathers being duly sworn, do depose and say that they witnessed the Will of Thelma Joyce Pemberton and subscribed the Will in her presence and in the presence of each of us at the request of Thelma Joyce Pemberton, that she appeared to be of full age and of sound and disposing mind and memory and competent to make testamentary disposition of real and personal property; that she voluntarily signed her Will and declared it to be her Last Will and Testament in the presence of the subscribing witnesses and that this Affidavit is made at the request of the Testatrix.

Clark L. Shaw
WITNESS

Shelia Weathers
WITNESS

Sworn to and subscribed before me this 28th day of October, 1991.

Pauline Fults
NOTARY PUBLIC

My Commission Expires:
3-25-95

Thelma Joyce Pemberton
TESTATRIX

EFILED 08/11/22 02:35 PM CASE NO. 22P903 Richard R. Rooker, Clerk

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

(PROBATE DIVISION)

LETTERS TESTAMENTARY

TO: **RANDY MILLS PEMBERTON** DOCKET NO: **22P903**

*It appearing to the Court that **THELMA JOYCE PEMBERTON** has died leaving a written Will in which you are appointed **Executor** and which has been duly approved by the Court; and you having been qualified according to law, and it having been ordered by said Court that Letters Testamentary issue to you;*

*THESE ARE, THEREFORE, to empower you, the said **RANDY MILLS PEMBERTON**, to enter upon the execution of said Will, and take into your possession all of the property, and to make, within **sixty (60) days** from this date, a perfect inventory thereof, and make due collection for all debts, and after paying all the just demands against the Testator, and settling up the business according to law, you will pay over and deliver the property and effects that may remain in your hands, and do all other things that may be required, according to the provisions of the said will and the laws of the land.*

WITNESS, Richard R. Rooker, Clerk of the Probate Court, at office, this August 11th 2022.

RICHARD R. ROOKER, Clerk

_____ D.C.

STATE OF TENNESSEE)

DAVIDSON COUNTY)

I, RICHARD R. ROOKER, Clerk of the Probate Court of said County, do hereby certify that the foregoing is a true and perfect copy of the Letters Testamentary issued to **RANDY MILLS PEMBERTON** as **Executor** of the estate of **THELMA JOYCE PEMBERTON**, deceased, and I do further certify that **RANDY MILLS PEMBERTON** is still acting **Executor** of the estate of **THELMA JOYCE PEMBERTON** and all acts as such are entitled to full faith and credit as it appears from the official record in my office in Nashville, Tennessee, this the _____ day of _____, 20___.

RICHARD R. ROOKER, Clerk

_____ D.C.

EXHIBIT 2

Newspapers by Ancestry

The Tennessean (Nashville, Tennessee) · 11 Dec 1988, Sun · Page 33

Downloaded on Sep 12, 2022

PEMBERTON, Horace M. Jr.— 56. Real Estate Broker with B.C.A. Realtors. Died Wednesday, December 7, 1988 in Gainesville, Fla. A native and former resident of Lexington, Ky. He was a retired Lt.Col U.S. Air Force, Graduate of the University of Tenn., member of Two Rivers Baptist Church and a Mason. Survivors, his wife, Joyce William Pemberton; daughter, Karen Golden, Ft. Lauderdale; son, Randy Pemberton, Huntsville, Ala.; brother, John M. Pemberton, Calif.; grandson, Daniel Golden; father-in-law, Walter H. Williams, Lexington. Funeral 1 p.m. (E.S.T.) Monday at Kerr Brothers Funeral Home, Lexington. Visitation 3-5 and 7-9 p.m. today. Masonic and Military Honors. Honorary Pallbearers: Col. Ronald Lanman, James Gracy, James Bohanan, George Hansel, Robert Mace, Nathan Owens and Jerry Jarnagin.

Obituary for Horace M. PEMBERTON (Aged 56)

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Newspapers

