Karen Johnson Davidson County
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STATE OF TENNESSEE

I, JOSEPH P. DAY, 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 filed in the Seventh Circuit Court (Probate Division) for Davidson County, Tennessee, on the 12TH day of JANUARY, 2023, in Docket Number22P2302, IN RE: JAMES MCINTOSH SR., as same remains of record in the Minutes of said Court.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 12TH day of JANUARY in the year 2023 and in the 246 year of American Independence.

JOSEPH P. DAY, Clerk

By: _____
Deputy Clerk

[SEAL]

JOSEPH P. DAY
CIRCUIT COURT CLERK

22P2302

FILED
JAN 12 2023
JOSEPH P. DAY, Clerk
By _____ Deputy

THE LAST WILL AND TESTAMENT OF JAMES MCINTOSH SR.

DECLARATION

I, James McIntosh Sr., a resident of the state of Tennessee and county of Davidson and being of sound mind and memory, do hereby make, publish, and declare this to be my last will and testament, thereby revoking and making null and void any and all other last will and testaments and/or codicils to last will and testaments heretofore made by me. All references herein to "**this Will**" refer only to this last will and testament.

FAMILY

At the time of executing this Will, I am unmarried. The names of my children are listed below. Unless otherwise specifically indicated in this Will, any provision for my children includes the below-named children, as well as any child of mine hereafter born or adopted.

Ginger McIntosh Gaines
James Lee McIntosh Jr.
Mark Alan McIntosh

DEBT

I direct that as soon as is practical after my death, the executor named pursuant to this Will review all of my just debts and obligations, including last illness and funeral expenses, except for those secured long-term debts that may be assumed by the beneficiary of such property, unless such assumption is prohibited by law or on agreement by the beneficiary. The executor is further directed to pay any attorneys' fees and any other estate administration expenses. The executor shall pay these just debts only after a creditor provides timely and sufficient evidence to support its claim and in accordance with applicable state law.

I direct that any estate, inheritance, and succession taxes, including any interest and penalties thereon, imposed by the federal government or any state, district, or territory, attributable to assets includible in my estate, passing either

under or outside of this Will, be apportioned among the persons interested in my estate in accordance with applicable state and federal law. My executor is authorized and directed to seek reimbursement from the beneficiaries of my estate of any taxes paid by my executor to the extent allowed by law.

If my executor cannot collect from any person interested in the estate the amount of tax apportioned to that person, the amount not recoverable will be equitably apportioned among the other persons interested in the estate who are subject to apportionment.

If a person is charged with or required to pay tax in an amount greater than his or her prorated amount because another person does not pay his or her prorated amount, the person charged with or required to pay the greater amount has a right of reimbursement against the other person.

I further direct that if any beneficiary named in this Will is indebted to me at the time of my death, and evidence of such indebtedness is provided or made available to my executor, that share of my estate that I give to any and each such beneficiary be reduced in value by an amount equal to the proven indebtedness of such beneficiary unless: (i) I have specifically provided in this Will for the forbearance of such debt, or (ii) such beneficiary is the sole principal beneficiary.

SPECIFIC BEQUESTS

I give to the persons named below the following specific bequests, if owned by me at the time of my death:

1. To my daughter, Ginger McIntosh Gaines,
   I give: Grandfather Clock.

   If said beneficiary does not survive me, this specific bequest will be distributed to: James Lee McIntosh Jr.. If said alternate beneficiary does not survive me, this specific bequest will lapse, be added to the residue of my estate, and be distributed to my remainder beneficiaries as set forth below.

2. To my son, James Lee McIntosh Jr.,
   I give: All fishing equipment.

   If said beneficiary does not survive me, this specific bequest will be distributed to: Mark Alan McIntosh. If said alternate beneficiary does not survive me, this specific bequest will lapse, be added to the residue of my estate, and be distributed to my remainder beneficiaries as set forth below.

3. To my son, Mark Alan McIntosh,
I give: Browning Rifle.

If said beneficiary does not survive me, this specific bequest will be distributed to: James Lee McIntosh Jr.. If said alternate beneficiary does not survive me, this specific bequest will lapse, be added to the residue of my estate, and be distributed to my remainder beneficiaries as set forth below.

PRIMARY REMAINDER BENEFICIARIES

I divide all of the residue and remainder of my gross estate, real and personal, wherever situated, into as many equal shares as there are living children of mine and deceased children of mine with issue then living. Each living child shall be given one share. Any share of my estate allocated to a deceased child with issue then living shall be further divided into shares for said issue, per stirpes. Unless otherwise indicated in my Will, the shares allocated to my children and the issue of my deceased children will be distributed to these beneficiaries, outright and free of trust. The terms "issue," "child," "children," include a person who has a parent-child relationship, as defined under applicable state law, with the person through whom this person claims benefits under my Will. These terms do include persons who are adults at the time of adoption.

DISTRIBUTION IF NO LIVING BENEFICIARIES

If at any time before full distribution of my estate all of my beneficiaries are deceased and this instrument directs no other disposition of the property, the remaining portion of my estate will then be distributed to my heirs determined according to the laws of intestate succession, unless specifically disinherited elsewhere in this Will.

EXECUTOR NOMINATION

I nominate my daughter, Ginger McIntosh Gaines, to be the executor of this Will.

If, for any reason, my first nominee executor is unable or unwilling to serve or to continue to serve as executor of this Will, I nominate my son, Mark Alan McIntosh, to be the successor executor.

If none of the nominated executors are able, willing, and authorized to serve or to continue to serve, and the vacancy is not filled as set forth above, the majority of estate beneficiaries shall nominate a successor executor. If the majority of estate beneficiaries are unable to nominate a successor executor, the vacancy will be filled

pursuant to a petition filed by the resigning executor or any person interested in the estate in a court of competent jurisdiction.

MISCELLANEOUS EXECUTOR PROVISIONS

The term "**executor**" includes any executrix, personal representative, or administrator, if those terms are used in the statutes of any state that has jurisdiction over all or any portion of my estate.

My executor will have broad and reasonable discretion in the administration of my estate to exercise all of the powers permitted to be exercised by an executor under state law, including the power to sell estate assets with or without notice, at either public or private sale, and to do everything he or she deems advisable and in the best interest of my estate and the beneficiaries thereof, all without the necessity of court approval or supervision. I direct that my executor perform all acts and exercise all such rights and privileges, although not specifically mentioned in this Will, with relation to any such property, as if the absolute owner thereof and, in connection therewith, to make, execute, and deliver any instruments, and to enter into any covenants or agreements binding my estate or any portion thereof.

If there are two co-executors serving, they shall act by unanimous agreement. If there are more than two co-executors serving, they shall act in accordance with the decision made by the majority of co-executors.

Subject to specific provisions to the contrary, I authorize my executor to distribute a share of my estate given to a minor beneficiary, up to the whole thereof, to a custodian under the applicable Transfers to Minors Act or Gifts to Minors Act, if in the executor's discretion, it is in the best interests of the beneficiary. The executor may also make distributions to a minor by making distributions to the trustee of a trust created under this Will for a minor beneficiary, the guardian of the minor's person, or the guardian of the minor's estate.

No person named as an executor is required to post any bond.

I authorize my executor to make the following choices or elections in my executor's absolute discretion, regardless of the resulting effect on any other provisions of this Will or on any person interested in my estate or in the amount of any of the taxes referred to: (a) choose a valuation date for estate or inheritance tax purposes or choose the methods to pay estate or inheritance taxes; (b) elect to treat or use an item, for either federal or state tax purposes, as either an income tax deduction or as a deduction for estate or inheritance tax purposes; (c) determine when a particular item is to be treated as taken into income or used as a tax deduction, to the extent the law provides that choice; and (d) disclaim all or any portion of any interest in property passing to my estate at or after my death, even though any of these actions may subject my estate to additional tax liabilities. No

person adversely affected by my executor's exercise of discretion under this clause is entitled to any reimbursement or adjustment, and my executor is not required to make any adjustment between income and principal or in the amount of any property passing under this Will as a result of any election under this provision.

I authorize my executor, without obtaining court approval, to employ professional investment counsel on such terms as my executor considers proper, and to pay the fees of investment counsel as an expense of administration of my estate. However, my executor is under no obligation to employ any investment counsel.

I authorize my executor either to continue the operation of any business belonging to my estate for such time and in such manner as my executor may consider advisable and in the best interest of my estate, or to sell or liquidate the business at such time and on such terms as my executor may consider advisable and in the best interest of my estate. Any such good faith operation, sale, or liquidation by my executor will be at the risk of my estate and without liability on the part of my executor for any losses that may result.

SIMULTANEOUS DEATH

If it cannot be established if a beneficiary of my estate survived me, the provisions of the applicable Uniform Simultaneous Death Act, as amended, or any substantially similar successor act effective on the date of my death, will apply.

NONLIABILITY OF FIDUCIARIES

Any fiduciary, including my executor and any trustee, who in good faith endeavors to carry out the provisions of this Will, will not be liable to me, my estate, my heirs, or my beneficiaries for any damages or claims arising because of their actions or inaction, or the actions of any predecessor fiduciary acting pursuant to this Will. My estate will indemnify and hold them harmless.

SAVINGS CLAUSE

If a court of competent jurisdiction at any time invalidates or finds unenforceable any provision of this Will, such invalidation will not invalidate the whole of this Will. All of the remaining provisions will be undisturbed as to their legal force and effect. If a court finds that an invalidated or unenforceable provision would become valid if it were limited, then such provision will be deemed to be written, deemed, construed, and enforced as so limited.

IN WITNESS WHEREOF, I, the undersigned testator, declare that I sign and execute this instrument on the date written below as my last will and testament and further declare that I sign it willingly, that I execute it as my free and voluntary act for the purposes expressed in this document, and that I am eighteen years of age or older, of sound mind and memory, and under no constraint or undue influence.

(Signature of James McIntosh Sr.)

Date: 11/26/19

ATTESTATION

This last will and testament, which has been separately signed by James McIntosh Sr., the testator, was on the date indicated below signed and declared by the above named testator as his or her last will and testament in the presence of each of us. We, in the presence of the testator and each other, at the testator's request, under penalty of perjury, hereby subscribe our names as witnesses to the declaration and execution of the last will and testament by the testator, and we declare that, to the best of our knowledge, said testator is eighteen years of age or older, of sound mind and memory and under no constraint or undue influence.

1. Kathlyn Fletcher
(Signature of witness)

Date: 11/26/19

Kathlyn Fletcher
(Print Name)

4636 Lebanon Pk
(Address)

Hermitage TN 37076
City, State, ZIP

2. Emily Myers
(Signature of witness)

Date: 11/26/19

Emily Myers
(Print Name)

4636 Lebanon Pk
(Address)

Hermitage, TN 37076
City, State, ZIP

SELF-PROVING AFFIDAVIT

State of Tennessee
County of Davidson

I, James McIntosh Sr., the undersigned testator, being first duly sworn, do declare to the undersigned authority that I signed and executed the attached or annexed instrument as my last will and testament and that I signed it willingly, or willingly directed another to sign for me, that I executed it as my free and voluntary act for the purposes expressed in that document, and that at the time I signed the document, I was eighteen years of age or older, of sound mind and memory, and under no constraint or undue influence.

Date: 11/26/19 James L McIntosh
(Signature of James McIntosh Sr.)

We, the undersigned witnesses, being first duly sworn, do each declare to the undersigned authority the following: (1) the testator declared to each of us that the attached or annexed instrument is his or her last will and testament; (2) the testator executed the last will in our presence; (3) each of us, in the presence of the testator and in the presence of each other, and at the testator's request, signed the last will and testament as witnesses; and (4) to the best of our knowledge the testator was at that time eighteen years of age or older, of sound mind and memory, and under no constraint or undue influence.

1. Kathryn Fletcher — Kathryn Fletcher
(Signature of witness) (Print Name)
2. Emily Myers — Emily Myers
(Signature of witness) (Print Name)

Acknowledgement of Notary Public:

Subscribed, sworn and acknowledged to me on this 26 day of December, 2019, by James McIntosh Sr., as testator, and Kathryn Fletcher and Emily Myers, as witnesses.

Witness my hand and seal.

Signature of Notary Public: Sheliah Ambergey

SHELIAH AMBURGEY
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
My Commission Expires Mar 3, 2020