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

IN THE MATTER OF:	)	
	)	
SHIRLEY IRENE BETTY, decedent	)	**CASE NO. 22P2235**
	)	
	)	

ORDER TO PROBATE FOR MUNIMENT OF TITLE

This cause came on to be heard on the 2nd day of February, 2023, before Judge Andra Hedrick, upon the Petition of **DOUGLAS EDWARD BETTY AND KIMBERLY ANN BETTY** requesting that a paper writing purporting to be the Last Will and Testament of **SHIRLEY IRENE BETTY, decedent** (the "decedent"), be admitted to probate only as a muniment of title.

Whereupon, the Petitioner produced a paper writing purporting to be the Last Will and Testament of SHIRLEY IRENE BETTY, said paper writing bearing date of July 11, 2008, having the name SHIRLEY IRENE BETTY signed thereto as testator, subscribed by **Warner McNeilly, III and Rob Hazard,** as attesting witnesses, naming DOUGLAS EDWARD BETTY AND KIMBERLY ANN BETTY as Executor, and waiving any bond of said Executor of said Will, and waiving the requirement of filing any inventory or making any accounting to the Court in Paragraph IX.

Whereupon the original of the Decedent's Last Will and Testament could not be found and presented to this Court, testimony by the Petitioners, Laura Betty, and Affidavits by Rob Hazard and Warner McNeilly, III, were presented under oath, which satisfied the Court that the Last Will and Testament was neither destroyed nor revoked, and that any presumption that the Decedent's Last Will and Testament was destroyed or revoked was overcome.

Karen Johnson Davidson County
Batch# 966457 ORDER
02/02/2023 11:58:30 AM 16 pgs
Fees: $82.00 Taxes: $0.00
20230202-0007737

And, it is further appearing that said paper writing bears the true signature of SHIRLEY IRENE BETTY; that SHIRLEY IRENE BETTY's usual place of domicile and residence at the time of SHIRLEY IRENE BETTY's death was Davidson County, Tennessee; and that SHIRLEY IRENE BETTY died in Nashville, Tennessee, on February 16, 2022, at the age of 86 years.

And, it further appearing that the decedent owned an interest in a parcels of real property in Davidson County, Tennessee, at her death. The properties are more particularly described as follows:

435 E. Trinity Lane, Nashville, TN 37207:

Land in Davidson County, Tennessee, being part of Lot No. 194 on the Plan of Joywood Heights, Section 1, of record in Book 1130, Page 91, and described according to a survey made by John Kohl and Company dated 9/27/1984 as follows: Beginning at a point in the westerly margin of Jones Avenue, said point being a common corner between Lot No. 193 and the within described Lot No. 194; thence around a slight curve 10.9 feet, more or less, to a point in the northerly right of way of East Trinity Lane, as conveyed to the Metropolitan Government of Nashville, and Davidson County Third Circuit Court, by instrument of record in Book 6132, Page 427, Register's Office for said County, the same being the beginning of a curve, having a radius of 30 feet; thence around said curve 46.9 feet, more or less, to a point; thence westwardly 37.2 feet, more or less, to a point, said point being the southerly common corner of Lot No. 195 and the within described Lot No. 194; thence northwardly 205 feet, more or less, to a point, said point being the northerly common corner of Lot No. 195 and the within described Lot No. 194; thence eastwardly 66 feet, more or less, to the point of beginning.

Being the same property conveyed to Jesse D. Betty and Shirley I. Betty, by Deed from Affordable Housing Resources, Inc., of record in Instrument Number 20080502-0044983, Register's Office for Davidson County, Tennessee. Further conveyed to Jesse D. Betty Jr., and wife, Shirley Irene Betty and Doug Betty and wife, Laura R. Betty by Deed dated December 23, 2015 from Jesse D. Betty, Jr. and wife, Shirley Irene Betty, of record in Instrument Number 20151230-0131149, said Register's Office.

1513 12th Avenue N, Nashville, TN 37208:

Being part of what is known as the Scott property in North Nashville, described as follows:

Beginning on the westerly margin of Twelfth Avenue North, formerly Florence Street, 2271/2 feet, more or less, north of the northerly margin of Heiman Street, being the northeast corner of the property conveyed to J.D. Davis and wife, by deed from W.T. Selley and wife, of record in Book 457, page 181, Register's Office for said County; thence with the westerly margin of said Avenue, northwardly 50 feet to the southeast corner of the property conveyed to C.L. Crowder and wife, by deed from W.T. Selley and wife, of record in Book 457, page 254, said Register's Office; thence with said Crowder's south line westwardly 154 feet, more or less, to the easterly margin of an alley thence with the easterly margin of said alley southwardly 40 feet, more or less, to the northwest corner of said Davis property; thence with Davis north line eastwardly 154 feet, more or less to the beginning.

Being the same property conveyed to Jesse D. Betty Jr., and wife, Shirley Irene Betty and Doug Betty and wife, Laura R. Betty by Deed from Jesse D. Betty, Jr. and wife, Shirley Irene Betty, of record in Instrument Number 20160202-0010148, Register's Office for Davidson County, Tennessee.

1513 12th Avenue N, Nashville, TN 37208:

Being part of Scott's five acre tract as shown on the plan of DJ. McGavock and Others Addition as of record in Book 21, page 41, Register's Office for Davidson County, Tennessee, and being further described as follows:

BEGINNING at a point in the westerly margin of 12th Avenue North, at the SW corner of the lot owned by Maggie E. Cunningham and Mary A. Brown; thence with their south line, westerly 154 feet to the easterly margin of an alley; thence with the margin of said alley, southerly 26 feet to a point; thence easterly 154 feet to the westerly margin of 12th Avenue North; thence with the margin of same, northerly 27 feet to the point of beginning.

Being the same property conveyed to Jesse D. Betty Jr., and wife, Shirley Irene Betty and Doug Betty and wife, Laura R. Betty by Deed from Jesse D. Betty, Jr. and wife, Shirley Irene Betty, of record in Instrument Number 20160202-0010147, Register's Office for Davidson County, Tennessee.

719 26th Avenue N, Nashville, TN 37209:

Being Lot No. 44 on the plan of Buchi's Subdivision of Lot No. 20, McNairy Subdivision, of record in Book 421, page 66, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete and accurate description.

Being the same property conveyed to Jesse D. Betty Jr., and wife, Shirley Irene Betty and Kimberly Ann Betty, unmarried, by Deed from Jesse D. Betty, Jr. and wife, Shirley Irene Betty, of record in Instrument Number 20151230-0131150, Register's Office for Davidson County, Tennessee.

2515 Jones Avenue, Nashville, TN 37207:

Being Lot No. 340 on the plan of Joywood Heights, Section Two, as of record in Book 1130, pages 92 and 93, Register's Office for Said County, Tennessee. Said Lot No. 340 fronts 60 feet on the east side of Jones Avenue and runs back between parallel lines 215 feet to a dead line.

Being the same property conveyed to Jesse D. Betty Jr., and wife, Shirley Irene Betty and Kimberly Ann Betty, unmarried, by Deed from Jesse D. Betty, Jr. and wife, Shirley Irene Betty, of record in Instrument Number 20151230-0131152, Register's Office for Davidson County, Tennessee.

1805 Heiman Street, Nashville, TN 37208:

Being Lot No. 46 on the plan of George Shield's First Addition to North Nashville, as of record in Plat Book 57, page 62, Register's Office for Said County, Tennessee. Said Lot No. 46 fronts 50 feet on the southerly side of Heiman Street and runs back between parallel lines, 140 feet to an alley

Being the same property conveyed to Jesse D. Betty Jr., and wife, Shirley Irene Betty and Kimberly Ann Betty, unmarried, by Deed from Jesse D. Betty, Jr. and wife, Shirley Irene Betty, of record in Instrument Number 20160202-0010149, Register's Office for Davidson County, Tennessee.

And, it further appearing that the decedent had no personal estate in Tennessee and no formal administration is required.

It is, therefore, ORDERED, ADJUDGED AND DECREED that said paper writing is the true, whole and Last Will and Testament of SHIRLEY IRENE BETTY, deceased; that the same is hereby admitted to probate as a muniment of title; and that the Clerk is directed to file and record the same, and that no formal administration is required.

Entered this 2nd day of February, 2023.

APPROVED FOR ENTRY:

/s/ _____

Andy Maloney (028722)
Attorney for Petitioner
5120 Virginia Way, Suite B13
Brentwood, TN 37027
(615) 385-5944

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and exact copy of the foregoing Petition and all attachments has been served upon all heirs and beneficiaries, by mailing same by U.S. Mail, postage prepaid; overnight delivery or by electronic means, to their respective addresses as set forth in the Petition, this 2nd day of February, 2023.

_____

Andy Maloney

202302020007737

Case Title: BETTY V BETTY

Case Number: 22P2235

Type: FINAL ORDER

The foregoing is hereby ORDERED, ADJUDGED AND DECREED:

Judge Andra Hedrick, Seventh Circuit

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 ORDER OF MUNIMENT OF TITLE heretofore filed in the Seventh Circuit Court (Probate Division) for Davidson County, Tennessee, on the 2 day of FEBRUARY, 2023, in Docket Number 22P2235, IN RE: SHIRLEY IRENE BETTY, 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 2 day of FEBRUARY in the year 2023 and in the 246 year of American Independence.

JOSEPH P. DAY, Clerk

By: _____ *Deputy Clerk*

[SEAL]

FILED
FEB 02 2023
JOSEPH P. DAY, Clerk
By Deputy

LAST WILL AND TESTAMENT

OF

SHIRLEY IRENE BETTY

I, SHIRLEY IRENE BETTY, a resident of Davidson County, Tennessee, hereby make, declare and publish this my Last Will and Testament revoking all former Wills and Codicils heretofore made by me.

ITEM ONE: I appoint my husband, JESSE DOUGLAS BETTY, JR., as Executor hereunder. If my husband fails or ceases to serve, I appoint my son, DOUGLAS EDWARD BETTY, and my daughter, KIMBERLY ANN BETTY, as alternate or successor Co-Executors. If either fails or ceases to serve, the other may serve alone. If both fail or cease to serve, my husband, if living, otherwise a majority of the group composed of the adult beneficiaries and guardians of any minor beneficiaries hereunder may appoint a substitute or successor Executor, which shall be an individual of his or their choice or a bank or trust company having power to serve and combined agency and trust assets under management of at least One Hundred Million Dollars ($100,000,000.00). I excuse the Executor and his alternates or successors from bond in all events. If an administration of my estate is required or appropriate in any jurisdiction other than Tennessee, I empower the Executor or his alternates or successors to qualify in such jurisdiction or to designate as Co-Executor or sole Executor, as the case may be, one or more individuals or a bank or trust company having power to serve, and I empower the Executor to excuse such appointee from bond.

Shirley I. Betty
SHIRLEY IRENE BETTY

ITEM TWO: Any and all estate and inheritance taxes assessable by reason of my death, whether based on transfers under or outside my Will, are charged against the residue of my estate passing under **ITEM FOUR** hereinbelow and shall not be apportioned or reimbursed by any beneficiary or transferee of assets whether passing hereunder or outside this Will, except the Executor shall seek reimbursement for, recovery of or contribution toward the payment of federal or state estate or inheritance tax attributable to property in which I have a qualifying income interest for life, over which I have a power of appointment or that is included in my gross estate by reason of Section 2036 of the Internal Revenue Code of 1986, as amended, (the "Code") and which tax is not otherwise paid or payable. Any generation-skipping transfer tax resulting from a transfer occurring under this Will shall be charged to the property constituting the transfer in the manner provided by applicable law. I direct that all of my funeral expenses, expenses of administering my estate and debts (other than debts that I have incurred by borrowing against the cash surrender value of life insurance policies on my life and debts to the extent secured by the assignment of life insurance policies on my life) be paid as soon as practicable and in such order and out of such of the assets of my estate as the Executor deems appropriate. The Executor hereunder may in his discretion, but need not, pay any debts owed jointly by me and my spouse that are secured by mortgages or other security instruments. Such debts, if paid, shall be without right of contribution from my spouse and shall be paid out of such of the assets of my estate as the Executor deems appropriate. The Executor shall be exonerated from liability to any beneficiary hereunder in the exercise or nonexercise of the discretion herein granted.

ITEM THREE: A. I give, devise and bequeath my Mammy collection to KAYE BUTLER, if she survives me.

SHIRLEY IRENE BETTY

B. I give, devise and bequeath my jewelry to my daughter, KIMBERLY ANN BETTY, if she survives me.

C. Much of the other tangible personal property located in our home already belongs to my husband, JESSE DOUGLAS BETTY, JR., and, therefore, I make no disposition of such property. Whatever other tangible personal effects, including furniture, clothing, silver, books, pictures, china, automobiles and their equipment, articles of personal or household use or adornment and policies of insurance on such property, that I may own at my death, other than money, securities and the like, I give outright to my husband, JESSE DOUGLAS BETTY, JR., if he survives me. If my said husband does not survive me, it is likely that at my death I will leave a Letter of Instruction regarding my wishes and I request that these instructions be followed to the extent practicable, but said Letter of Instruction is not intended to be part of this, my Will, nor to create enforceable rights in the persons therein named. If I leave no Letter of Instruction or if I own personal effects not addressed in a Letter of Instruction, I give such items in substantially equal shares to such of my children as shall survive my death to be divided as they shall agree. I expressly authorize the Executor, in his discretion, to sell any part or all of said property not wanted by the beneficiary or inappropriate for the beneficiary to whom it is given hereinabove and to make the proceeds thereof a part of my residuary estate. I authorize the Executor to pay all expenses of safeguarding, insuring, packing, storing and delivering my tangible personal effects and to deduct such expenses as an administrative expense of my estate.

Shirley Irene Betty

SHIRLEY IRENE BETTY

ITEM FOUR: I give, devise and bequeath all of the rest and residue of my estate of every kind and wherever located, real, personal and mixed, tangible and intangible, including all lapsed or void legacies, as follows:

A. If my husband, JESSE DOUGLAS BETTY, JR., survives me, I give, devise and bequeath the entire residue of my estate to my husband, JESSE DOUGLAS BETTY, JR., outright and free of trust.

B. If my husband, JESSE DOUGLAS BETTY, JR., does not survive me, I give, devise and bequeath the entire residue of my estate as follows:

(i) One (1) equal share to my son, DOUGLAS EDWARD BETTY, if he survives me, otherwise to his issue surviving me per stirpes; and

(ii) One (1) equal share to my daughter, KIMBERLY ANN BETTY, if she survives me, otherwise to her issue surviving me per stirpes.

A lapsed share shall be apportioned among the effective shares.

If a beneficiary is age twenty-one (21) or older, such beneficiary's share shall be distributed to the beneficiary outright and free of trust. If a beneficiary is under age twenty-one (21), such beneficiary's share shall be distributed to the beneficiary's parents or parent, otherwise the beneficiary's legal guardian, who shall hold such assets as Custodian without bond under the Tennessee Uniform Transfers to Minors Act.

ITEM FIVE: If at or after my death there is no person herein designated alive to have the benefit of any assets of my estate or any trust created

SHIRLEY IRENE BETTY

hereunder, one-half (1/2) of such assets shall vest in and be paid over to those persons and in those shares they would have taken had I died immediately following such failure of beneficiaries a resident of the State of Tennessee and without leaving a Will and one-half (1/2) of such assets shall vest in and be paid over to those persons and in those shares they would have taken had my husband, JESSE DOUGLAS BETTY, JR., died owning such assets immediately following such failure of beneficiaries a resident of the State of Tennessee and without leaving a Will.

ITEM SIX: The Executor and his successors shall have the following powers, which powers shall be exercisable in their discretion without application to any court and until final distribution is made:

A. To hold and retain as investments of my estate pending distribution hereunder all investments and assets owned by me at my death or that shall thereafter be included in my estate; to sell and dispose of any or all such investments and assets of whatever kind and all property of any kind at any time held by them at public or private sale and at such prices and upon such terms as they shall deem proper for the purpose of paying my debts or making distribution or for any purpose whatsoever; to invest and reinvest in such assets as they shall deem prudent and in the best interest of the beneficiaries; to borrow money and to pledge assets comprising the estate; to compromise claims, including taxes, for or against my estate; to improve any real estate and to lease real estate as they choose; to foreclose, extend, assign, partially release and fully discharge mortgages; to take any and all action respecting any form of property that an absolute owner could take; to employ agents and attorneys without change in their liability; to keep assets in the name of a nominee or nominees without mention of the fiduciary relation in any instrument of ownership; to make, execute and deliver all assignments, transfers, documents and other legal instruments conveying property free of trust and without liability on any person dealing with them to inquire into their authority or to see to the application of any money or thing of value delivered to them; and all powers of the Executor shall be exercisable without the necessity of application to any court. I also authorize the Executor to make any division or distribution in cash or in kind or partly in each and to reasonably and in good faith value assets, and such valuation shall be conclusive upon all parties.

B. I give the Executor all of the powers recited in the introductory paragraph and thirty-three (33) subparagraphs of

SHIRLEY IRENE BETTY

Tennessee Code Annotated Section 35-50-110, as if the language thereof were incorporated in this Will verbatim. Notwithstanding the above, no fiduciary hereunder shall be deemed to be given any of the powers contained in subparagraphs eighteen (18), nineteen (19) or thirty-one (31) with respect to any bequest that qualifies for the Federal Estate Tax or Tennessee Inheritance Tax Marital Deduction.

C. In accordance with Tennessee Code Annotated Section 31-2-103, I direct that any real property that I may own at my death be administered as part of my estate subject to the control of my Executor. The Executor shall have full authority, discretion and power to sell, convey, improve, lease, encumber or in any other manner deal with and administer any such real property, without the requirement of having to obtain the approval of any court, the joinder of any beneficiary or the disclosure of the identity of any beneficiary of my estate. All such real property shall be deemed to be personal property following my death, subject to sale by the Executor, for purposes of facilitating the distribution of my estate among the beneficiaries of my Will and paying any taxes, administrative expenses or any other expenses or debts of my estate, without first being required to exhaust all other personal property of my estate.

D. I give the Executor the power and authority to file joint income or gift tax returns with my spouse for the periods prior to my death and to pay any part of or all of the taxes, interest and penalties for such periods and for periods for which joint returns were filed prior to my death.

E. The Executor shall be excused from filing an inventory or any interim or final accounting or otherwise making reports to any court, but shall make reports to the beneficiaries at least annually.

F. No powers of any fiduciary shall be exercisable in such a way as would disqualify the Marital Deduction Bequest for the Federal Estate Tax and/or Tennessee Inheritance Tax Marital Deduction.

G. All of the rights, duties and obligations herein conferred upon the fiduciaries herein named shall pass to and vest in any successor fiduciaries who may be appointed. Whenever the word "fiduciary" or "Executor" appears herein, it shall be construed as including any successor fiduciary or executor, as the case may be, and the singular form shall include the plural and the plural form shall include the singular unless a contrary intent is indicated by the context.

ITEM SEVEN: The proceeds of any insurance on my life that are receivable by the Executor may be used, but only in the sole and uncontrolled discretion of the Executor, in satisfying obligations and taxes owing by my estate

SHIRLEY IRENE BETTY

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Affiants, being first duly sworn, make oath as follows:

On July 11, 2008, we subscribed our names as attesting witnesses to the Will of SHIRLEY IRENE BETTY, at her request and in her sight and presence and in the sight and presence of each other. Said Will was executed by the Testatrix in our presence. We considered her to be of sound mind at the time said Will was executed, and she was more than eighteen (18) years of age. The original Will is attached to this Affidavit.

Subscribed and sworn to before me, Linda F. O'Neal, by Witness McNulty, III and Witness Hazard on this 11 day of July, 2008.

Notary Public

My Commission Expires:

11-14-09

LINDA F. O'NEAL
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires NOV.14, 2009

and to the extent not so used will pass under the disposing provisions of this Will.

ITEM EIGHT: I am married to JESSE DOUGLAS BETTY, JR. I have two (2) children, DOUGLAS EDWARD BETTY and KIMBERLY ANN BETTY. I have two adopted children, WILLIAM MARTIN COFFER and ROBERT EARL COFFER, for whom I make no provisions. My adopted children and their issue shall not be deemed issue of mine to determine my heirs at law.

This Will is written on seven (7) pages.

IN WITNESS WHEREOF, I have hereunto set my hand to this my Last Will and Testament and declared and published it as such in the presence of witnesses on this the 11th day of June, 2008.

SHIRLEY IRENE BETTY

The foregoing instrument was signed, published and declared by the said SHIRLEY IRENE BETTY as and for her Last Will and Testament in the joint sight and presence of the undersigned, who, at her request and in her sight and presence and in the sight and presence of each other, have hereunto subscribed our names as attesting witnesses on the day and date last above written.

_____ residing at Brentwood, TN

_____ residing at Brentwood, TN

PAGE 7 AND FINAL PAGE OF THIS MY LAST WILL AND TESTAMENT

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 AND TESTAMENT heretofore filed in the Seventh Circuit Court (Probate Division) for Davidson County, Tennessee, on the 2 day of FEBRUARY, 2023, in Docket Number 22P2235, IN RE: SHIRLEY IRENE BETTY, 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 2 day of FEBRUARY 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

I, Andy Maloney, 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 2/1/2023 (date of document).

Affiant Signature
Date 2/1/2023

State of TN
County of Williamson

Sworn to and subscribed before me this 1 day of February 2023

Notary's Signature
MY COMMISSION EXPIRES: 10/26/24

LAURA JANE SHOUN
STATE OF TENNESSEE NOTARY PUBLIC
WILLIAMSON COUNTY

202302020007737