Karen Johnson Davidson County
Batch# 990613 DEEDQC
04/11/2023 12 52 11 PM 21 pgs
Fees $107.00 Taxes $0 00
20230411-0026477

THIS INSTRUMENT 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 TENNESSEE
COUNTY OF DAVIDSON

The actual consideration for this transfer is: $0.00.

John Reale, *Executor*

Subscribed and sworn to before me, this 5 day of April 2023.

NOTARY PUBLIC
My Commission Expires: 01-04-2027

JESSICA ANN CLEGG STATE OF TENNESSEE NOTARY PUBLIC COUNTY OF DAVIDSON COMM. EXPIRES JANUARY 4, 2027

EXECUTOR'S DEED

Address New Owner:	Send Tax Bills To:	Tax Information:
John C. Davis 301 28th Ave N, Apt #717 Nashville, TN 37203	New Owner	104-11-OA-069.00-CO 104-11-OA-056.00-CO

FOR AND IN CONSIDERATION of Zero and No/100ths Dollars ($0.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, **JOHN REALE, EXECUTOR OF THE ESTATE OF ROBERT JOSEPH REALE**, deceased, pursuant to Order to Probate and Last Will and Testament of Robert Joseph Reale, under Docket No. 22P2323, Seventh Circuit Court of Davidson County, Tennessee, ("Grantor") does hereby quitclaim, transfer and convey unto **JOHN C. DAVIS** ("Grantee"), his successors and assigns, all of Grantor's right, title and interest in the following two parcels of real property, located in the County of Davidson, State of Tennessee, and more particularly described as follows:

PROPERTY #1: 2134 Fairfax Avenue Unit E-5, Nashville, Tennessee 37212

A certain condominium apartment in Davidson County, Tennessee, being Unit No. E-5 on the plan of Villager West Condominiums, of record in Book 5210 at page 174, Register's Office for said County, and to which plan and record are incorporated herein and made a part hereof by reference.

Being the same property conveyed to Robert Joseph Reale, unmarried, by Warranty Deed from Gerry Langham, unmarried, of record in Book 7377, Page 837, Register's Office of Davidson County, Tennessee

PROPERTY #2: 2134 Fairfax Avenue Unit D-8, Nashville, Tennessee 37212

Land in Davidson County, Tennessee, being a certain condominium apartment being Unit No. D-8 on the Plan of Villager West Condominium Apartments, of record in Plat Book 5210, Page 174, in the Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description of the property.

Being the same property conveyed to Robert Joseph Reale by Administrator's Deed from Elizabeth B. Hickman, Administrator of the Estate of Kenneth Duwane Garner, of record in Instrument No. 20161208-0128849, Register's Office of Davidson County, Tennessee.

Robert Joseph Reale (hereinafter the "Decedent") died testate as a resident of Davidson County, Tennessee on November 9, 2022. Decedent's Last Will and Testament dated June 22, 2021 (the "Will"), was admitted to probate on July 28, 2022, under Docket Number 22P2323 in the Seventh Circuit Court of the Twentieth Judicial District of Nashville and Davidson County, Tennessee Said Order is attached hereto as **Exhibit 1**. By entry of the same Order, John Reale was appointed as the Executor of Decedent's Estate. The Court issued Letters Testamentary accordingly and the same are attached hereto as **Exhibit 2**. Pursuant to Decedent's Last Will and Testament, attached hereto as **Exhibit 3**, Decedent devised the herein described properties to John C. Davis.

The legal descriptions provided herein are exactly the same as in the prior recorded deeds. Said properties are conveyed subject to such limitations, restrictions and encumbrances as may affect each premises.

IN WITNESS WHEREOF, Grantor has executed this instrument on this the 5 day of April 2023.

ESTATE OF ROBERT JOSEPH REALE

JOHN REALE, *Executor*

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named **John Reale**, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who acknowledged himself as **Executor** of the **Estate of Robert Joseph Reale,** 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 5 day of April 2023.

Notary Public
My Commission Expires: 01-04-27

JESSICA ANN CLEGG
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON
MY COMM. EXPIRES JANUARY 4, 2027



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

IN RE: ESTATE OF	)	
ROBERT JOSEPH REALE,	)	No. 22P2323
Decedent.	)	

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

This cause came to be heard this the 18th day of January 2023, before the Honorable Andra Hedrick, 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 John Reale, 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 July 28, 2022, was properly executed and witnessed by two persons. The Attestation Clause of the witnesses is attached to the Last Will and Testament. The court has reviewed the affidavit filed by one of the attesting witnesses, regarding the handwritten changes made by Decedent to the Will, and consents have been filed to admit the Will with those changes, by all residuary beneficiaries.

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 July 28, 2022, recorded with handwriting, 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.

It is, further, **ORDERED** that Petitioner, John Reale, shall be appointed Executor of the Estate of Robert Joseph Reale. The Clerk of the Court shall issue Letters Testamentary accordingly. The requirements of posting a Bond, filing an Inventory, and filing Interim and Final Accountings are waived pursuant to the provisions of Decedent's Last Will and Testament.

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**.

[SIGNATURE PAGE OF JUDGE TO FOLLOW]

APPROVED FOR ENTRY:
Submitted electronically and subject to Court revisions

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

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 below:

John Reale
6125 Tuckaleechee Lane
Antioch, TN 37013

Jeff McBride
P.O. Box 150012
Nashville, TN 37215

Edward Reale
821 Hugh Paxton Rd.
Greensburg, KY 42743

Steve Ferris
1019 Charlie Melton Road
Allons, TN 38541

Brian Dunning
721 Richfield Drive
Nashville, TN 37205

Hylton Hawkins
109 Osprey Ct.
Nashville, TN 37211

Freda Cooper
314 Huntington Ridge Dr.
Nashville, TN 37211

John Morrissey
7105 Locksley Ln.
Fairview TN 37062

Carroll Platt
11417 Tanbark Dr
Reston, VA 20191

Gary Ray
5601 Vine Ridge Dr.
Nashville, TN 37205

Bob Elam
4704 Granny White Pike
Nashville, TN 37220

Nathaniel Cheatom
1712 16th Ave. No.
Nashville, TN 37208

Ricky Rogers
6629 Owen Hill Rd
College Grove, TN 37046

Mike Murrian
120 Tate Lane
Mt. Juliet, TN 37122

Roy Rees
5259 Tidwell Hollow Road
Nashville, TN 37218

Denise Hawkins
3737 Whitland Ave
Nashville, TN 37205

John C. Davis
301 28th Ave N, Apt #717
Nashville, TN 37203

this the 16th day of January 2023.

Kate Nyquist

Case Title: REALE V REALE

Case Number: 22P2323

Type: APPOINTING ORDER - ESTATES

The foregoing is hereby ORDERED, ADJUDGED AND DECREED:

Judge Andra Hedrick, Seventh Circuit

EXHIBIT 2

EFILED 01/18/23 02 33 PM CASE NO 22P2323 Joseph P Day, Clerk

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

(PROBATE DIVISION)

LETTERS TESTAMENTARY

TO. **JOHN REALE** DOCKET NO· **22P2323**

*It appearing to the Court that **ROBERT JOSEPH REALE** 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 **JOHN REALE**, 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, Joseph P. Day, Clerk of the Probate Court, at office, this **January 18th, 2023.***

JOSEPH P. DAY, Clerk

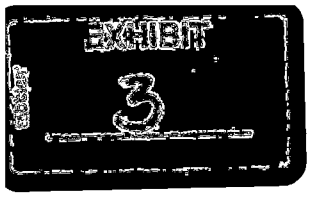
STATE OF TENNESSEE)

DAVIDSON COUNTY)

I, JOSEPH P. DAY, 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 **JOHN REALE** as **Executor** of the estate of **ROBERT JOSEPH REALE**, deceased, and I do further certify that **JOHN REALE** is still acting **Executor** of the estate of **ROBERT JOSEPH REALE** 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___

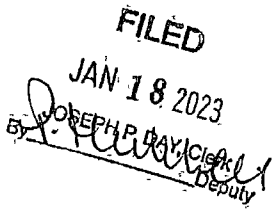
JOSEPH P DAY, Clerk

_____ D.C.



EFILED 01/18/23 12 18 PM CASE NO 22P2323 Joseph P Day, Clerk

22P2323



LAST WILL AND TESTAMENT

OF

ROBERT JOSEPH REALE

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LAST WILL AND TESTAMENT

OF

ROBERT JOSEPH REALE

FILED
JAN 18 2023
By JOSEPH P DAY, Clerk
Deputy

I, **ROBERT JOSEPH REALE**, of Davidson County, Tennessee, being of sound and disposing mind and memory, do hereby make, publish and declare the following to be my Last Will and Testament, and I hereby cancel and revoke any and all of my prior wills and codicils.

I. DISPOSITION OF ESTATE.

A. Payment of Final Expenses. I direct my Personal Representative to pay out of my estate, as soon as is practicable, all of my legally enforceable debts, the expenses of my last illness and funeral, and the cost of a suitable marker for my grave

B. Payment of Taxes

(1) Except as otherwise specifically provided below, upon my death, my Personal Representative shall pay (a) any and all taxes owing by me at my death, including, but not limited to, federal or state income, or property taxes (including interest and penalties, if any), and (b) all taxes lawfully imposed by reason of my death (including interest and penalties, if any) predicated upon my death as the taxable event.

(2) All actions taken by my Personal Representative in the exercise of the discretion and powers granted in this paragraph shall be conclusive and binding upon all parties in interest.

C. Tangible Personal Property

(1) If, at the time of my death, I shall have prepared a written statement or list disposing of specific items of tangible personal property, whether written before or after the execution of this Last Will and Testament, I direct that such list govern the division or distribution of such items of tangible personal property.

(2) My 2012 Jeep Liberty vehicle shall be distributed outright and free of trust to my friend, **RICKY ROGERS**, if he is then living If **RICKY ROGERS** is not then living, this bequest shall lapse and be null and void. If at the time of my death, I do not own a 2012 Jeep Liberty, then this bequest shall lapse and be null and void.

(3) My friend, **BOB ELAM**, in his sole and absolute discretion, shall divide my fishing gear among my friends

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John Davis

(4) All other articles of tangible personal property which I may own at the time of my death, including, but not limited to, automobiles, books, pictures, silverware, china, crystal, household furniture and furnishings, all other articles of household use, clothing, jewelry and all other articles of personal use or adornment, not including, however, any stamps, currency, coins, gems, gold or silver bullion, or other tangible personal property held primarily for investment, or used or held for sale in a business. I give and bequeath to ~~my brothers, JOHN REALE and EDWARD REALE~~, or the survivor of them, in such shares of substantially equal value as my brothers shall agree. If no such agreement can be reached by my brothers within ninety (90) days after my death, then my tangible personal property shall be distributed in such substantially equal shares as my Personal Representative, in the sole and absolute discretion of my Personal Representative, shall determine. If both ~~JOHN REALE~~ and ~~EDWARD REALE~~ predecease me, such tangible personal property shall be sold with the net proceeds added to my residuary estate.

John C. Davis

John C. Davis

D. Residuary Bequest. My Personal Representative shall divide the rest, residue and remainder of my estate as follows:

(1) Specific Bequests My Personal Representative shall distribute the following specific bequests:

(a) The amount of five thousand dollars ($5,000.00) shall be distributed outright and free of trust to my friend, **BRIAN DUNNING**, if he is then living. If **BRIAN DUNNING** is not then living, this bequest shall lapse and be null and void.

(b) The amount of five thousand dollars ($5,000 00) shall be distributed outright and free of trust to my friend, **FREDA COOPER**, if she is then living. If **FREDA COOPER** is not then living, this bequest shall lapse and be null and void.

ten thousand 10,000

(c) The amount of ~~five thousand dollars~~ ~~($5,000.00)~~ shall be distributed outright and free of trust to my friend, **CARROLL PLATT**, if she is then living. If **CARROLL PLATT** is not then living, this bequest shall lapse and be null and void.

(d) The amount of five thousand dollars ($5,000.00) shall be distributed outright and free of trust to my friend, **BOB ELAM**, if he is then living If **BOB ELAM** is not then living, this bequest shall lapse and be null and void

(e) The amount of ten thousand dollars ($10,000.00) shall be distributed outright and free of trust to my friend, **RICKY ROGERS**, if he is then living If **RICKY ROGERS** is not then living, this bequest shall lapse and be null and void.

(f) The amount of five thousand dollars ($5,000.00) shall be distributed outright and free of trust to my friend, **ROY REES**, if he is then living. If **ROY REES** is not then living, this bequest shall lapse and be null and void.

RJR

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(g) The amount of five thousand dollars ($5,000 00) shall be distributed outright and free of trust to my friend, **JOHN C. DAVIS**, if he is then living If **JOHN C. DAVIS** is not then living, this bequest shall lapse and be null and void

(h) The amount of fifty thousand dollars ($50,000.00) shall be distributed outright and free of trust to my friend, **JEFF MCBRIDE**, if he is then living If **JEFF MCBRIDE** is not then living, this bequest shall lapse and be null and void

(i) The amount of five thousand dollars ($5,000.00) shall be distributed outright and free of trust to my friend, **STEVE FERRIS**, if he is then living. If **STEVE FERRIS** is not then living, this bequest shall lapse and be null and void.

(j) The amount of five thousand dollars ($5,000.00) shall be distributed outright and free of trust to my friend, **HYLTON HAWKINS**, if he is then living. If **HYLTON HAWKINS** is not then living, this bequest shall lapse and be null and void.

(k) The amount of five thousand dollars ($5,000.00) shall be distributed outright and free of trust to my friend, **JOHN MORRISSEY**, if he is then living. If **JOHN MORRISSEY** is not then living, this bequest shall lapse and be null and void.

(l) The amount of five thousand dollars ($5,000.00) shall be distributed outright and free of trust to my friend, **GARY RAY**, if he is then living. If **GARY RAY** is not then living, this bequest shall lapse and be null and void

(m) The amount of five thousand dollars ($5,000.00) shall be distributed outright and free of trust to the groundskeeper at Villager West, **NATHANIEL** _____, if he is then living. If **NATHANIEL** _____ is not then living, this bequest shall lapse and be null and void.

(n) The amount of five thousand dollars ($5,000.00) shall be distributed outright and free of trust to my friend, **MIKE MURRIAN**, if he is then living If **MIKE MURRIAN** is not then living, this bequest shall lapse and be null and void.

(o) The amount of five thousand dollars ($5,000.00) shall be distributed outright and free of trust to my friend, **DENISE HAWKINS**, if she is then living. If **DENISE HAWKINS** is not then living, this bequest shall lapse and be null and void

(2) **Pet Provision**. If at the time of my death, I own any pets, my friend, **JOHN C. DAVIS**, shall personally take possession and ownership of such pets. My Personal Representative shall distribute the amount of three thousand dollars ($3,000.00) to **JOHN C. DAVIS**, outright and free of trust, for the care of such pets. If at the time of my death, I own no pets, this bequest shall lapse and be null and void

RJR

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(3) **Allocation of Condos**

(a) My Personal Representative shall allocate all rights, title and interest in the real property located at 2134 Fairfax Avenue, #E5, Nashville, TN 37212 ("Condo #E5") outright and free of trust to my friend, **JOHN C. DAVIS**, if he is then living If **JOHN C. DAVIS** is not then living, all rights, title and interest in Condo #E5 shall be distributed outright and free to my friend, **CARROLL PLATT**, if she is then living If none of (i) **JOHN C. DAVIS**, and (ii) **CARROLL PLATT** are then living, this bequest shall lapse and be null and void with such interest to be distributed pursuant to Paragraph (5), below. If at the time of my death, I own no interest in Condo #E5, then this bequest shall lapse and be null and void.

(b) My Personal Representative shall allocate all rights, title and interest in the real property located at 2134 Fairfax Avenue, #D8, Nashville, TN 37212 ("Condo #D8") outright and free of trust to my friend, **JOHN C. DAVIS**, if he is then living If **JOHN C. DAVIS** is not then living, all rights, title and interest in Condo #D8 shall be distributed outright and free to my friend, **JEFF MCBRIDE**, if he is then living. If none of (i) **JOHN C. DAVIS**, and (ii) **JEFF MCBRIDE** are then living, this bequest shall lapse and be null and void with such interest to be distributed pursuant to Paragraph (5), below. If at the time of my death, I own no interest in Condo #D8, then this bequest shall lapse and be null and void

(4) **Allocation of Justin Curtis Financial Group Accounts**. My Personal Representative shall divide the proceeds of my Justin Curtis Financial Group Account, if any, as follows:

(a) Fifty percent (50%) of the account shall be distributed outright and free of trust to my brother, **JOHN REALE**, if he is then living. If **JOHN REALE** is not then living, this allocation shall lapse and be null and void with such portion to be distributed pursuant to Paragraph (b), below.

(b) Fifty percent (50%) of the account shall be distributed outright and free of trust to my brother, **EDWARD REALE**, if he is then living. If **EDWARD REALE** is not then living, this portion shall be divided into equal shares and distributed outright and free of trust to **EDWARD REALE'S** descendants, per stirpes. If none of (i) **EDWARD REALE**, and (ii) any of **EDWARD REALE'S** descendants are then living, this allocation shall lapse and be null and void with such portion to be distributed pursuant to Paragraph (a), above

(c) If none of the beneficiaries identified in Paragraphs (a) and (b), above, are then living, this allocation shall lapse and be null and void with such account to be distributed pursuant to Paragraph E, Contingent Bequest, below

(5) **Allocation of Remainder** My Personal Representative shall divide the remainder of my estate as follows:

(a) Fifty percent (50%) of the remainder of my estate shall be distributed outright and free of trust to my brother, **JOHN REALE**, if he is then living If **JOHN**

RJR

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REALE is not then living, this allocation shall lapse and be null and void with such portion to be distributed pursuant to Paragraph (b), below

(b) Fifty percent (50%) of the remainder of my estate shall be distributed outright and free of trust to my brother, **EDWARD REALE**, if he is then living. If **EDWARD REALE** is not then living, this portion shall be divided into equal shares and distributed outright and free of trust to **EDWARD REALE'S** descendants, per stirpes. If none of (i) **EDWARD REALE**, and (ii) any of **EDWARD REALE'S** descendants are then living, this allocation shall lapse and be null and void with such portion to be distributed pursuant to Paragraph (a), above

(c) If none of the beneficiaries identified in Paragraphs (a) and (b), above, are then living, this allocation shall lapse and be null and void with the remainder of my estate to be distributed pursuant to Paragraph E. Contingent Bequest, below

E. Contingent Bequest. If I am not survived by any of the beneficiaries identified in Paragraph D(5), above, then the rest, residue and remainder of my estate shall be distributed to the individuals who would be entitled to my property under the laws of descent and distribution of the State of Tennessee, in force on the date this Last Will and Testament is signed, had I died intestate possessed of such property on the date the distribution is to be made, with the shares of taking determined by such laws In all events, **JOHN REALE'S** children, **DAVID REALE** and **JOHN REALE, JR.**, and their respective descendants are all deemed to have predeceased me and are not beneficiaries of this Last Will and Testament or my estate.

II. FIDUCIARIES

A. Appointment of Personal Representative.

(1) I hereby appoint my brother, **JOHN REALE**, as the Personal Representative of my estate. In the event **JOHN REALE** should fail or cease to act as Personal Representative of my estate, I hereby appoint my brother, **EDWARD REALE**, as successor Personal Representative of my estate.

(2) The term "Personal Representative", as used in this Last Will and Testament, shall be deemed to include the terms "executor" or "administrator" if those terms are used in the statutes of any state which has jurisdiction over all or any portion of my estate. The term shall include Co-Personal Representatives when two or more Personal Representatives have been nominated and are acting as such. Every title, estate, right and discretion vested in or conferred upon the Personal Representative of my estate shall likewise become and be vested in, and may be exercised by, a successor Personal Representative. I request that my Personal Representative be allowed to qualify thereas without providing a bond Additionally, I specifically waive and excuse my Personal Representative from the filing of my estate's inventory, pursuant to Tennessee Code Annotated Section 30-2-301, and the filing of any accounting of my estate, pursuant to Tennessee Code Annotated Section 30-2-601(a)(1), with any court I furthermore extend such waiver and excuse to any state in which my Last Will and Testament is probated if the state allows for such waiver and excuse

RJR

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B. **Independent Administration**. To the full extent permitted by law, I hereby authorize my Personal Representative to administer my estate without adjudication, order or supervision of the Probate Court or other court having jurisdiction over my estate In the event of such independent administration, my Personal Representative shall have, in addition to the powers specifically granted my Personal Representative in this Last Will and Testament, the rights and powers permitted independent personal representatives by the laws of my state of domicile effective with respect to such administration

C. **General Powers of Personal Representative**. In addition to all the powers granted to my Personal Representative under applicable state law (including, but not limited to, all of the powers described in Sections 35-50-109 and 35-50-110 of the Tennessee Code Annotated, as amended or restated from time to time, to the extent applicable and except as otherwise amended or modified herein), I grant to my Personal Representative the following rights and powers with respect to my estate, all to be exercisable by my Personal Representative without order of the Probate Court or other court having jurisdiction over my estate.

(1) To sell, dispose of, manage and operate all and any property, real or personal, constituting my estate which is not specifically devised or bequeathed in this Last Will and Testament.

(2) To incur such expenses in the administration of my estate as my Personal Representative may deem necessary and proper:

(3) To adjust any claims which may be due to or by me or due to or by my estate, upon such terms as my Personal Representative may deem proper: and

(4) To invest any funds coming into my Personal Representative's hands in such securities or other property as my Personal Representative may select, whether or not of the class or kind usually permissible for estates.

(5) I further direct that my Personal Representative shall have, without limitation or exception, and whether or not specifically enumerated in this Article, the same powers of management, investment and control of the assets of my estate as are granted to the Trustee under this Last Will and Testament with respect to the assets of any trust estate

D. **Ancillary Administration** If ancillary administration of my estate, outside my state of domicile, shall be deemed necessary or advisable by my Personal Representative, my Personal Representative shall have the right to act as ancillary administrator, or to appoint an attorney-at-law licensed to practice in the state in which such ancillary administration is to take place or a bank or trust company, having net assets under management of not less than One Hundred Million Dollars ($100,000,000) at the time of such appointment, authorized to do business in such state, as the ancillary administrator of my estate, with such bond, if any, as my Personal Representative, in the sole discretion of my Personal Representative, shall determine.

RJR

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E. **Bond Not Required**. No fiduciary acting under this Last Will and Testament shall be required to give bond for the faithful performance of his, her or its duties, except as may otherwise be requested by my Personal Representative in connection with any ancillary administration

F. **Fiduciary's Authority Presumed**. No person dealing with any fiduciary acting under this Last Will and Testament shall be obligated to see to the application of any money, securities or other property paid or delivered to such fiduciary, nor to inquire into the authority of such fiduciary to enter into and consummate any transaction or take any other action.

G. **Fiduciary's Liability for Own Actions** No fiduciary acting under this Last Will and Testament shall be liable for any mistake in judgment in the making or retaining of investments, or any other discretionary decision made, so long as any such decision is made in good faith.

H. **Fiduciary's Liability for Actions of Predecessor**. No fiduciary acting under this Last Will and Testament shall have any liability for the acts or omissions to act of any predecessor fiduciary, or any obligation to audit the accounts of any predecessor fiduciary. No fiduciary shall be entitled to any acceptance fee or other additional compensation for auditing or investigating the accounts of such predecessor fiduciary.

I. **Fiduciary Indemnified**. Any individual acting as a fiduciary under this Last Will and Testament shall be indemnified and reimbursed from my estate for any loss, damage, liability or expense incurred or sustained by such fiduciary, in an individual or fiduciary capacity, by reason of any act or failure to act of such fiduciary for or on behalf of and in furtherance of my estate However, the protection provided by this paragraph shall not apply to any loss, damage, liability or expense incurred or sustained by reason of gross negligence or willful malfeasance of the fiduciary.

J. **Accountings**. If requested by any income beneficiary, but in any event not more often than annually, the Trustee shall render to each income beneficiary (which shall be given to the parent or legal or natural guardian, or other person having custody, of each income beneficiary under a legal disability) of each trust estate created under this Last Will and Testament, annual statements of the transactions of such trust estate, which requirement may be satisfied by delivering to each such income beneficiary or his or her guardian a copy of the federal income tax return for the trust for such period. Except as provided in this paragraph, and to the maximum extent permitted by law, I hereby relieve the Trustee from any obligation, whether pursuant to state statute or otherwise, to render accountings for any trust created under this Last Will and Testament.

K. **Compensation**. Each individual fiduciary shall be entitled to receive reasonable compensation for his or her services as a fiduciary acting under this Last Will and Testament, and shall be reimbursed for the reasonable and necessary expenses incurred in the performance of his or her duties as such Any corporate fiduciary shall be entitled to reimbursement for expenses and to receive compensation for its services as a fiduciary under this Last Will and

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Testament in accordance with its published schedule of fees in effect at the time such expenses are incurred or such services are rendered, or a lower amount as otherwise negotiated.

III. DEFINITIONS AND GENERAL PROVISIONS.

A. **Survivorship**. Any beneficiary who dies within ninety (90) days after my death shall be considered to have died prior to my death.

B. **Children**. The terms "child" and "children" as used in this Last Will and Testament shall include lawfully adopted children as well as natural children; provided that any adoption which becomes final after the adopted person has attained age eighteen (18) shall not be considered a lawful adoption for purposes of this Last Will and Testament. A posthumous child shall be considered as living at the death of his or her parent. Any child born to an unwed mother shall be deemed to be the legitimate child of such mother, but shall not be the child of the father unless (1) the father has executed a written declaration acknowledging the child as his own or (2) a court of competent jurisdiction has entered an order or judgment declaring that a father/child relationship exists. On the date this Last Will and Testament is executed, I have no children

C. **Descendants** The term "descendants" as used in this Last Will and Testament means the children of the person designated and the descendants of such children, excluding any descendant whose adoption become final after age eighteen (18) and such person's descendants. Except for distributions which may be made unequally, whenever a distribution is to be made to the descendants of any person (or whenever any trust estate is to be divided for the benefit of the descendants of any person), the property to be distributed (or trust estate to be divided) shall be divided into as many equal shares as there are living children of the person and deceased children of the person who have descendants who are then living Each living child shall take one share and the share of each deceased child shall be divided among his or her then living descendants in the same manner.

D. **Spouse**. The term "spouse" or "spouses" of a person or persons (including myself) as used in this Last Will and Testament shall be deemed to exclude a spouse of a person who is divorced or legally separated from such person

E. **Income Beneficiaries**. The term "income beneficiaries" as used in this Last Will and Testament shall mean such one or more beneficiaries of a trust to whom income distributions from such trust are required to be made, in the case of mandatory income distributions, or to whom income distributions from such trust are allowed to be made, in the case of other income distributions Except for distributions which may be made unequally, any distribution of income or principal which is to be made to the income beneficiaries of any trust shall be made to such income beneficiaries in proportion to their respective interests in the income of such trust. For purposes of any notice to be given to, or power exercisable by, the income beneficiaries under this Last Will and Testament, and for purposes of any distribution to be made pursuant to an early termination of the trust, a beneficiary's interest in the income of such trust shall be determined as though income distributions were required to be made equally among the income

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beneficiaries, except that with respect to income beneficiaries in more than one generation, such interests shall be per stirpes.

F. **Education**. The term "education" as used in this Last Will and Testament shall include attendance at any educational institution, including private grammar schools, private preparatory schools, colleges, universities, trade schools, graduate schools or professional schools, and shall include vocational apprenticeships, internships, and residences, all so long as the same is, in the Trustee's sole discretion, being pursued to advantage by the beneficiary, and shall include tuition, living expenses, travel expenses and the costs of books and equipment required by such educational institution.

G. **Internal Revenue Code**. The term "Internal Revenue Code" as used in this Last Will and Testament means the Internal Revenue Code of 1986 or corresponding provisions of any subsequent federal tax laws

H. **Fiduciary**. The term "fiduciary" as used in this Last Will and Testament means any Personal Representative or Trustee, as the case may be, acting under this Last Will and Testament.

I. **Other Terms**. For the purposes of this Last Will and Testament, the use of either the singular or the plural shall be presumed to include the other The use of titles and headings in this Last Will and Testament are for organizational purposes only and no such title or heading shall have any legal effect

J. **Governing Law** This Last Will and Testament and the administration of my estate shall be governed by the laws of the State of Tennessee. The administration of all trusts created in this Last Will and Testament shall be governed by the laws of the state of the trust situs. The trust situs shall be the State of Tennessee unless changed by the Trustee pursuant to this Last Will and Testament.

K. **Disclaimer**. In addition to any disclaimer rights conferred by law, any beneficiary or trustee, at any time within nine (9) months after the date of my death, is hereby given the right to disclaim in whole or in part any interest, benefit, right, privilege or power granted to such beneficiary or trustee under this Last Will and Testament Any such disclaimer shall be made by duly acknowledged written instrument executed by such beneficiary or trustee, or his or her legal representative, and delivered to the Trustee under this Last Will and Testament, and to my Personal Representative, if any, and filed in the court having jurisdiction over my estate, if any. In the event of any such disclaimer (including a disclaimer under state law), the disclaimed interest, benefit, right, privilege or power shall pass as though such beneficiary or trustee had predeceased me.

Specifically, in the case of a beneficiary who disclaims a beneficial interest in trust, as to any interest so disclaimed the trust will be administered and future distributions made as though such beneficiary had predeceased me, even though this may cause an acceleration of one or more remainder interests. However, any such disclaimer by a beneficiary shall not affect any other

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interest, benefit, right, privilege or power of such beneficiary under this Last Will and Testament which has not been disclaimed.

L. **Administration of Real Property in Probate Estate.** I direct that all real property which I may own at the time of my death be administered as part of my probate estate subject to the control of my Personal Representative, as authorized by Tennessee Code Annotated § 31-2-103 It is my intention that my Personal Representative have possession and control of my real property during the period of administration, including the power to sell, lease, encumber and otherwise convey all or any portions of such real property or interests therein without the joinder of any beneficiary of my estate or the approval of any court. The commissions or other expenses arising out of the sale of any such property by my Personal Representative shall be deemed to be a proper expense of administering my estate.

M. **No-Contest Provision.** If any descendant of mine or otherwise a Beneficiary of my Last Will and Testament ("Contestant") institutes or causes to be instituted or prosecuted any legal action, law suit or proceeding of any kind or character (i) to contest or set aside my Last Will and Testament, (ii) to challenge or nullify in whole or in part any provision of my Last Will and Testament, or (iii) to cooperate or aid in any such action, suit or proceeding on any ground whatsoever and the resolution of such action, law suit or proceeding turns out to be adverse to Contestant, that in such events, as to any such Contestant and his or her descendants, I, (a) hereby revoke any and all dispositions in my Last Will and Testament to or for the benefit of any such Contestant and his or her descendants, and (b) such unsuccessful Contestant and his or her descendants shall be treated as having predeceased me.

IN WITNESS WHEREOF, I have hereunto set my hand, and hereby publish and declare this document to be my Last Will and Testament, in the presence of the witnesses named below, this 28th day of July 2022.

ROBERT JOSEPH REALE

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On this 28th day of July 2022, **ROBERT JOSEPH REALE** did sign, publish and declare the foregoing instrument as and for said person's Last Will and Testament in the presence of the undersigned who, at said person's request, in said person's presence and in the presence of each other, do hereby subscribe our names as attesting witnesses, and we do hereby state that, to the best of our knowledge, at the time of the execution of this Last Will and Testament, **ROBERT JOSEPH REALE** was at least eighteen (18) years of age and of sound and disposing mind and memory

Witness

Residing at: 1935 21st Avenue South, Suite 100

Nashville, TN 37212

Witness

Residing at: 1935 21st Avenue South, Suite 100

Nashville, TN 37212

STATE OF TENNESSEE)
) ss.
COUNTY OF DAVIDSON)

I, the undersigned, an officer authorized to administer oaths, certify that **ROBERT JOSEPH REALE**, the Testator, and the witnesses, whose names are signed to the foregoing instrument, having appeared together before me and having been first duly sworn, each then declared to me that the Testator signed and executed the instrument as said person's Last Will and Testament, and that said person had willingly signed and executed it as said person's free and voluntary act for the purposes therein expressed; and that each of the witnesses, in the presence and hearing of the Testator, signed the Last Will and Testament as witness and that to the best of their knowledge the Testator was at the time eighteen or more years of age, of sound mind, and under no constraint or undue influence

IN WITNESS WHEREOF I have hereunto subscribed my name and affixed my official seal this 28th day of July 2022

(SEAL)

Notary Public

My commission expires:

11-3-2025

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AFFIDAVIT BY WITNESSES TO WILL

Each of the aforesaid witnesses, being Sydney Ing and Jan Borroff Miller subscribed to the foregoing Last Will and Testament of **ROBERT JOSEPH REALE**, executed on this 28th day of July 2022 having been requested by the Testator to make and sign this Affidavit, and having first been duly sworn before the Notary Public whose name appears below, hereby state that the Testator was over eighteen (18) years of age, was of sound mind, declared the foregoing instrument to be her Last Will and Testament, published and executed it by signing it in the presence of all of us who were all present at the same time and we, in her presence, at her request, and in the presence of each other, subscribed our names as witnesses on the said 28th day of July 2022

Witness

Witness

Sworn to and subscribed to before me,
this 28th day of July 2022

Shelly Mason
NOTARY PUBLIC

STATE OF TENNESSEE NOTARY PUBLIC

My commission expires:

11-3-2025