Karen Johnson Davidson County
Batch# 1003132 WILL
05/15/2023 11 09 35 AM 16 pgs
Fees $82 00 Taxes $0 00
20230515-0035986

STATE OF TENNESSEE

****

IN RE: ***CLARA FRANCES ORA COOPER***

Docket No: ***22P2124***

I, JOSEPH P. DAY, Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the document heretofore entered in the above styled case on December 16, 2022 in the Seventh Circuit Court for Davidson County, Tennessee, 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, on May 2, 2023.

JOSEPH P. DAY CIRCUIT COURT CLERK

JOSEPH P. DAY, Clerk,

By: _____

Deputy Clerk

COPY

EFILED 12/16/22 10:18 AM CASE NO. 22P2124 Joseph P. Day, Clerk

EFILED
ATTEST: VINCENT RIGGS, CLERK
MAR 16 2020
FAYETTE CIRCUIT CLERK
BY DEPUTY

22P2124
FILED
DEC 16 2022
JOSEPH P. DAY, Clerk
Deputy

LAST WILL AND TESTAMENT

OF

CLARA FRANCES ORA COOPER

I, **CLARA FRANCES ORA COOPER**, of Lexington, Fayette County, Kentucky, do hereby make, publish and declare this writing to be my Last Will and Testament, hereby revoking all other Wills, Codicils and papers of a testamentary character heretofore made by me.

At the time of the execution of this Will, I am married to **THOMAS MERLIN COOPER**, and all references in this Will to "my husband" are to him.

ARTICLE I
EXECUTOR AND TRUSTEE

A. I nominate and appoint my husband, **THOMAS MERLIN COOPER**, Executor of this Last Will and Testament Trustee hereunder. In the event of his death or inability to serve, then **PAULINE ANNE COOPER KEMPLIN**, shall serve as Executrix and Trustee. Should both of the aforementioned be unable or unwilling to serve, then **DAVID EDWIN KEMPLIN** shall serve as Executor and Trustee. I direct that no surety be required on the bond of any of the above named individuals.

B. I authorize my Executor and Trustee to exercise all of the powers conferred upon executors and trustees generally by common law and statute, including, without limitation, all of those powers specifically set forth in KRS 395.195, as amended from time to time or as similarly provided in other sections of the Kentucky Statutes. Without in any way limiting the powers herein granted, I grant to my Executor the express power:

1. To sell all or any part of the property of every nature whatsoever, including real estate, at such times and upon such terms, for cash or credit, with or without security, in such manner and at such prices at either public or private sale, as my Executor or Trustee shall deem advisable and proper, and to execute good and sufficient deeds and bills of sale therefor.

2. To temporarily hold, invest and reinvest in such securities and properties as my Executor or Trustee may deem advisable pending final settlement of my estate or administration of any trust.

3. To determine whether to claim deductions available to me or to my estate on estate or income tax returns, to determine whether to use date of death or alternate valuation date values for estate tax purposes, and to make all other elections under the tax laws as my Executor may consider advisable.

4. In investing, reinvesting, purchasing, exchanging and selling property hereunder, my Executor and Trustee shall act as would a prudent person of discretion and

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intelligence in such matters who is seeking a reasonable income from, and the preservation of principal. Within the limitations of the foregoing standard, the Executor and Trustee are authorized to acquire any kind of property, real, personal or mixed, and to make any kind of investment, including corporate obligations, preferred stocks, common stocks, bonds, mutual funds, money market funds and certificates of deposit which a person of prudence and intelligence would acquire for her own account. My Trustee is authorized to acquire and own a personal residence to be used by a beneficiary even though such asset provides no income.

5. My Executor and Trustee are authorized to employ any attorney, custodian, investment adviser, accountant, broker, tax specialist or other agent or employee who, in my Executor's judgment, may be necessary or desirable for the proper management, protection and sale or other distribution of the property, or any part thereof, and to pay such agents reasonable compensation for their services.

ARTICLE II
DEBTS

I direct my Executor to pay all my just debts, funeral expenses and the costs of administering my estate, as soon as practicable following my demise. All transfer, estate, inheritance, succession and other death taxes payable by reason of my death shall be paid out of my estate as an administration expense, without apportionment, to the extent imposed in respect of property passing under this Will. All such taxes in respect of other property shall be apportioned against and paid by the persons in possession thereof or benefitted thereby, in the manner provided by law.

ARTICLE III
PERSONAL EFFECTS

A. I give and bequeath all of my tangible personal property, including clothing, jewelry, household furniture, furnishings, china, silverware, books, pictures, works of art, ornaments, tools, equipment and family automobiles, to my husband, **THOMAS MERLIN COOPER**, if he survives me. If my husband is not living at the time of my death, then I give and bequeath all of the aforesaid property to **PAULINE ANNE COOPER KEMPLIN**.

B. While this bequest is absolute, it is my wish that any further memorandum I may leave indicating my desire with respect to the disposal of any particular items shall be considered by my Executor in distributing those items.

ARTICLE IV
SPECIFIC BEQUESTS

A. To **HANNAH KEMPLIN** the sum of $25,000.00.

B. To **REBECCA KEMPLIN** the sum of $25,000.00.

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C. To the **KENTUCKY UNITED METHODIST FOUNDATION** the sum of $50,000.00 to be put in a permanent endowment fund, the annual earning of this fund to be paid to **THE METHODIST HOME OF KENTUCKY.**

ARTICLE V
RESIDUAL

A. I give, devise and bequeath all the rest, residue and remainder of the property I own at the time of my death, of whatever kind or nature and wherever situated, including all property which I may acquire or become entitled to after the execution of this Will, the proceeds of any life insurance policies or other benefits which are payable to my estate, any lapsed legacies and devises, and any property over or concerning which I have any power of appointment, to my Trustee, to be held, and administered IN TRUST for my daughter, **SUSAN OLDHAM**, in accordance with the provision of Article VI.

B. Should my daughter be deceased at the time of my death, my residual estate shall pass to my husband, **THOMAS MERLIN COOPER.**

C. Should my daughter and husband both be deceased at the time of my death, my residual estate shall pass to **PAULINE ANNE COOPER KEMPLIN**, per stirpes.

ARTICLE VI
TRUST FOR MY DAUGHTER

My named trustee shall hold the property **IN TRUST** for the benefit of my daughter, **SUSAN OLDHAM**, as follows:

(A) Until my daughter's death, my Trustee, at my Trustee's discretion, shall expend for my daughter's benefit as much of the trust's net income and principal as my Trustee shall deem appropriate to enhance and improve the comfort and quality of my daughter's life, to provide her with items of personal use, comfort, and adornment, consistent with a reasonable quality of life, and to help my daughter with economic support. My Trustee shall annually add to principal any undistributed income. It is my intent to provide supplemental assistance to my daughter for her lifetime. As I cannot anticipate how long my daughter will live or what her needs will be in the future, my Trustee shall have complete discretion in carrying out my wishes as expressed herein.

(1) My Trustee, at my Trustee's discretion, may provide for extra, supplemental, and emergency care of my daughter beyond those amounts and benefits provided by any federal or state governmental benefit, and shall not distribute or expend the trust income or principal in a manner that is reasonably expected to disqualify my daughter from available federal or state aid or cause the trust funds to bear all or part of the cost of her treatment or assistance, if such costs would otherwise be borne by the state or federal government.

(2) My Trustee, at my Trustee's discretion, may pay for any medical or other personal care that my Trustee shall deem appropriate for my daughter and that shall not be

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provided by any available federal or state governmental programs. Specifically, my Trustee, at my Trustee's discretion, may pay for rehabilitation programs and treatments for substance abuse.

(3) My Trustee, at my Trustee's discretion, shall avoid making cash distributions to my daughter, if at all possible, but shall expend trust funds for the benefit of my daughter, in such manner as my Trustee deems most appropriate. Notwithstanding the forgoing, my Trustee, at my Trustee's sole discretion, may make monthly distributions to my daughter in cash or debit cards to allow my daughter to budget and manage her personal finances.

(4) My Trustee, at my Trustee's sole discretion, may make any payments for my daughter's basic support, such as food, shelter, clothing and basic medical care, including but not limited to: dental and vision care; therapists; rent and other housing costs such as utilities, telephone, cable and internet expenses; groceries; pharmaceutical items; haircuts; gym memberships; gasoline and vehicle maintenance or purchases and generally any reasonable living expenses as determined by my Trustee.

(5) In exercising its discretion with respect to any of the expenditures contemplated herein, my Trustee shall first require my daughter to exhaust her own earnings and assets before any distributions are made. My Trustee's exercise of discretion with respect to distributions for my daughter's benefit shall not be subject to review by any person or authority, administrative or judicial, regardless of the capacity in which such person is called upon to act.

(6) I urge my Trustee, in the exercise of his or her unfettered discretion, to make distributions that support my daughter's day-to-day existence and allow her the reasonable development of her interests and abilities.

(B) My Trustee shall, at my Trustee's discretion, terminate the trust at any time if the purposes of the trust are frustrated because of changes in the law or other reasons, or if the trust can no longer be economically administered. If the trust is terminated, the remaining trust assets, including any accumulated income, which has not been added to principal, shall be distributed to my daughter.

(C) Upon the death of my daughter, the remaining trust assets shall be distributed to my husband, **THOMAS MERLIN COOPER**; if my husband is then deceased, then equally to **PAULINE ANNE COOPER KEMPLIN** , per stirpes.

ARTICLE VII
PROVISIONS FOR INTERESTS VESTING IN BENEFICIARIES UNDER AGE THIRTY

Whenever any interest in my estate vests absolutely in a beneficiary under age twenty-five, my Trustee shall retain the interest in a separate trust and pay to the beneficiary as much of the net income or principal as my Trustee may deem appropriate to provide for the beneficiary's support, other needs or education until the beneficiary reaches age thirty, when the interest shall go outright to the beneficiary. If the beneficiary dies before reaching that age, the interest shall constitute a

NEW 3-70

EFILED 12/16/22 10:18 AM CASE NO 22P2124 Joseph P Day, Clerk

part of the beneficiary's estate. While the beneficiary is a minor, any part of the interest may be distributed to a custodian (selected by my Trustee) for the beneficiary under the Kentucky Uniform Transfers to Minors Act (21), or under the provisions of any similar statute in the state where the minor or the custodian resides. In addition, any part or all of the interest may be distributed to the custodial trustee of any trust created for the beneficiary under the Kentucky Uniform Custodial Trust Act (21), or under the provisions of any similar statute in the state where the beneficiary or the custodian resides. These are powers only and do not prevent absolute vesting of the interest in the beneficiary.

ARTICLE VIII
MISCELLANEOUS

A. As used herein, the term "per stirpes" with reference to the issue of any individual shall mean that the stocks begin with the children of such individual and that no distribution at any generational level shall be per capita.

B. Whenever in this Will the context so requires, the masculine or feminine gender shall be deemed to refer to the other, or to the neuter, and the singular shall be deemed to include the plural and vice versa.

C. I have intentionally made no provision in my Last Will and Testament for my granddaughter, **ALLISON OLDHAM.**

D. Should any taker under this Last Will and Testament become an adverse party in a proceeding for its probate, or contest any provision of this Last Will and Testament, such taker shall forfeit this entire interest hereunder and such interest shall pass as part of the residue of my estate, provided, however, that if such taker is one of the takers of the residue, her or her interest shall be divided proportionately among the takers of the residual. The paragraph shall not be construed to limit the appearance by any taker as a witness in any proceeding for probate of the Last Will and Testament, nor limit her or her appearance in any capacity in a proceeding for its construction.

I, **CLARA FRANCES ORA COOPER**, the Testatrix, sign my name to this instrument this 26 day of May, 2016, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Clara Frances Cooper
CLARA FRANCES ORA COOPER

We, DORA F FOWLER and Jennifer Moore the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testatrix signs and executes this instrument as her Last Will and

DCN 370

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Testament and that she signs it willingly and that each of us, in the presence and hearing of the Testatrix and in the presence of the other subscribing witnesses, hereby signs this Last Will and Testament as witness to the Testatrix's signing, and that to the best of our knowledge the Testatrix is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Dora F Fowler
Witness

Witness

COMMONWEALTH OF KENTUCKY)
) SCT.
COUNTY OF FAYETTE)

Subscribed, sworn to and acknowledged before me by **CLARA FRANCES ORA COOPER**, the Testatrix, and subscribed and sworn to before me by Dora F Fowler and Jennifer Moore, witnesses, this 26th. day of May, 2016.

My commission expires: 10/4/18.

Ollie Carpenter
NOTARY PUBLIC, KENTUCKY,
STATE AT LARGE

PREPARED BY:

GESS MATTINGLY & ATCHISON, P.S.C.
201 West Short Street
Lexington, Kentucky 40507-1269
Telephone: (859) 252-9000
E-mail: jwalker@gmalaw.com

By:
Jeffrey R. Walker
S:\JWalker\Cooper\Will.C Cooper(2016).docx

OFN 3-20

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AOC-065 Rev. 09-08 Page 1 of 1 Commonwealth of Kentucky Court of Justice *www courts.ky.gov* 28 U.S C. Sec.1738; FRCP Rule 44	**CERTIFICATION ACT OF CONGRESS**	(FOR OUT OF STATE USE) County **FAYETTE**

UNITED STATES OF AMERICA

STATE OF KENTUCKY,

SS

FAYETTE County

I, **VINCENT RIGGS**, Clerk of **FAYETTE DISTRICT** Court, in and for the State and County aforesaid, do hereby certify that the foregoing is a full, true and correct

copy of **PETITION FOR PROBATE, LAST WILL AND TESTAMENT AND ORDER PROBATING WILL AND APPOINTING THOMAS COOPER AS THE EXECUTOR IN THE ESTATE OF CLARA FRANCES ORAL COOPER**

in the above-styled case, as appears of record in my office. **20-P-00379**

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Court aforesaid,

at the city of **LEXINGTON**, this **2ND** day of **AUGUST** 20 **21**.

Clerk

STATE OF KENTUCKY,

SS.

FAYETTE County

I, **T. BRUCE BELL**, Judge of the **FAYETTE DISTRICT** Court

in the state and county aforesaid, do certify that **VINCENT RIGGS**, who has signed the foregoing certificate, is, and was at the time of same, Clerk of said Court, duly elected and qualified; that all his/her official acts as such are entitled to full faith and credit, and that his/her foregoing attestation is in due form of law.

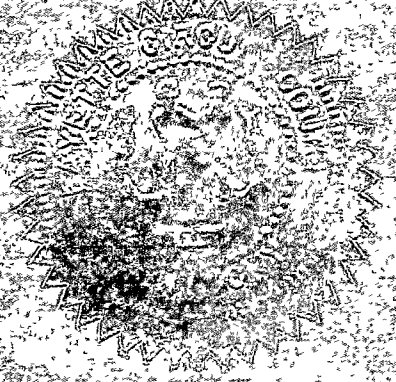
GIVEN UNDER MY HAND, at the City of **LEXINGTON**,

this **2ND** day of **AUGUST**, 20 **21**.

Judge

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EFILED 12/16/22 10:18 AM CASE NO. 22P2124 Joseph P. Day, Clerk



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Filed EFILED 20-P-00379 03/03/2020 CASE NO. 22P21 Vincent Riggs, Fayette Circuit Clerk

AOC-805
Rev. 2-17
Page 1 of 3

Doc. Code: PPW or PWF

Commonwealth of Kentucky
Court of Justice *www.courts.ky.gov*

KRS 394.145; KRS 395.015

PETITION

Case No. 20P379
Court DISTRICT
County Fayette
Division PROBATE

IN RE: Estate of CLARA FRANCES ORA COOPER

Decedent's Information: SSN: XXXXXXXXXX Birthdate: 11/23/1931 Date of Death: 02/19/2020
Last Address: 826 GLENDOVER CIRCLE
LEXINGTON, KENTUCKY 40502

Decedent died: ☐ Intestate (without a Will) ☑ Testate (with a Will)

PETITION FOR
☑ **PROBATE OF WILL**
☐ **APPOINTMENT OF ADMINISTRATOR/ADMINISTRATRIX**
☑ **APPOINTMENT OF EXECUTOR/EXECUTRIX**

Petitioner states there has been no previous administration in the Decedent's estate in Kentucky or elsewhere. Further, Petitioner states that the statements in the caption are true, and that the names of the surviving spouse, heirs at law and next of kin known to Petitioner are as follows (*use additional paper if necessary*):

Name: THOMAS MERLIN COOPER Relation: HUSBAND Age: 21+
Address: 826 GLENDOVER CIRCLE
LEXINGTON, KENTUCKY 40502

Name: SUSAN OLDHAM Relation: DAUGHTER Age: 21+
Address: 2197 NOLENSVILLE PIKE #125
NASHVILLE, TENNESSEE 37211

Name: Relation: Age:
Address:

Decedent owned/had interest in the following **real estate** with estimated market values as noted:
CONDO - $105,000

Filed 20-P-00379 03/03/2020 Vincent Riggs, Fayette Circuit Clerk

Estimated Total: $ 105,000

DFN 273

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Filed 20-P-00379 03/03/2020 Vincent Riggs, Fayette Circuit Clerk
EFILED 12/16/22 10:18 AM CASE NO. 22P2124 Joseph H. Day, Clerk

Decedent owned/had interest in the following **personal property** with estimated market values as noted:

CHECKING ACCOUNT - $40,000

PERSONAL EFFECTS - $10,000

Estimated Total: $ 50,000

Petitioner is indebted to or owes Decedent $_____.

☑ Petitioner applies for probate of Decedent's Will, filed herewith, which is his/her Last Will and Testament.

☑ Petitioner prays THOMAS MERLIN COOPER, whose address is

826 GLENDOVER CIRCLE
LEXINGTON, KENTUCKY 40502

be appointed ☑ Executor/Executrix ☐ Administrator/Administratrix of said estate and who offers as surety on the bond the following. _____. **All the foregoing statements are true.**

Petitioner's Signature: Thomas Merlin Cooper Phone No.: (859) 229-1959

Petitioner's Name (*Printed*): THOMAS MERLIN COOPER

Petitioner's Address: 826 GLENDOVER CIRCLE
LEXINGTON, KENTUCKY 40502

Subscribed and sworn before me by Petitioner on March 3, 2020. My commission will expire: April 15, 2023.

Faith Flinchum
Name/Title

FAITH FLINCHUM NOTARY PUBLIC STATE AT LARGE, KENTUCKY

This certifies this Petition was prepared or subscribed by the undersigned in accordance with the meaning and tenor of Kentucky Civil Rule No. 11. ***(Attorney must prepare and present separate Order of Probate or complete Order on Page 3 of this Petition). (To be filed in duplicate).***

Attorney's Signature: Jeffrey R. Walker Phone No.: (859) 252-9000

Attorney's Name (*Printed*): JEFFREY R. WALKER (KBA# 73790)

Address: GESS MATTINGLY & ATCHISON, P.S.C.
201 WEST SHORT STREET, SUITE 102
LEXINGTON, KENTUCKY 40507

WAIVER

We, the undersigned, surviving spouse and next of kin of the above-named Decedent, resident of _____ County, Kentucky, hereby waive notice of the hearing of the Petition and if applicable, the presentation of said Decedent's Will for probate and/or appointment of fiduciary, and request the Court to appoint _____ as ☐ Executor/Executrix ☐ Administrator/Administratrix.

Filed 20-P-00379 03/03/2020 Vincent Riggs, Fayette Circuit Clerk

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Tendered EFILED 12/16/22 10:18 AM CASE NO. 22P2124 Joseph Y. Day, Clerk
20-P-00379 03/03/2020 Vincent Riggs, Fayette Circuit Clerk

AOC - 806 Rev. 12-03 Page 1 of 1 Commonwealth of Kentucky Court of Justice *www.kycourts.net* KRS Chapters 394 and 395	Doc. Code: OWF 03/3/2020 10:18 am Ver. 1.01	**ORDER PROBATING WILL AND APPOINTING EXECUTOR/EXECUTRIX**

Case No. 20P00379

Court District Probate

County Fayette

ENTERED
ATTEST, VINCENT RIGGS, CLERK
MAR 16 2020
FAYETTE CIRCUIT CLERK
DEPUTY

IN RE: Estate of CLARA FRANCES ORA COOPER

Decedent's Date of Death: 02/19/2020 SSN: [redacted]

The Petition for probate of the Will of the above-named Decedent and for appointment of an Executor/Executrix came on for hearing on 3-16, 2020. The Will was produced in open court and was [✓] self-proved under KRS 394.225 **OR** [ ] proved by _____.

IT IS THEREFORE ORDERED that the Will be, and it is, hereby admitted to probate as the Last Will and Testament of the Decedent. **IT IS FURTHER ORDERED** that THOMAS MERLIN COOPER, with an address of 826 GLENDOVER CIRCLE LEXINGTON, KENTUCKY 40502, be and is, hereby appointed Executor/Executrix of said estate. The Court fixes bond in the sum of $ 125,000.00.

WHEREUPON said Executor/Executrix took the oath prescribed by law and entered into and acknowledged the above-mentioned bond with [ ] approved Surety **OR** [✓] Surety having been waived.

Date: 3-16, 2020. T. [illegible] **Judge**

NOTICE OF ENTRY WAIVED:

[signature] R. [illegible]

Petitioner's OR Attorney's Signature

CERTIFICATION

I, _____, Clerk of the _____ District Court, do certify this constitutes a true and correct copy of the Order Admitting Will to Probate and Appointing Executor/Executrix, as recorded in my office.

Date: _____, 2____, _____ Clerk

By: _____, D.C.

Distribution:

Original - Court File *(with certified copy of Will)*
Copies - Executor/Executrix
Revenue Cabinet *(Inheritance Tax Section)*
Certified Copy - County Clerk *(with original of Will); Petitioner is responsible for recording fee.*

Tendered 20-P-00379 03/03/2020 Vincent Riggs, Fayette Circuit Clerk

DFW 3-20

COPY Tendered 20-P-00379 Vincent Riggs, Fayette Circuit Clerk
EFILED 12/16/22 10 18 AM CASE NO. 22P2124 Joseph P. Day, Clerk

Commonwealth of Kentucky Court of Justice KRS 395.105 (Execution of Trusts)	**ORDER APPOINTING FIDUCIARY**	Case No. 20-P-00379 Court: District - Probate County: Fayette

ENTERED
ATTEST, VINCENT RIGGS, CLERK
FEB 28 2022
FAYETTE CIRCUIT CLERK
BY _____ DEPUTY

IN RE THE ESTATE OF: CLARA FRANCES ORA COOPER

Upon hearing the petition of Pauline Anne Cooper Kemplin the court appoints Pauline Anne Cooper Kemplin to act as Personal Representative of said estate and fixes bond in the sum of $ 1,891,000.00.

_____ with approved surety, or ___✓___ with surety having been waived.

2-28-22
Date

District Judge

To be completed on copies only:

CERTIFICATE OF QUALIFICATION

I, VINCENT RIGGS, Clerk of the Fayette District Court, do certify that this is a true and correct copy of the Order Appointing Fiduciary as recorded in my office.

This Order and Qualification is in full force and effect.

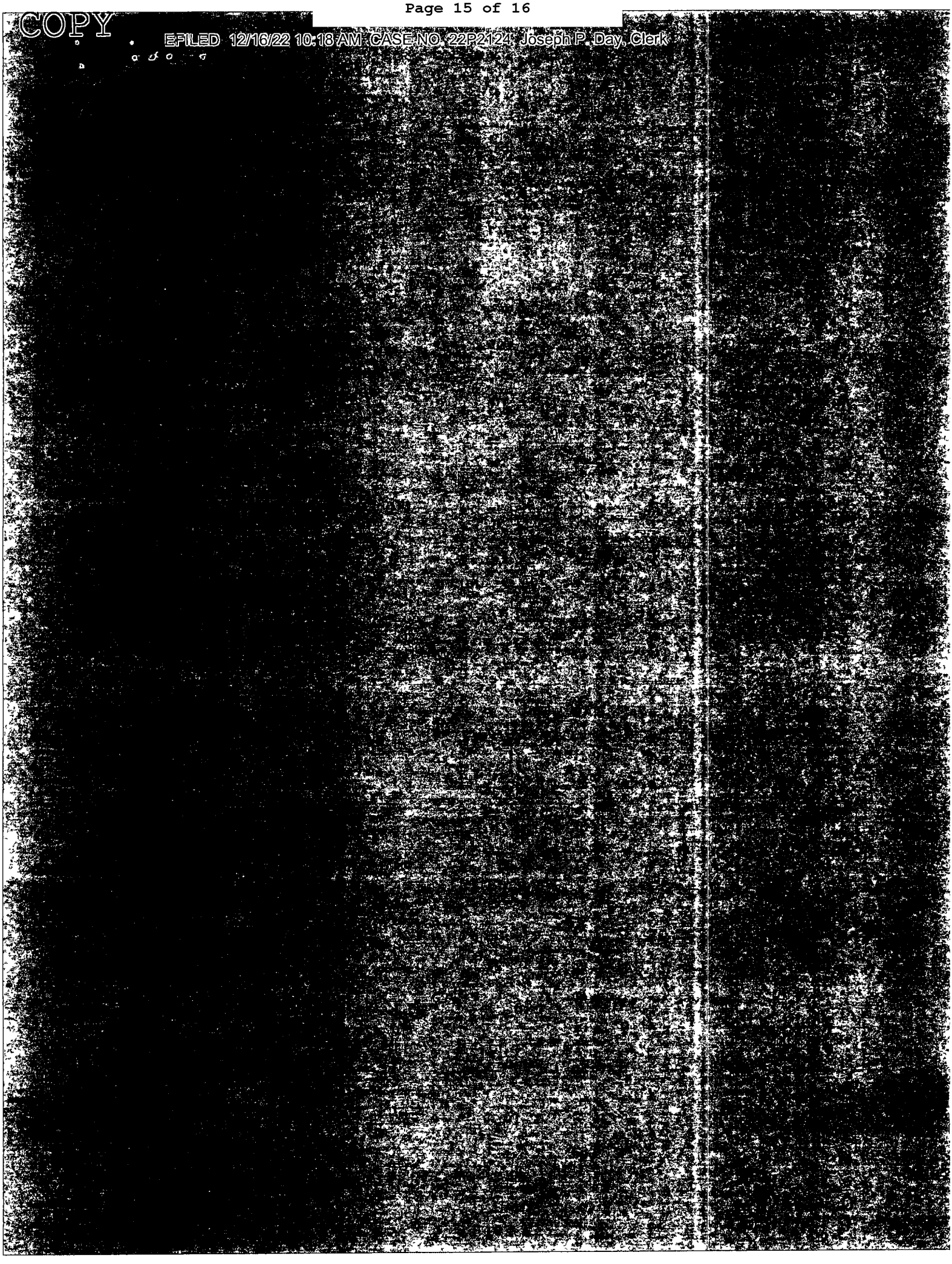
OCTOBER 24th, 2022
Date

Vincent Riggs, Clerk

By: Jess Angel, D.C.

COPY

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