STATE OF TENNESSEE

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Karen Johnson Davidson County
Batch# 1009983 WILL
06/01/2023 01:39:41 PM 9 pgs
Fees: $47.00 Taxes: $0.00
20230601-0041464

IN RE: ***BARBARA KIRIE STEWART***

Docket No: ***23P727***

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 May 4, 2023 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 June 1, 2023.

JOSEPH P. DAY CIRCUIT COURT CLERK

JOSEPH P. DAY, Clerk,

By: _____
Deputy Clerk

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23P727

FILED

MAY 04 2023

JOSEPH P. DAY, Clerk

By: D.C. Deputy

LAST WILL AND TESTAMENT

OF

BARBARA KIRIE STEWART

I, Barbara Kirie Stewart, a citizen and resident of Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make, publish and declare this instrument to be my Last Will and Testament, hereby revoking any and all wills or codicils at any time heretofore made.

ARTICLE I

I direct that all of my just debts, my funeral expenses and the costs of the administration of my estate be paid as soon as practicable after my death. I direct that there shall be paid out of my residuary estate, without apportionment, all state, inheritance, succession, and other taxes assessed by reason of my death, imposed by the government of the United States, or any state or territory thereof, in respect to all property required to be included in my gross estate for estate or like tax purposes, by any of such governments whether the property passes under this Will or otherwise without contribution by any recipient of any such property.

ARTICLE II

I specifically provide that all bank accounts belonging to me at the time of my death, regardless of any right of survivorship thereto, shall be included as a part of my estate and shall be divided as provided herein.

ARTICLE III

I hereby give, devise and bequeath all of my estate, whether real, personal or mixed, and wheresoever situated, to my sister, Dorothy Kirie Kinnaird absolutely.

ARTICLE IV

In the event my said sister shall predecease me or should we die in a common accident or the result of a common disaster then I give, devise and bequeath all of my estate, whether real, personal or mixed, and wheresoever situated, to my sister's children, Katherine Anne Kinnaird, and James Burke Kinnaird, to share equally.

ARTICLE V

In the event that my niece, Katherine Anne Kinnaird, has not reached the age of twenty five (25) years at the time of my death, then I give, devise, and bequeath to Ralph Burke Kinnaird, Trustee, that portion of my estate to which my niece, Katherine Anne Kinnaird, may be entitled. Said Trustee shall control all of the aforesaid property and shall invest same as the Trustee, in his sole

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discretion, deems advisable with all of the rights and powers subject to the limitations hereinafter enumerated as follows:

In addition to the powers specifically granted herein, the Trustee is further granted all the powers enumerated in TCA 35-50-110.

The Trustee shall have the power to sell at public or private sale, and for such consideration and on such terms and subject to such conditions, if any, as in the judgment of the Trustee, or for the best interest of the Beneficiary.

The Trustee shall collect the income from the assets comprising the Trust Estate and shall remit the income in monthly or other convenient installments to the child for whom the Trustee holds said property. I hereby authorize and empower the Trustee, in his sole and absolute discretion, at any time and from time to time to disburse from the principal of said Trust, even to the point of completely exhausting the same, such amounts as she may deem advisable to provide adequately and properly for the support, maintenance, health care and education of my said niece, the Beneficiary of said Trust. In determining the amounts of principal to be so disbursed, the Trustee shall take into consideration any other income which the Beneficiary of said Trust may have from any other source and the Trustee's discretion shall be conclusive as to the advisability of any such disbursement and the same shall not be questioned by anyone. For all sums so disbursed, the Trustee shall have full acquittance. Upon the Beneficiary of said Trust reaching the age of twenty five (25) years, this Trust shall terminate and the assets thereof, both corpus and undistributed income, shall be paid to my said niece, absolutely.

During the continuance of this Trust, neither the principal nor income shall be pledged, assigned, transferred, sold or in any manner whatsoever accelerated, anticipated, or encumbered by the Beneficiary nor shall any principal or income be in any manner subject or liable in the hands of the Trustee for the debts, contracts, or engagements of the Beneficiary, or be subject to any assignment or any other voluntary or involuntary alienation or disposition whatever.

The Trustee is specifically authorized and empowered to purchase from the estate of the Grantor any stock, bond, security or other property, real or personal, offered for sale by the Grantor's personal representative, irrespective of whether or not such security or property is eligible for investment by fiduciaries under any statute or law; and the Trustee shall incur no responsibility or liability for any loss resulting to the Trust estate from any such purchase or from the retention of any asset so acquired.

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ARTICLE VI

In the event that my nephew, James Burke Kinnaird, has not reached the age of twenty five (25) years at the time of my death, then I give, devise, and bequeath to Ralph Burke Kinnaird, Trustee, that portion of my estate to which my nephew, James Burke Kinnaird, may be entitled. Said Trustee shall control all of the aforesaid property and shall invest same as the Trustee, in his sole discretion, deems advisable with all of the rights and powers subject to the limitations hereinafter enumerated as follows:

In addition to the powers specifically granted herein, the Trustee is further granted all the powers enumerated in TCA 35-50-110.

The Trustee shall have the power to sell at public or private sale, and for such consideration and on such terms and subject to such conditions, if any, as in the judgment of the Trustee, or for the best interest of the Beneficiary.

The Trustee shall collect the income from the assets comprising the Trust Estate and shall remit the income in monthly or other convenient installments to the child for whom the Trustee holds said property. I hereby authorize and empower the Trustee, in his sole and absolute discretion, at any time and from time to time to disburse from the principal of said Trust, even to the point of completely exhausting the same, such amounts as she may deem advisable to provide adequately and properly for the support, maintenance, health care and education of my said nephew, the Beneficiary of said Trust. In determining the amounts of principal to be so disbursed, the Trustee shall take into consideration any other income which the Beneficiary of said Trust may have from any other source and the Trustee's discretion shall be conclusive as to the advisability of any such disbursement and the same shall not be questioned by anyone. For all sums so disbursed, the Trustee shall have full acquittance. Upon the Beneficiary of said Trust reaching the age of twenty five (25) years, this Trust shall terminate and the assets thereof, both corpus and undistributed income, shall be paid to my said nephew, absolutely.

During the continuance of this Trust, neither the principal nor income shall be pledged, assigned, transferred, sold or in any manner whatsoever accelerated, anticipated, or encumbered by the Beneficiary nor shall any principal or income be in any manner subject or liable in the hands of the Trustee for the debts, contracts, or engagements of the Beneficiary, or be subject to any assignment or any other voluntary or involuntary alienation or disposition whatever.

The Trustee is specifically authorized and empowered to purchase from the estate of the

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Grantor any stock, bond, security or other property, real or personal, offered for sale by the Grantor's personal representative, irrespective of whether or not such security or property is eligible for investment by fiduciaries under any statute or law; and the Trustee shall incur no responsibility or liability for any loss resulting to the Trust estate from any such purchase or from the retention of any asset so acquired.

ARTICLE VII

I hereby nominate, constitute and appoint my sister, Dorothy Kirie Kinnaird, to serve as Executrix of my estate to serve without bond. In the event she predeceases me, cannot or refuses to serve as Executrix of my estate, then I nominate, constitute and appoint Ralph Burke Kinnaird as the Executor of my estate to serve without bond.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of November, 2000.

Barbara Kirie Stewart
BARBARA KIRIE STEWART

The foregoing instrument, consisting of this and three (3) other typewritten pages, was signed, sealed, published and declared by Barbara Kirie Kinnaird, the Testatrix, to be her Last Will and Testament in our presence, and we, at her request and in her presence and in the presence of each other, have hereunto subscribed our names as witnesses this 13th day of November, 2000, at Brentwood, Tennessee.

Nicki C. Waite
704 Vanoke Drive
Madison, TN 37115

Angela L. McClanahan
8443 Highway 25, West
Cross Plains, TN 37049

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STATE OF TENNESSEE)

COUNTY OF WILLIAMSON)

AFFIDAVIT

Personally appeared before me, Wanda D. Greene, a Notary Public in and for said State and County, Kirk C. Waite and Angela L. McClanahan, to me known who made oath as follows:

1. That they were requested by the Testatrix, Barbara Kirie Stewart, to witness Testatrix's signature to the attached Last Will and Testament of Testatrix, and they were further requested by the Testatrix to execute this Affidavit;

2. That the Testatrix signed said instrument and declared the same to be her Last Will and Testament in the presence of each of the undersigned, on the date set forth therein and herein;

3. That each of the undersigned in turn signed the said instrument on the same date, as attesting witnesses, in the sight and presence of the Testatrix and of each other;

4. That the Testatrix was of apparent sound mind and disposing memory at the time of the execution of said instrument; and,

5. That this Affidavit is made pursuant to T.C.A. 32-211.

Kirk C. Waite

Angela L. McClanahan

Subscribed and sworn to before me this 13th day of November, 2000.

Wanda D Greene

NOTARY PUBLIC

MY COMMISSION EXPIRES: March 23, 2002

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FILED
MAY 04 2023
By JOSEPH P. DAY, Clerk
Deputy

FIRST CODICIL TO THE LAST WILL AND TESTAMENT OF BARBARA KIRIE STEWART

I, BARBARA KIRIE STEWART, of Davidson County, Tennessee, declare this as a First Codicil to my Last Will and Testament dated November 13, 2000 (hereinafter "my Will"). I hereby amend Article IV of my Will to read as follows:

ARTICLE IV

In the event that my said sister shall predecease me or we should die in a common accident or as the result of a common disaster then I give, devise and bequeath all of my estate, whether real, personal, or mixed, and wheresoever situated to my sister's children, Katherine Anne Kinnaird, and James Burke Kinnaird, to share equally. In the event that my said sister and my said sister's children should all predecease me or we should all die in a common accident or as the result of a common disaster then I bequeath all of estate, whether real, personal, or mixed, and wheresoever situated, to my friend and former student, Suzanne McLemore, of Nashville.

IN WITNESS WHEREOF, I have hereunto set my hand and subscribed my name to this First Codicil to My Last Will and Testament, consisting of one (1) typewritten page. This the 17th day of December 2012.

Barbara Kirie Stewart
BARBARA KIRIE STEWART

BARBARA KIRIE STEWART, the Testator named in the foregoing instrument consisting of one (1) typewritten page, did call upon us to be witnesses thereto, declaring this to be the First Codicil to her Last Will and Testament, and did sign it in our presence. We, then, in her presence and in the presence of one another, signed our names as witnesses thereto, this the 17th day of December 2012.

Alvin L. Harris

ADDRESS: 3923 Skyline Dr, Nashville, TN 37215

Robyn E Smith

ADDRESS: 1808 Eastland Ave.
Nashville, TN 37206

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STATE OF TENNESSEE)
) **ss:**
COUNTY OF DAVIDSON)

AFFIDAVIT

On this the 17th day of December 2012, Robyn Smith and Alvin L. Harris personally appeared before me, the undersigned Notary Public, and after being duly sworn according to law, depose and say:

1. That they are more than eighteen (18) years of age.
2. That they witnessed the execution of the First Codicil to the Last Will and Testament (hereinafter the "First Codicil") of Barbara Kirie Stewart (the "Testator"), dated December 17, 2012, to which this affidavit is attached, which affidavit is being made at the request of the Testator.
3. That the Testator signed said paper writing as and for the First Codicil in their sight and presence at one and the same time.
4. That their signatures are affixed to the said First Codicil, that they signed or affixed the same at the instance and at the request of the Testator and in the Testator's presence, and in the presence of each other, on the date recited in the said First Codicil.
5. That at the time they witnessed said First Codicil, the Testator was, in their opinion, more than eighteen (18) years of age, of sound mind and disposing memory, and did not appear under any undue influence.

Alvin L. Harris
Witness Signature

Robyn E. Smith
Witness Signature

SUBSCRIBED AND SWORN to before me, this 17th day of December 2012.

Melissa M. Frazier
Notary Public

My Commission Expires: 7-6-15

MELISSA M. FRAZIER
STATE OF TENNESSEE
NOTARY PUBLIC
DAVIDSON COUNTY
My Commission Expires July 6, 2015

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