Karen Johnson Davidson County
Batch# 1015867 ORDER
06/16/2023 08:35:30 AM 13 pgs
Fees: $67.00 Taxes: $0.00
20230616-0045917

STATE OF TENNESSEE

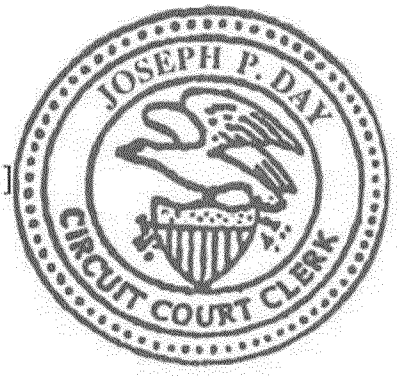
I, JOSEPH P. DAY, Clerk of the Circuit Court for Davidson County, do hereby certify that the foregoing is a true and complete copy of the ORDER FOR MUNIMENT OF TITLE heretofore filed in the Seventh Circuit Court (Probate Division) for Davidson County, Tennessee, on the 28TH day of APRIL, 2023, in Docket Number 23P729, IN RE: ADA RUTH KELLEY, 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 28TH day of APRIL in the year 2023 and in the 246 year of American Independence.

JOSEPH P. DAY, Clerk

By: _____
Deputy Clerk

[SEAL]



IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
PROBATE DIVISION

IN RE:	)	
	)	
MUNIMENT OF TITLE PROBATE OF THE LAST WILL AND TESTAMENT OF ADA RUTH KELLY,	)	**No. 23P729**
	)	
	)	
Decedent.	)	

ORDER TO PROBATE FOR MUNIMENT OF TITLE

This cause came to be heard on the 27th day of April, 2023, before Special Probate Master Judith Lojek, for the Seventh Circuit Court of Davidson County, Tennessee (Probate Division), upon the Petition of Rebecca Kelly Bembry requesting that a paper writing purporting to be the Last Will and Testament of Ada Ruth Kelly, deceased, 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 Ada Ruth Kelly, said paper writing bearing date of October 18, 2021, having the name Ada Ruth Kelly signed thereto as the testator, subscribed by Neal Phillips and Charlotte S. Robison as attesting witnesses. And, it appearing from the testimony of the aforesaid Neal Phillips and Charlotte S. Robison, taken upon affidavit as authorized by and in accordance with Tennessee Code Annotated Section 32-2-110, that: each of them did subscribe his/her respective name as an attesting witness to said paper writing that said paper writing was written in the lifetime of Ada Ruth Kelly, and published, signed and subscribed by Ada Ruth Kelly in the presence of the attesting witnesses; that Ada Ruth Kelly was then of sound mind; and that, at Ada Ruth Kelly's request, said attesting witnesses signed said paper writing in Ada Ruth Kelly's presence and in the presence of each other on October 18, 2021.

And, it further appearing that: said paper writing bears the true signature of Ada Ruth Kelly; that Ada Ruth Kelly's usual place of domicile and residence at the time of Ada Ruth Kelly's death was Davidson County, Tennessee; and that Ada Ruth Kelly died in Davidson, Tennessee, on February 5, 2023, at the age of 103 years.

And, it further appearing that the decedent owned real property in Davidson County, Tennessee, located at 2703 Meadow Rose Drive, Nashville, TN 37206 (Parcel # 083 12 0 164.00); Carroll County, Tennessee located at 80 Cole Road, Buena Vista, TN 38318 (Parcel # 092-005.00); and Sumner County, Tennessee, located at 0 South Road, Cottontown, TN 37048 (Parcel # 055 01700 000), at her death.

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

It is, therefore, ORDERED, ADJUDGED AND DECREED that said paper writings are true, whole and Last Will and Testament of Ada Ruth Kelly, 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 _____ day of_____, 2023

electronic signature page attached

Special Probate Master Judith Lojek

Respectfully Submitted:



Ryan Knight, BPR #031672
Attorney for Petitioner
KNIGHT LEGAL
751 Cool Springs Blvd., Ste. 106
Franklin, Tennessee 37067
(615) 716-2063
ryan@knightlegaltn.com

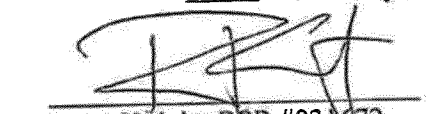
CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the following proposed Order has been mailed first class by U.S. mail, to the following:

Rebecca Kelly Bembry, Trustee
of the Ada Ruth Kelly Revocable
Living Trust dated October 18, 2021
1814 Linden Avenue
Nashville, TN 37212

Rebecca Kelly Bembry
1814 Linden Avenue
Nashville, TN 37212

On this the 27th day of April, 2023.



Ryan Knight, BPR #031672
Attorney for Petitioner

Case Title: BEMBRY V KELLY

Case Number: 23P729

Type: FINAL ORDER

So Ordered

Judith Lojek, Probate Special Master

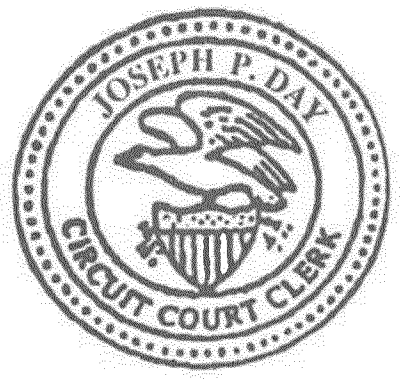
STATE OF TENNESSEE

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 28TH day of APRIL, 2023, in Docket Number 23P729, IN RE: ADA RUTH KELLEY, 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 28TH day of APRIL in the year 2023 and in the 246 year of American Independence.

JOSEPH P. DAY, Clerk

By: _____
Deputy Clerk

[SEAL] 

23P729

FILED
APR 27 2023
JOSEPH P. DAY, Clerk
By _____ Deputy

Last Will and Testament of Ada Ruth Kelly

I, Ada Ruth Kelly, a resident of Davidson County, Tennessee, revoke any prior Wills and codicils made by me and declare this to be my Last Will and Testament.

Article One
Family Information

I am unmarried.

I have two children. Their names are:

Rebecca Kelly Bembry and

Bryan Cole Kelly, died on January 10, 2020.

All references in my Will to *my children* are to these children.

Article Two
Distribution of My Property

Section 2.01 Disposition of Tangible Personal Property

I direct that my Executor distribute my tangible personal possessions according to a separate *Personal Property Memorandum* or other similar writing signed by me and kept with my personal records. The writing will qualify to distribute my tangible personal possessions under applicable state law. If the writing is not found at the time of my death, or is ruled an improper disposition, this bequest will lapse and my tangible personal possessions will become part of my Revocable Living Trust. If any items of tangible personal property I own are not mentioned in the writing, those items will become part of my Revocable Living Trust. If any gift of tangible personal property lapses, then the items comprising the lapsed gift will become part of my Revocable Living Trust.

ARK

Section 2.02 Pour-Over to My Revocable Living Trust

I give all of my probate estate, excluding any property over which I have a power of appointment, after expenses and taxes are paid under this Will, to the then-acting Trustee of the Ada Ruth Kelly Revocable Living Trust dated October 18, 2021 and executed before this Will, to be added to the property of that trust. I direct that the Trustee administer the property according to the trust and any amendments made prior to my death.

Section 2.03 Alternate Disposition

If the trust referred to in Section 2.02 is not in effect at my death, or if for any other reason the pour over fails, I specifically incorporate by reference all the terms of the trust into this Will. I direct my Executor to then establish a new trust under the provisions of that trust and distribute the remainder of my estate, excluding any property over which I have a power of appointment, to that Trustee to administer as provided in the trust.

If incorporation by reference fails for any reason, I direct my Executor to distribute the remainder of my estate, excluding any property over which I have a power of appointment as follows:

Beneficiary	Share
Kelly Bembry Midura	5%
Dana Kelly Lacher	5%
Rebecca Kelly Bembry	90%

Article Three
Designation and Succession of Fiduciaries

Section 3.01 Executor

I nominate Rebecca Kelly Bembry as my Executor. If Rebecca Kelly Bembry is unwilling or unable to act as my Executor, I nominate the person or persons serving as Trustee of the Ada Ruth Kelly Revocable Living Trust dated October 18, 2021 to serve as my Executor.

Article Four
Executor Powers

My Executor may, without prior authority from any court, exercise all powers conferred by my Will, by common law, or by any fiduciary powers act or other statute of the State of Tennessee or

any other jurisdiction whose law applies to my Will. My Executor has absolute discretion in exercising these powers. Except as specifically limited by my Will, these powers extend to all property held by my fiduciaries until the actual distribution of the property.

Article Five
Administrative Provisions

Section 5.01 Court Proceedings

Any trust established under my Will will be administered in a timely manner; consistent with its terms; free of active judicial intervention; and without order, approval, or other action by any court. The trust will be subject only to the jurisdiction of a court being invoked by the Trustees or by other interested parties, or as otherwise required by law.

Section 5.02 No Bond

I direct that no Executor be required to give any bond in any jurisdiction. But if a bond is required by law or by court determination, no sureties will be required on the bond.

Section 5.03 Compensation and Reimbursement

Any fiduciary serving under my Will is entitled to reasonable compensation commensurate with services actually performed. In addition, any fiduciary serving under my Will is entitled to reimbursement for reasonable expenses incurred.

Article Six
Taxes, Claims, and Expenses

Section 6.01 Payment of Death Taxes, Claims, and Expenses

The Trustee of the Ada Ruth Kelly Revocable Living Trust is authorized to pay expenses incurred for my funeral and for the disposition of my remains, claims against my estate, and expenses of estate administration. Accordingly, I direct my Executor to consult with the Trustee to determine which expenses and claims should be paid by my Executor from property passing under my Will, and which expenses and claims should be paid by the Trustee from the Ada Ruth Kelly Revocable Living Trust.

I direct my Executor to follow any instructions contained in the Ada Ruth Kelly Revocable Living Trust in making any tax elections, including the allocation of my GST Exemption. My Executor

will suffer no liability for making or not making any tax election in good faith to any person, including any person not yet in being, whose interest may have been affected.

Any taxes imposed on property passing under and outside my Will because of my death will be apportioned and paid under the provisions of the Ada Ruth Kelly Revocable Living Trust, and I incorporate the tax apportionment provisions of the Ada Ruth Kelly Revocable Living Trust as part of my Will.

No death taxes may be allocated to or paid from property that is not included in my gross estate for federal estate tax purposes, or that qualifies for the federal estate tax charitable deduction.

Section 6.02 Tax and Administrative Elections

My Executor may exercise any available elections under any applicable income, inheritance, estate, succession, or gift tax law.

Article Seven
General Provisions

Section 7.01 Adopted and Afterborn Persons

A legally adopted person in any generation and that person's descendants, including adopted descendants, have the same rights and will be treated in the same manner under this Will as natural children of the adopting parent if the person is legally adopted before turning 18 years old. If an adoption was legal in the jurisdiction it occurred in at that time, then the adoption is considered legal.

A fetus *in utero* that is later born alive will be considered a person in being during the period of gestation.

Section 7.02 Applicable Law

The validity and construction of my Will will be determined by the laws of Tennessee.

Section 7.03 Contest Provision

If any person directly or indirectly attempts to oppose the validity of my Will or my Revocable Living Trust, including any amendments to my trust, or commences, continues, or prosecutes any legal proceedings to set my Will or Revocable Living Trust aside, then that person will forfeit his or her share, will cease to have any right or interest in my property, and will be considered to have predeceased me for the purposes of my Will.

Section 7.04 Construction

Unless the context requires otherwise, words denoting the singular may denote the plural, and words indicating the plural may denote the singular. As the context requires, words of one gender may denote another gender.

Section 7.05 Headings and Titles

The headings and paragraph titles are for reference only.

Section 7.06 Shall and May

Unless otherwise specifically provided in this document or by the context in which used, the word *shall* is used to impose a duty or to command, direct, or require, and the word *may* is used to allow or permit, but not require. In the context of my Trustee or my Executor, the word *shall* is used to impose a fiduciary duty on my Trustee or my Executor. When I use the word *may*, I intend to empower my Trustee or my Executor to act with sole and absolute discretion unless otherwise stated in this document.

Section 7.07 Survivorship

For purposes of this Will, any beneficiary will be deemed to have predeceased me if the beneficiary dies within 45 days after my death.

Section 7.08 Severability

If any part of this instrument is determined to be void or invalid, the remaining provisions will continue in full force and effect.

I signed this will on the 19 day of October, 2021.

Ada Ruth Kelly

Ada Ruth Kelly

On the date last above written, we saw Ada Ruth Kelly, in our presence, sign the foregoing instrument at its end. She then declared it to be her will and requested us to act as witnesses to it. We then, in her presence and in the presence of each other, signed our names as attesting witnesses, believing her at all times herein mentioned to be of sound mind and memory and not acting under constraint of any kind.

Neal Phillips, Witness
751 Cool Springs Blvd., Suite 106
Franklin, Tennessee 37067

Charlotte S. Robinson
Charlotte S. Robinson, Witness
751 Cool Springs Blvd., Suite 106
Franklin, Tennessee 37067

AAK

Certificate of Authenticity

I, Ryan Knight, 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 4/27/23.

Date

Affiant Signature

6/1/2023

Date

STATE OF TENNESSEE

COUNTY OF WILLIAMSON

Sworn to and subscribed before me this 1st day of June, 2023.

Notary's Signature

My Commission Expires: 7/26/2025

Date

Notary's Seal (if on paper)

