WILL BOOK 80 PAGE 816

Last Will & Testament
Of
Mary Rose Smith

FILED
2023 JUL 12 AM 8:47
RUTHERFORD COUNTY CLERK

ARTICLE ONE
DECLARATION OF LAST WILL AND TESTAMENT

I, **Mary Rose Smith**, of 404 Coleman Hill Road, Rockvale, TN 37153, do hereby make, publish, and declare this to be my Last Will and Testament, hereby revoking all my former Wills or testamentary instruments.

ARTICLE TWO
MY FAMILY

Karen Johnson Davidson County
Batch# 1026768 WILL
07/17/2023 08 49 03 AM 9 pgs
Fees $47 00 Taxes $0 00
20230717-0054373

I am widowed. I have one (1) living child, whose name is:

Name	DOB
Mark Wesley Warner	6/30/1971

Any references to my spouse or my child in this Will are to those named above.

ARTICLE THREE
PAYMENT OF DEBTS

I direct that all of my just debts, funeral expenses and costs of administration shall be paid as soon after my death as conveniently can be done.

ARTICLE FOUR
PAYMENT OF TAXES AND ADMINISTRATIVE EXPENSES

Any and all federal, state, foreign, or other inheritance, estate, transfer, succession, death, or similar duties and taxes, whether levied, based or imposed upon or measured by property that passes by my Will, or levied, based, or imposed upon or measured by any other property, shall be paid as an expense of administration and shall not be equitably prorated or charged against the gifts provided by my Will.

CERTIFIED COPY
State of Tennessee, County of Rutherford
The undersigned, County Clerk of said County and state, hereby certifies that the foregoing is a true and correct copy of the original document filed in the Office of the County Clerk
This 12th day of July, 2023
Lisa Crowell, Rutherford County Clerk
By Faith Windrow
Deputy Clerk

RUTHERFORD COUNTY CLERK SEAL TENNESSEE

Initials M.R.S.

ARTICLE FIVE
SPECIFIC BEQUESTS

I bequeath certain items from among my tangible personal property in accordance with the provisions of a memorandum written (1) which is entirely in my handwriting and/or signed by me, (2) which is dated by me, and (3) which describes all items I choose to list with reasonable certainty pursuant to T. C. A. § 32-3-115. I incorporate this memorandum into this Will. Unless otherwise provided in the memorandum, each bequest therein is contingent upon my owning the item or items bequeathed at my death and upon the recipient surviving me.

The memorandum may be attached to my Will.

ARTICLE SIX
RESIDUARY DISTRIBUTIONS

My Executor shall liquidate and/or distribute the remaining assets outright to my son, **Mark Wesley Warner**. If **Mark Wesley Warner** shall not have survived me, his share shall be distributed equally, pro rata, to my brother, Roger Dale White, and my sister, Susan Elaine Roland, if living, subject to all other Articles contained in this Will.

ARTICLE SEVEN
UNDER STATED AGE BENEFICIARIES

If any beneficiary has not attained age twenty-one (21) years, the distributive share for such beneficiary shall be distributed to an adult of the Executor's choosing (including the Executor) to hold as custodian for such beneficiary pursuant to the Uniform Transfers to Minors Act, and the receipt of such by the custodian shall constitute complete acquittance of the Executor.

Upon an under stated age beneficiary attaining age twenty-one (21) years, the custodian shall distribute the beneficiary's share outright.

Upon the death of the under stated age beneficiary, the under stated age beneficiary's share shall be distributed to the under stated age beneficiary's children per stirpes in the same manner as provided to the deceased under stated age beneficiary in this Article. In the event there are no remaining named beneficiaries, then the under stated age beneficiary's share shall lapse and be distributed, *pro rata*, to the residuary beneficiaries as provided in Article Six.

ARTICLE EIGHT
ULTIMATE DISTRIBUTION

If at any time there is no individual beneficiary qualified to receive final distribution of my Estate, then the Executor shall distribute such portion of said Estate to persons who would inherit it had I died intestate owning the property, all as determined and in the proportions provided by the laws of Tennessee then in effect at the time of any distribution under this Article.

Initials M.R.S

ARTICLE NINE
EXECUTORS

I appoint my son, **Mark Wesley Warner**, to be the Executor of this my Last Will and Testament. In such capacity, he shall possess and exercise all powers and authority conferred herein or to such Executor by law.

In the event **Mark Wesley Warner** fails to qualify for any reason, then **Susan Elaine Roland** and **Roger Dale White** shall serve as Successor Executors in the order named.

To the extent permitted by applicable law, no named Executor shall be required to furnish bond, file any inventory or file any accountings with respect to the performance of the Executor's duties.

ARTICLE TEN
FIDUCIARY POWERS

In addition to the powers granted by T. C. A § 35-50-110, which are specifically incorporated herein, my Executor shall have all of the powers cited in this Article. To the extent there is any conflict between the powers granted under this Article and those granted pursuant to State law, the provisions of this Article shall prevail. My Executor shall have the following powers:

A. General Authority

Generally, my Executor shall have the following authority:

(i) To hold any or all of my Estate in the form of investment in which it is received.

(ii) To make distributions of principal to any remainder beneficiary.

(iii) To sell at public or private sale, to mortgage, pledge, or hypothecate, or to exchange or lease any stocks, notes, securities, financial holdings or investments authorized herein, real estate, minerals, and other property upon such terms, cash or credit, or both, as the Executor may deem advisable.

(iv) To invest and reinvest my Estate without limitation to investments of any kind, real or personal, including without limitation, stocks, bonds, notes, mortgages, land, minerals, royalties, leaseholds, and participation in partnerships, joint ventures, and other business enterprises and to write or purchase call or put options and other derivative securities.

(v) To construct, repair or demolish any improvements upon any real property.

(vi) To participate in any reorganization, consolidation, merger, or dissolution of any company, corporation, or limited liability company, the stocks, bonds, or securities of which may be held at any time.

(vii) To hold investments or any part of my Estate in common or undivided interest with others.

(viii) To establish bank accounts of any type at any banking institution the Executor deems appropriate.

(ix) To demand, receive, provide receipt for, and collect any and all rights, money, properties, or claims to which my Estate may be entitled, and to compromise, settle, or abandon any claim in favor of or against my Estate.

(x) To borrow funds in such amounts and for such purposes as my Executor may deem proper and to purchase property on the credit of my Estate, to execute and deliver Promissory Notes, or other evidence of indebtedness, and to mortgage or pledge all or any part of my Estate to secure payment of such indebtedness and to repay such indebtedness

(xi) To employ agents, legal counsel, accountants, financial advisors, brokers, and other professionals or consultants, including any acting Executor who is also a professional, and to pay their fees and expenses including expenses of an Executor professional service firm for services provided outside his or her capacity of serving as Executor.

(xii) To serve as an officer, director, manager or employee of any business entity in which my Estate has an interest or to vote in person or by proxy on shares of stock or membership interest which may be a part of my Estate.

(xiii) To manage, control, operate, invest, reinvest, sell, exchange, lease, mortgage, encumber, and/or deal with the property of my Estate for and on behalf of my Estate and the beneficiaries to the same extent and with the same powers that any individual would have in respect to his or her own property.

B. Specific Authority for Digital Assets

Without limiting the general grant of authority under this Article and pursuant to T C. A. § 35-8-101 et seq, I grant to my Executor any and all authority, power and access to any and all of my digital assets, including but not limited to documents, photographs, music, videos, movies, notes, records, memoranda, electronic communications and other information, data and records of all types, kinds and formats (collectively my "Digital Estate") stored on any Device or in any server or in the "cloud" or elsewhere.

The Executor may access, manage, transfer, deactivate, delete, and take any and all other actions without limitation regarding my Digital Estate.

The Executor is also granted all authority, power and access over and to any digital and/or electronic device or equipment (collectively "Device") owned or used by me and may access any and all of my Digital Estate on any Device.

By granting my Executor this authority, power and access over my Digital Estate and any Device, I expressly provide that my Executor:

(i) has the same authority, power and access as I have;

(ii) has my lawful consent as an account holder or authorized user; and

(iii) is authorized as a user of any account, Device or other repository of my Digital Estate.

ARTICLE ELEVEN
DEFINITIONS AND MISCELLANEOUS PROVISIONS

A. Spouse

Unless otherwise specified, the term "spouse" as used throughout this Will shall be deemed to refer to the person to whom an individual is married and with whom the individual is living as husband or wife when such person would, from time to time and pursuant to the terms of this Will, become entitled to any benefit hereunder and with whom the individual is living as husband or wife at the time of his/her death.

B. Spouse of Any Beneficiary

It is my intent that no spouse of any named beneficiary retain or have any right to any interest in this Will unless specifically provided for in the Articles of this Will.

C. Children

The terms "child" or "children," as used in this Will, includes existing and after-born children. In applying the provisions of this Will, a legally adopted child and his or her lineal descendants are to be considered lineal descendants of the adoptive parent and that parent's lineal descendants.

D. Powers Personal

Each power and right granted to me or to a beneficiary under this instrument (including the power to exercise a power of appointment) is personal and may not be exercised by another, except that during such time that the power holder is unable to act, said powers and rights may be exercised by either: (i) the power holder's guardian or conservator acting by authority of a court of competent jurisdiction; or (ii) to the power holder's agent as granted by a properly executed durable power of attorney that specifically authorizes said agent to exercise such power or right.

E. Survivorship Presumption

If I should die under circumstances in which the timing of my death or that of a beneficiary cannot be established, I will be deemed to have survived said beneficiary. If any beneficiary is living at my death but dies within 30 days after my death, said beneficiary will be deemed to have predeceased me for purposes of any distribution to said beneficiary hereunder.

F. Number and Gender

As used in this Will, the masculine, feminine and the neuter gender, singular and plural number shall each be deemed to include the other when the context so indicates

G. Life Insurance

The proceeds of any life insurance payable to my Executor or my estate are to be free from the claims of creditors, and are to be held and distributed as provided by the terms of this Will. My Executor may use (but shall not be required to use) any portion of such proceeds as my Executor deems advisable for the payment of debts, expenses and taxes, but only if my Executor deems such use of the proceeds to be in the best interests of my legatees hereunder.

H. Casualty Insurance

Each casualty insurance policy covering an item of property passing under this Will passes with such property. The recipient of such property is not to be charged for any unearned premium already paid. If any insured item of property passing under this Will has been destroyed or damaged, the insurance proceeds recovered or recoverable therefrom are to be paid to the recipient of such damaged or destroyed item in place of any destroyed item and in addition to any damaged item.

I. Contest Clause

If any beneficiary, shall in any manner directly or indirectly, attempt to contest or oppose the validity of this Will, including any amendments thereto, or commences or prosecutes any legal proceedings to set this Will aside, then in such event such beneficiary shall forfeit his or her share and shall be deemed to have predeceased me.

In the event my spouse elects to take a statutory share of my Estate as provided under state law, then any interest or property provided for my said spouse or for my said spouse's benefit under this Will shall terminate and notwithstanding any provision herein to the contrary, all interests of my spouse shall be administered as though my spouse had predeceased me

J. Partial Invalidity Clause

If any provision of this Will is void, invalid or unenforceable, the remaining provisions shall never-the-less be valid.

K. Headings of Articles, Sections, and Subsections

The headings of Articles, Sections, and subsections used within this Will are included solely for the convenience and reference of the reader. They have no significance in the interpretation or construction of this Will. Any reference made to an "Article" of my Last Will and Testament in any beneficiary designation shall refer to said "Article", hereunder.

Initials M.R.S

IN WITNESS WHEREOF, I have hereunto set my hand and seal on April 20, 2020.

Mary R. Smith

Mary Rose Smith

The foregoing instrument was at the date thereof signed, acknowledged, published and declared by her the Testator as and for her Last Will and Testament, in our presence and in the presence of each of us; Jamey Miracle and Connie L. Miracle. We, at the same time, at the request of the said Testator, in her presence and in the presence of each other, signed our names hereto as witnesses thereof.

Jamey Miracle
of 745 South Church Street, #240
Murfreesboro, Tennessee 37130

Connie L. Miracle
of 745 South Church Street, #240
Murfreesboro, Tennessee 37130

STATE TENNESSEE)
) ss.
COUNTY OF RUTHERFORD)

Each of the undersigned, individually and severally, being duly sworn, deposes and says:

The within Will was subscribed in our presence and sight at the end thereof by the within-named Testator, on April 20, 2020.

Said Testator, at the time of making such subscription, declared the instrument so subscribed to be her Last Will and Testament.

Each of the undersigned thereupon signed his/her name as a witness at the end of said Will, at the request of the said Testator and in her presence and sight and in the presence and sight of each other.

Said Testator was, at the time of so executing said Will, over the age of eighteen (18) years and, in the respective opinions of the undersigned, of sound mind, memory and understanding and not under any restraint or in any respect incompetent to make a Will.

Said Testator, in the respective opinions of the undersigned, could read, write and converse in the English language and was suffering from no defect of sight, hearing or speech, or from any other physical or mental impairment which would affect her capacity to make a valid Will. The Will was executed as a single, original instrument and was not executed in counterparts.

Each of the undersigned was acquainted with said Testator at such time, and makes this Affidavit at her request.

The within Will was shown to the undersigned at the time this Affidavit was made and was examined by each of them as to the signatures of said Testator and of the undersigned.

The foregoing instrument was executed by said Testator and witnessed by each of the undersigned affiants under the supervision of John Robert Toy II, Esq., Attorney-at-law.

Jamey Miracle
of 745 South Church Street, #240
Murfreesboro, Tennessee 37130

Connie L. Miracle
of 745 South Church Street, #240
Murfreesboro, Tennessee 37130

Sworn to before me John Robert Toy II, Esq. on April 20, 2020.

Witness my hand and official seal.

[Seal]

JOHN R TOY II
STATE OF TENNESSEE NOTARY PUBLIC
RUTHERFORD COUNTY
MY COMMISSION EXPIRES 8-16-2020

John Robert Toy II, Esq., Notary Public
My commission expires August 16, 2020

COVID-19 DOCUMENT LANGUAGE

This document was executed between April 9, 2020 and May 18, 2020 pursuant to Executive Order by the Governor of the State of Tennessee No. 26 entered April 9, 2020 Pursuant to Paragraph 3 of said Order, this document was signed, witnessed and/or notarized by individuals via real-time audio and visual communication where all parties were able to see and hear one another simultaneously and said means were sufficiently close to allow all parties to observe the execution and witnessing of said documents The undersigned parties also verify that they were physically located in the State of Tennessee during the signing, that the identity of the Signatory was identified at the time of execution and that the document(s) signed was/were affirmatively identified.

This execution/witnessing/notarization of this document was memorialized by:

_____ Allowing the persons who executed/witnessed/notarized this Document to execute/witness/notarize separate signature pages in counterparts

M.R.S. The Document was executed by the Signatory on the 20th day of April, 2020 and then subsequently witnessed/notarized on the 20th day of April, 2020 which was within TEN (10) days of the original execution of the signatory

Document prepared by:
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