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EFILED 07/19/23 03:36 PM CASE NO. 23P1212 Joseph P. Day, Clerk

23P1212

Last Will and Testament of Betty Joe Hughes

I, Betty Joe Hughes, of Nashville, TN, declare this to be my Will, and I revoke all Wills and Codicils previously made by me.

FILED
JUL 19 2023
JOSEPH P. DAY, Clerk
By Deputy

FILED error
JUL 19 2023
By JOSEPH P. DAY, Clerk
Deputy

Article I: Declarations

A. **Marital Status** - As of the date of this Will, I am unmarried

B. **Children** - As of the date of this Will, I have 2 children, namely: Sheryl Darlene (Hughes) Huffaker, Roy Lee Hughes. All references in this Will to "My Children" are to them and to all children hereafter born to or adopted by me. In addition, all references in this Will to "My Issue" are to My Children and to all of their respective descendants.

C. **Intentional Omission** - I have intentionally elected to make no provision in my Will for the following individual:

- My Child, Roy Lee Hughes. Notwithstanding anything in this Will to the contrary, references made in Articles IV & V, below, to "My Children" and "My Issue" shall not include Roy Lee Hughes.

Article II: Executor Provisions

A. **Executor** - I nominate my child Sheryl Darlene (Hughes) Huffaker to serve as Executor of my estate and to carry out the instructions in this Will. If Sheryl Darlene (Hughes) Huffaker is unable or unwilling to serve or continue to serve, I nominate Michael Scott Huffaker to be the Executor of my estate and to carry out the instructions in this Will.

B. **Bond & Court Supervision** - No bond or other security shall be required of my Executor in any jurisdiction. I direct that my estate, if administered, shall be administered and settled under the direction and supervision of the appropriate court, and not as an independent or unsupervised administration.

C. **Executor Powers** - I grant to my Executor the following powers:

1. The power to exercise all powers of an absolute owner of property;
2. The power to retain, sell at public or private sale, exchange, grant options on, invest and reinvest, and otherwise deal with real or personal property;
3. The power to borrow money and pledge any property to secure loans;
4. The power to divide and distribute property in cash or in kind;

Karen Johnson Davidson County
Batch# 1028970 WILL
07/20/2023 02:08:57 PM 8 pgs
Fees: $42.00 Taxes: $0.00
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5. The power to compromise and release claims with or without consideration;

6. The power to pay my legally enforceable debts, funeral expenses, expenses of last illness, and all expenses in connection with the administration of my estate and the trusts created by my Will;

7. The power to employ attorneys, accountants and other persons for services or advice;

8. Except as otherwise provided herein, the power to make, in my Executor's discretion, any distribution required or permitted to be made to any beneficiary under this Will in any of the following ways when such beneficiary is a minor: (i) to the guardian or conservator of such beneficiary's person or property; (ii) by utilizing the same, directly and without the interposition of any guardian or conservator, for the health, support, maintenance or education of such beneficiary; (iii) to a person or financial institution serving as custodian for such beneficiary under a Uniform Gifts to Minors Act or a Uniform Transfers to Minors Act of any state; or (iv) by reimbursing the person who is actually taking care of such beneficiary, even though such person is not the legal guardian or conservator, for expenditures made by such person for the benefit of such beneficiary;

9. The power to perform other acts necessary or appropriate for the proper administration of my estate, execute and deliver necessary instruments, and give full receipts and discharges; and

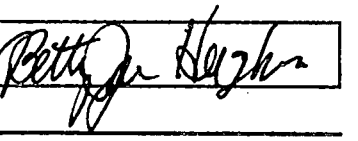
10. Any additional powers conferred upon executors wherever my Executor may act.

D. **Expenses** - My Executor shall be reimbursed for the reasonable costs and expenses incurred in connection with such Executor's duties.

E. **Reliance** - In acting or declining to act, my Executor may rely upon the written opinion of a competent attorney licensed and in good standing in the jurisdiction where the subject matter of any opinion is sought, any facts stated in any instrument, furnished in writing and believed to be true, or any other evidence such Executor deems sufficient. My Executor shall be indemnified and held harmless from any liability for any action taken, or for the failure to take any action, if done in good faith and without gross negligence.

F. **Ancillary Executors** - If my estate contains property located in another state or a foreign jurisdiction and my Executor cannot, or chooses not to, serve under the laws thereof, my Executor shall have the power to nominate an ancillary individual or corporate Executor of such property.

G. **Digital Executor** - In addition to the powers granted pursuant to Paragraph C of this Article II, I grant my Executor the power to have access to the catalogue and the contents of all electronic communications (as defined in 18 U.S.C. § 2510(8)) of mine, as well as access, use, manage, close and control my Digital Assets and Digital Accounts. If I have left a writing describing my wishes with respect to my Digital Assets and Digital Accounts, I request that my Executor follow my wishes, as expressed in that writing. If no such writing is located within thirty (30) days of my death, my Executor shall administer and distribute my Digital Assets and Digital Accounts in his or her discretion in accordance with the remaining provisions of

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this Will. This authorization is intended to be construed to be lawful consent under the Electronic Communications Privacy Act of 1986, as amended; the Computer Fraud and Abuse Act of 1986, as amended; and any other applicable federal or state data privacy law or criminal law. "Digital Asset" means an electronic record in which I have a right or interest, but does not include the contents of electronic communications. "Digital Account" means an electronic system for creating, generating, sending, receiving, storing, displaying or processing information that provides access to a Digital Asset.

Article III: Pet Care Directives

[This Article Intentionally Left Blank]

Article IV: Gifts at Death

[This Article Intentionally Left Blank]

Article V: Gift of Residue

All of the residue of my estate shall be distributed to the following beneficiaries in the noted percentages:

A. 100% shall be distributed to my child Sheryl Darlene (Hughes) Huffaker. If Sheryl Darlene (Hughes) Huffaker does not survive me, this share of the residue of my estate shall instead be distributed to Michael Scott Huffaker. If Michael Scott Huffaker does not survive me, this share of the residue of my estate shall instead be distributed to Michael Scott Huffaker's descendants who survive me by right of representation.

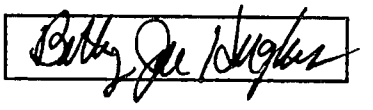
If all of the above dispositions in this Article V fail, I give all of the residue of my estate to my Heirs.

Article VI: General Provisions

A. **Severability** - If any provision of this Will is held to be unenforceable or invalid, the remaining provisions shall remain in full force and effect to the fullest extent permissible under governing law.

B. **Survivorship** - No beneficiary shall be deemed to have survived me unless such beneficiary remains alive or remains in existence, as the case may be, on the thirtieth (30th) day after my death. Any person who is prohibited by law from inheriting property from me shall be treated as having failed to survive me.

C. **Payment of Taxes** - All estate, inheritance, or similar taxes (including interest and penalties thereon) arising in connection with my death with respect to any property included in my gross estate for the purpose of calculating such taxes, whether or not such property passes under my Will, shall be paid out of the residue of my estate without apportionment. To the extent the residue of my estate is insufficient to pay such taxes,

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then any excess taxes shall be paid on a pro rata basis from all of the assets passing by reason of my death. Notwithstanding the foregoing, no portion of any estate, inheritance or similar taxes arising in connection with my death shall be apportioned or charged to property qualifying fully for the charitable deduction for federal estate tax purposes; provided, however, to the extent that the assets passing by reason of my death that do not qualify for the charitable deduction are insufficient for the payment of such taxes, then any excess taxes shall be paid on a pro rata basis from the assets that qualify for the charitable deduction. The provisions of this Paragraph C shall not apply to any generation-skipping transfer taxes.

D. **Payment of Expenses** - All funeral expenses, and all expenses incurred in connection with the administration of my estate shall be paid out of the residue of my estate without apportionment. To the extent the residue of my estate is insufficient for the payment of such expenses, then any excess expenses shall be paid on a pro rata basis from all of the assets passing by reason of my death.

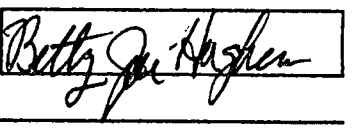
E. **Savings Clause** - For the purposes of this Will, either gender shall be interpreted as encompassing the other gender, and the singular shall encompass the plural and vice versa, and the meaning shall dictate.

F. **Terminology** -

1. Except as otherwise provided in this Will, references to a "descendant" or "descendants" shall mean the lineal blood descendants of any degree of the ancestor designated; provided, however, that such references shall include as then living descendants, with respect to any provision of this Will, descendants who have been conceived at any specific point in time relevant to such provision and who thereafter survive birth. Except as provided in this Subdivision, below, an adopted child and such adopted child's descendants by blood or adoption shall be considered under this Will to be descendants of the adopting parent or of either of the adopting parents. Notwithstanding anything in this Will to the contrary, the following persons shall not be included in the definition of "descendants" for any purposes: (i) any person who is adopted (by anyone other than me) after reaching age eighteen (18), and (ii) any person who is the descendant (whether by blood or adoption) of such person.

2. References to "Heirs" shall refer to those persons who would inherit separate personal property from the person designated under the statutes of descent and distribution of the state in which my Will is probated, if such person had died intestate and unmarried at such time. A distribution to "Heirs" is a distribution in the shares and manner prescribed under such statutes.

3. When a distribution is to be made to a person's descendants "by right of representation," property shall be divided into as many equal shares as there are (i) members of the nearest generation of descendants who survive such person, and (ii) deceased members of that generation who left descendants who survive such person. This division into shares shall begin at the generation nearest to such person that has a surviving member. Each surviving member of the nearest generation of

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descendants with a member who survives such person shall receive one share, and the share that would have passed to each deceased member of that generation who left descendants who survive such person shall be divided in a similar manner (by reapplying the preceding rule) among his or her descendants who survive such person. For example, if a person has deceased children and surviving children when a distribution is to be made, the assets will be divided into equal shares at the child level and distributed by right of representation below that level; however, if the person has no surviving children at such time, that equal division will be made at the grandchild level (or lower, if appropriate) and distributed by right of representation below that level. This definition is intended to override any conflicting or contrary statutory or common law definition.

4. The term "executor" in this Will is synonymous with and includes the terms "personal representative", "executrix", and "trustee" and the context shall dictate.

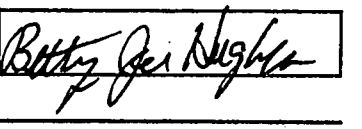
G. **Discretion** - Whenever in this Will an action is authorized in the discretion of my Executor or Digital Executor, the term "discretion" shall mean the reasonable discretion of such Executor or Digital Executor.

H. **Spendthrift Provisions** - Prior to the actual receipt of property by any beneficiary, no property (income or principal) distributable under this Will shall, voluntarily or involuntarily, be subject to anticipation or assignment by any beneficiary, or to the attachment by or to the interference or control of any creditor or assignee of any beneficiary, or taken or reached by any legal or equitable process in satisfaction of any debt or liability of any beneficiary, and any attempted transfer or encumbrance of any interest in such property by any beneficiary hereunder prior to distribution shall be void.

I. **Beneficiary Receiving Public Benefits** - If any beneficiary (the "Beneficiary") under my Will is receiving or, in the sole determination of my Executor, is likely eligible to receive, within twelve (12) months, public benefits based on financial need or disability, my Executor is authorized to withhold outright distribution to the Beneficiary. Instead, the Beneficiary's share shall pass in a separate trust to be held and administered, as follows:

1. My Executor shall select an appropriate trustee for any trust hereunder, including themself. In no event shall the trustee of any trust hereunder be the Beneficiary of such trust.

2. The trustee shall have the sole discretion to pay to (or apply for the benefit of) the Beneficiary as much of the net income and/or principal of the trust as the trustee deems necessary or advisable for assistance with support, care, education, and activities that supplement other government benefits which would ordinarily be received by or are being or will be received by the Beneficiary. The trustee shall have the sole discretion to determine what disbursements shall be made for the benefit of the Beneficiary. This trust shall not be considered a general support trust. Any net income not distributed shall be accumulated and added to principal. The trustee's discretion shall include the discretion to withhold any distributions to (or for the benefit of) the Beneficiary, if any such

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distribution would jeopardize eligibility for, or limit the types or amounts of assistance available to, the Beneficiary under Medicaid, the Supplemental Security Income Program, the TANF program, or other government programs based on the Beneficiary's financial need or disability.

3. The trustee shall terminate the trust upon the Beneficiary's death or upon the trustee's sole determination that it would be in the best interest of the Beneficiary to terminate the trust. Upon the trust's termination, the trustee shall distribute the remaining trust estate to the Beneficiary if the Beneficiary is then living. If the trust terminates upon the Beneficiary's death, the trustee shall distribute the balance of the trust as though the Beneficiary had died before me.

J. **No Contest** - If any beneficiary of my estate in any manner, directly or indirectly, contests the probate or validity of this Will or any of its provisions, or institutes or joins in, except as a party defendant, any proceeding to contest the probate or validity of this Will or to prevent any provision hereof from being carried out in accordance with the terms hereof, then all benefits provided for such beneficiary are revoked and shall pass as if that contesting beneficiary had failed to survive me. The provisions of this Paragraph J shall be enforceable unless in a court action determining whether this no contest clause should be enforced, the party bringing the contest establishes that the contest was brought and maintained in good faith and that probable cause existed for bringing the contest. Each benefit conferred herein is made on the condition precedent that the beneficiary receiving such benefit shall accept and agree to all of the provisions of this Will, and the provisions of this Paragraph J are an essential part of each and every benefit. My Executor shall be reimbursed for the reasonable costs and expenses, including attorneys' fees, incurred in connection with the defense of any such contest. Such reimbursement shall be made from my estate.

-- Signature Page Follows --

Signature: Betty Joe Hughes

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WILLMAKER

IN WITNESS WHEREOF, I sign my name to this Will at Nashville *(City)* in the State of Tenn. *(State)*.

I have told the persons listed below as "First Witness" and "Second Witness" that this is my Will, and asked them to be my witnesses.

Betty Joe Hughes
Signature of Willmaker

12-18-2022
Date

WITNESSES

On the date written below, the maker of this Will, Betty Joe Hughes, declared to us, the undersigned, that this instrument, consisting of 7 pages, including this page, was the maker's Will, and requested us to act as witnesses to it. We understand that this instrument is the maker's Will. The maker signed this Will in our presence, all of us being present at the same time. At the maker's request, and in the maker's and each other's presence, we now sign below as witnesses. We believe the maker is over age eighteen (18), is of sound mind and memory, and to the best of our knowledge, this Will was not procured by duress, menace, fraud or undue influence. Each of us is now age eighteen (18) or older, is a competent witness, and resides at the address set forth below. We declare under penalty of perjury under the laws of the State of Tennessee that the foregoing is true and correct.

Executed this 18th (date) of December (month), 2022, at Nashville (city), Tennessee.

Peggy Lynn Allen
Signature of First Witness

Peggy Lynn Allen
Peggy Lynn Allen
Name of First Witness

301 Patrick Ave.
Franklin, TN. 37064
Address of First Witness

Don S Allen
Signature of Second Witness

Don G. Allen
Name of Second Witness

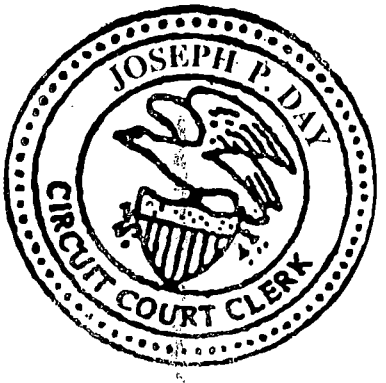
301 Patrick Ave
Franklin TN. 37064
Address of Second Witness

Signature: Betty Joe Hughes

STATE OF TENNESSEE

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 LAST WILL AND TESTAMENT heretofore filed in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 19 day of JULY, 2023, in Docket Number 23P1212, IN RE: HUGHES, BETTY JOE, 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 20 day of JULY in the year 2023 and in the 247 year of American Independence.



[SEAL]

JOSEPH P. DAY, Clerk,

By: _____
Deputy Clerk