STATE OF TENNESSEE

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Karen Johnson Davidson County
Batch# 1045130 WILL
09/01/2023 09 12 43 AM 7 pgs
Fees $37 00 Taxes $0 00
20230901-0068615

IN RE: ***VIVIAN MAI STERRY***

Docket No: ***22P1338***

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 September 1, 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 August 29, 2023.

JOSEPH P. DAY CIRCUIT COURT CLERK

JOSEPH P. DAY, Clerk,

By: S Choi

Deputy Clerk

Last Will & Testament

OF

Vivian Mai Sterry

FILED
SEP 01 2022
JOSEPH R DAY, Clerk
By: Deputy

I, **VIVIAN MAI STERRY**, a resident of Davidson County, Tennessee, being of sound and disposing memory, do hereby make, publish and declare this to be MY LAST WILL AND TESTAMENT, hereby revoking all other Wills and Codicils heretofore made by me.

ARTICLE I.

I nominate and appoint my son, **HUGH A. STERRY, JR.**, if he shall survive me, as Executor of this my LAST WILL AND TESTAMENT, and I direct that no further inventory be required and that no bond be required for the faithful performance of his duties as such Executor in any jurisdiction whatsoever. In the event my said my son, **HUGH A. STERRY, JR.**, shall predecease me or for any reason shall fail to qualify as Executor hereunder, or having qualified, shall resign or die, then in such event I hereby nominate my nephew, **BRUCE WALLACE**, as successor Executor, and I direct that said successor Executor shall possess and exercise all powers and authority hereinabove conferred upon my Executor.

ARTICLE II.

I will and direct that all of my just debts (except debts secured by mortgages or other security instruments, which may be paid off or retained in the discretion of my Executor), including

Vivian M. Sterry

funeral expenses and testamentary expenses and expenses of my last illness, be paid as soon as may be convenient after my death. I further will and direct that all estate, inheritance, succession, legacy, transfer and other taxes of the same nature which are payable because of my death, including any interest or penalties thereon, with respect to the property comprising my estate for such tax purposes, whether or not such property passes under this Will or whether such taxes are payable by my estate or by any recipient or beneficiary of any such property, shall be paid entirely out of my residuary estate as an expense of administration without apportionment, and with no right of reimbursement from any recipient or beneficiary of any such property.

My Executor is specifically authorized, in his sole discretion, to apply the proceeds from any insurance policies on my life which are payable to my estate in paying debts, expenses of administration and taxes, notwithstanding the provisions of any state law to the contrary; provided, however, that this provision shall not be construed so as to make the proceeds of any insurance subject to debts, taxes or expenses, or to waive the exemption as provided in Tennessee Code Annotated § 56-7-201, or successor provisions.

ARTICLE III.

I authorize my Executor (including any substitute or successor personal representative or Trustee) in the exercise of a reasonable discretion with respect to all property, real or personal, at any time forming part of my estate or Trust, to exercise any and all powers set forth in Tennessee Code Annotated § 35-50-110, or successor provisions, to the extent applicable, all of which powers and provisions are incorporated herein by reference as fully and completely as if copied herein verbatim.

Vivian M. Stacy

ARTICLE IV.

All of my insurance policies which provide indemnity for the loss of any of my personal or real property by fire, windstorm or other similar casualty (including any claim for the loss of or damage to any such property which I might have at the time of my death against any insurance company), I give and bequeath, respectively, to those persons, as the case may be, who shall become the owner of such properties by reason of my death, whether such ownership be acquired under the provisions of this Will, by survivorship or by other means. Any life insurance which I may own on the lives of others, I hereby give to the respective insureds.

ARTICLE V.

I may prepare a written, signed and dated statement and list ("Statement"), as described in Tennessee Code Annotated § 32-3-115, to dispose of certain tangible personal property other than money, evidences of indebtedness, documents of title, securities and property used in a trade or business. My Executor shall be under no duty to search for any such possible Statement. Should any question arise as to the existence, validity, or interpretation of any such Statement, my Executor may, but is not required to, at the expense of my Estate, present such question to a court which has jurisdiction as to the probate of my Last Will and Testament ("Court"), and, in such event, my Executor shall be under no duty to transfer any such property until there is a final judgment, not subject to appeal, as to such matters. Anything in this Will or in the Statement notwithstanding, any such Statement shall be of no force and effect unless, within ninety (90) days of my death, the Statement, or a reasonable copy thereof, is either delivered to my Executor or filed with the clerk of the Court.

Vivian M. Sterry

ARTICLE VI.

After payment of all debts, taxes and costs of administration of my estate, and after satisfaction of the foregoing devises and bequests; all the rest, residue and remainder of the property which I own at the time of my death, real, personal and mixed, tangible and intangible, of whatsoever nature and wheresoever situate; including all property which I may acquire or become entitled to after the execution of this Will, and all lapsed legacies and devises. all life insurance payable to my estate, I hereby will, bequeath and devise to my son, **HUGH A. STERRY, JR**; provided, that if my said son predeceases me, I hereby give, bequeath and devise my residuary estate to my granddaughter, **DANA ANN BIEHL**.

ARTICLE VII.

In the event a beneficiary named herein and I die simultaneously, or under such circumstances which make it difficult to determine which of us died first, I direct that such beneficiary shall be deemed to have predeceased me for the purposes of this Will. and I direct further that the provisions of this Will shall be construed upon that assumption, irrespective of any provision of law establishing a contrary presumption or requiring survivorship for a fixed period as a condition of taking property by inheritance. I hereby waive the one hundred twenty (120) survivorship hours as stipulated in Tennessee Code Annotated § 31-3-120.

ARTICLE VIII.

I expressly authorize and empower my said Executor to sell at public or private sale, at such time or times and for such price or prices that he deems fit, all or any part of my estate without

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joinder of beneficiary(ies) and to execute, acknowledge and deliver any and all deeds or other instruments of writing that may be necessary to consummate said sale or sales. I further direct that my Executor be allowed a reasonable fee for serving as Executor of this Last Will and Testament.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 11 day of June, 2019, to this my LAST WILL AND TESTAMENT, and have also subscribed each of the preceding four (4) pages and following one (1) page at the bottom thereof for the purpose of identification.

Vivian M. Sterry
VIVIAN MAI STERRY

The foregoing instrument (LAST WILL AND TESTAMENT), consisting of this page, four (4) preceding typewritten pages, and following one (1) page was signed, sealed and published and declared by **VIVIAN MAI STERRY** 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 on this the 11th day of June, 2019.

Signed: Stacy Dunaway residing at 355 Saint Frances Ave

Printed: Stacy Dunaway Smyrna, TN 37167

Signed: Ellen G. Longworth residing at 309 Sussex St.

Printed: Ellen G. Longworth Smyrna, Tn 37167

Vivian M. Sterry

AFFIDAVIT OF WITNESSES

STATE OF TENNESSEE)
)
COUNTY OF RUTHERFORD)

For the purposes expressed in Tennessee Code Annotated § 32-1-104, as enacted by the General Assembly of the State of Tennessee, the undersigned individuals, first being duly sworn, depose and say:

1. That **VIVIAN MAI STERRY** signified and declared to us that the foregoing instrument was her LAST WILL AND TESTAMENT and signed and published the same as such in our presence and sight; and we, the undersigned, at her request and in her presence and sight, and in the sight of each other, subscribed our names thereto as attesting witnesses.

2. That at the time of the execution of the aforesaid instrument by **VIVIAN MAI STERRY**, she was of sound and disposing mind and memory and was more than 18 years old.

Stacy Dunaway

Ellen G. Longworth

SWORN to and subscribed to before me on this the 11 day of June, 2019.

Robert S. Stevens
Notary Public

My Commission Expires: 04/17/2023

ROBERT S. STEVENS
STATE OF TENNESSEE NOTARY PUBLIC
RUTHERFORD COUNTY

This Last Will & Testament Prepared By:

Robert S. Stevens, Attorney
Stevens & Stevens, PLLC
511 Enon Springs Road East
Smyrna, TN 37167
(615) 459-6135

Vivian M. Sterry