IN THE SEVENTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE AT NASHVILLE (PROBATE DIVISION)

IN RE:	)	
THE ESTATE BETTY ANN BRUMFIELD	)	
	)	**CASE NO. 23P1542**
Deceased.	)	
	)	

ORDER AVOIDING FORMATION OF TESTAMENTARY TRUST

This Cause came on to be heard on the 6th day of October, 2023, before the Honorable Andra Hedrick, Judge, upon Motion to Avoid Formation of Testamentary Trust. The Court, having heard argument of counsel, no appearance in opposition and based on the filed Affidavit and Consent of said Beneficiary and the entire record herein, the Court finds the motion to be well-taken for good cause shown and hereby finds that T.C.A. § 35-15-411, et seq. allows for a noncharitable irrevocable trust to be terminated upon consent of all the qualified beneficiaries if the court concludes that continuance of the trust is not necessary to achieve any material purpose of the trust and provided that the termination or avoidance does not result in the trust not qualifying for the federal or state marital or charitable income, gift, estate or inheritance tax deduction; resulting in the trust being subject to the federal or state generation-skipping transfer tax; or resulting in overall increase in federal or state estate, inheritance, gift or generation-skipping transfer taxes.

The Court further finds that the sole qualified beneficiary of the testamentary trust at issue, Emily Grace Shearron, has consented to the avoidance of formation of the testamentary trust and disposition of the trust property and the same is not statutorily prevented as confirmed by Affidavit

Karen Johnson Davidson County
Batch# 1062578 ORDER
10/19/2023 08:04:30 AM 18 pgs
Fees: $92.00 Taxes: $0.00
20231019-0081848

202310190081848

of Robert Jennings, Certified Public Accountant, and there being no objection on behalf of any other interested party, the Court hereby finds and enters as follows:

IT IS THEREFORE **ORDERED, ADJUDGED AND DECREED:**

1. That Karen B. Baird, the duly appointed Executrix of the Estate of Betty Ann Brumfield, shall be allowed to avoid the formation of the individual testamentary trust for the benefit of Emily Grace Shearron, pursuant to the Last Will and Testament of the Decedent and, therefore, allow that portion of the Decedent's estate to pass directly to Emily Grace Shearron outright and free of trust; and

2. That the real property of the Decedent commonly known as **7187 Lama Terra Drive, Goodlettsville, Tennessee 37072** and more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 1 on the Plan of Howerton's Two-Lot Subdivision of record in Plat Book 6200, Page 986, Register's Office for said County, to which reference is made for a more complete description.
>
> Being the same property conveyed to Betty J. Brumfield, unmarried by Warranty Deed from Dennis F. Howerton and wife, Drenda K. Howerton dated March 24, 1995 of record in Book 9628, page 39, said Register's Office Davidson County, Tennessee.

shall vest to Emily Grace Shearron, individually, as to one-third (1/3) interest and Karen B. Baird, individually, as to two-thirds (2/3) interest by entry of this Order avoiding formation of the testamentary trust and pursuant to the terms in the Decedent's Last Will and Testament attached hereto as **Exhibit A**.

IT IS SO ORDERED.

Approved for Entry,

FREEMAN & BRACEY, PLC



Devin Freeman Park, BPR#036347
Attorney for Personal Representative
885 Conference Drive, Suite 500
P. O. Box 527
Goodlettsville, Tennessee 37070
615.859.1328
dpark@freemanbracey.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been forwarded to the below-listed interested parties via US Mail, postage pre-paid, on this 6th day of October, 2023.

Karen B. Baird
6920 Ridgerunner Court
Goodlettsville, Tennessee 37072

Emily Grace Shearron
7136 Lama Terra Drive
Goodlettsville, Tennessee 37072



DEVIN FREEMAN PARK

Case Title: BAIRD V BRUMFIELD

Case Number: 23P1542

Type: ORDER

The foregoing is hereby ORDERED, ADJUDGED AND DECREED:

Judge Andra Hedrick, Seventh Circuit

STATE OF TENNESSEE

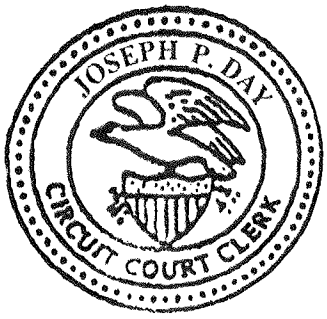
****

IN RE: ***BETTY ANN BRUMFIELD***

Docket No: ***23P1542***

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 Order heretofore entered in the above styled case on October 9, 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 October 10, 2023.



JOSEPH P. DAY, Clerk,

By: _____
Deputy Clerk

COPY

EFILED 08/30/23 11:26 AM CASE NO. 23P1542 Joseph P. Day, Clerk

23P1542

LAST WILL AND TESTAMENT

OF

BETTY *J. BRUMFIELD*

FILED
AUG 30 2023
JOSEPH P. DAY, Clerk
By _____ Deputy

I, **BETTY J.** ***BRUMFIELD****, of 7187 Lama Terra Drive, Goodlettsville, Davidson County, Tennessee, being of sound mind and disposing memory, do make, declare, and publish this my last will and testament, hereby revoking all former wills and codicils to wills heretofore made by me.*

ARTICLE 1
PROVISIONS RELATIVE TO FIDUCIARIES

1.1 ***Definition****. The term "fiduciaries" means the executor, executrix, trustee, or guardian serving at any time under my will and includes successors.*

1.2 ***Bond****. No bond is required of any fiduciary appointed under this will or by a court.*

1.3 ***Waiver of Inventory and Appraisals.*** *I authorize my executor to administer and settle my estate without the necessity of filing an inventory or making any reports or final settlement with any court to the extent permitted by law. I expressly waive appraisal of my estate in the event an appraisal is required by law.*

1.4 ***Resignation.*** *The fiduciary serving under this will may resign at any time by giving written notice of the resignation to any remaining fiduciary, and to any successor fiduciary or to the person having the power to appoint a successor fiduciary or to the court having jurisdiction to appoint a successor fiduciary.*

EX. A

COPY

EFILED 08/30/23 11:26 AM CASE NO. 23P1542 Joseph P. Day, Clerk

ARTICLE 2
DEFINITIONS

2.1 ***My Spouse****. My beloved husband predeceased the making of this my Last Will and Testament.*

2.2 ***My Children****. My children are* **KAREN B. BAIRD**, *born November 1, 1963; and* **REBECCA B. SHEARRON,** *born* October 3, *1959, who predeceased the making of this my Last Will and Testament. My daughter,* **REBECCA B. SHEARRON,** was survived by one child, **EMILY GRACE SHEARRON**.

2.3 ***Singular and Masculine Usage****. Any use of the masculine includes the feminine, and the singular the plural, when such meaning is appropriate.*

ARTICLE 3
FIDUCIARIES

3.1 ***Executors****. I appoint my daughter,* **KAREN B. BAIRD**, *as executrix of my will. If* **KAREN B. BAIRD** *cease to qualify or fail to serve, then my attorney,* **HOWARD M. SKIPWORTH**, *shall act alone as my executor.*

3.2 **Trustee.** I appoint **KAREN B. BAIRD** as the Trustee of the contingent trust hereunder. If **KAREN B. BAIRD** is unable to serve as the Trustee for any reason, I appoint **HOWARD M. SKIPWORTH** as the alternate Trustee. I direct that no bond be required of Trustee for the faithful performance of its duties.

3.3 **Reports.** The Trustee is excused from making any accounting or report to any court regarding the administration of the contingent trust hereunder, but at least annually there shall be furnished to each income beneficiary of the trust a statement of receipts and disbursements, as well as a statement of the net value of the trust.

COPY

EFILED 08/30/23 11:26 AM CASE NO. 23P1542 Joseph P. Day, Clerk

3.4 **Removal.** A majority of the beneficiaries then receiving income from the contingent trust hereunder shall have the right to remove any Trustee and appoint a Successor Trustee, which must be a trust company or bank qualified to act as such and possessing trust powers and having trust assets under management of not less than One Hundred Million Dollars ($100,000,000.00). Such Successor Trustee does not have to be located in Tennessee. Such right of removal shall be continuing and shall be exercised by the beneficiaries serving the acting Trustee with written notice of its removal, which notice shall specify the Successor Trustee and certify its willingness to serve as such. Within sixty (60) days thereafter, the Trustee so removed shall deliver all assets then held to its successor, whereupon it shall have full acquittance for all assets so delivered (subject to judicial settlement of its accounts if requested by the beneficiaries or by its successor) and shall have no further duties hereunder. A parent or legal guardian for any minor beneficiary shall act on behalf of the minor concerning removal of a Trustee. Any Successor Trustee shall have all powers and authority herein conferred on the original Trustee, and bond is excused.

3.5 **Resignation.** Any Trustee may resign upon thirty (30) days' written notice to the beneficiaries then receiving income from the contingent trust hereunder, whereupon a Successor Trustee shall be appointed by a majority of such beneficiaries. If the beneficiaries fail to appoint a Successor Trustee within such thirty (30) day period, the Trustee may petition the court having jurisdiction over the trust for the appointment of a successor. The Successor Trustee must be a trust company or bank qualified to act as such and possessing trust powers and having trust assets under management of not less than One Hundred Million Dollars ($100,000,000.00). Such Successor Trustee does not have to be located in

COPY

Tennessee. Upon appointment of its successor, the Trustee shall deliver all assets then held to its successor, whereupon it shall have full acquittance for all assets so delivered. A parent or legal guardian for any minor beneficiary shall act on behalf of the minor concerning appointment of a Successor Trustee. Any Successor Trustee shall have all powers and authority herein conferred on the original Trustee, and bond is excused.

ARTICLE 4
PAYMENT OF DEBTS, EXPENSES AND TAXES

4.1 ***Debts, Funeral and Administration Expenses****. My executor is to pay all burial expenses, the expenses of my last illness, and the administration expenses of my estate.*

4.2 ***Income Tax Treatment of Administration Expenses****. My executor may claim each estate administration expense as a deduction on the U.S. Estate Tax Return or on any U.S. Income Tax Return for my estate. No compensating adjustments between the income and principal are to be made because of such decision.*

4.3 ***Taxes****.*

(a). Defined. The terms "taxes" means any transfer tax assessed because of my death for which my estate is liable and includes any penalty or interest assessed.

(b). Payment. My executor is to pay all taxes payable on the transfer of each piece of property caused by my death whether the property transferred is a part of the property passing under my will or is property passing outside my will. My executor is to pay the taxes from my Remainder Estate.

COPY

EFILED 08/30/23 11:26 AM CASE NO. 23P1542 Joseph P. Day, Clerk

ARTICLE 5
DISPOSITION OF PERSONAL EFFECTS

5.1 I bequeath to my daughter, **KAREN B. BAIRD,** if she shall survive me, all of my clothing, jewelry, personal effects, automobiles (together with any policies of insurance thereon) and all of my other tangible personal property. If my daughter, **KAREN B. BAIRD,** shall not survive me, I bequeath to my grandchild, **EMILY GRACE SHEARRON,** such items among my strictly personal and household effects, if any, which the Executor feels that my grandchild would like to retain. In making such distribution, the Executor, after taking into consideration any wishes expressed by my grandchild, **EMILY GRACE SHEARRON,** and any views of the Guardian that may be designated, shall determine the particular item or items which my grandchild, **EMILY GRACE SHEARRON**, shall receive, which determination shall be conclusive. If my grandchild, **EMILY GRACE SHEARRON,** shall then be a minor, any such items shall be delivered to the Guardian, whose receipt shall constitute complete acquittance of the Executor. Any item not selected for my grandchild, **EMILY GRACE SHEARRON**, shall become part of my residuary estate.

3. If my grandchild shall die prior to the complete distribution of my grandchild's Trust leaving issue then surviving, then such issue shall receive the deceased parents share, per stirpes. If my grandchild shall die prior to the complete distribution of Trust without issue then surviving, then the Trust shall be distributed equally among my other living grandchildren, with the then surviving issue of any deceased grandchild to receive the deceased parents share, all to be added to the principal of the respective beneficiary's existing trust or, if no such trust is then in existence, to be distributed absolutely to the respective beneficiary.

This is page five of my Will BJB

COPY

EFILED 08/30/23 11:26 AM CASE NO. 23P1542 Joseph P. Day, Clerk

ARTICLE 6

GENERAL TRUST PROVISIONS

A. Rule Against Perpetuities. Anything in this will to the contrary notwithstanding, the contingent trust hereunder shall not continue beyond twenty-one (21) years after the death of the last to die of those beneficiaries who were living at the time of my death; and upon the expiration of such period, the trust shall terminate and the assets thereof shall be distributed absolutely to those parties as are then receiving the income therefrom.

B. Distribution to a Minor or Incapacitated Beneficiary. During the minority or incapacity of any beneficiary to whom income or principal is payable under this my last will and testament, the Trustee may make distribution in any one or more of the following ways: (a) directly to such beneficiary such amount as it may deem advisable as an allowance; (b) to the guardian of the person or of the property of such beneficiary; (c) to a custodian under a Transfers to Minors Act, including a custodian selected by the Trustee; (d) to a relative of such beneficiary upon the agreement of such relative to expend such income or principal solely for the benefit of the beneficiary; and/or (e) by expending such income or principal directly for the health, education, maintenance or support of such beneficiary.

The Trustee shall have the power in its uncontrolled discretion to determine whether a beneficiary is incapacitated, and its determination shall be conclusive.

COPY

C. Spendthrift Provision. Neither the income nor principal of the contingent trust hereunder, nor any share thereof, shall be pledged, assigned, transferred, sold or in any manner whatsoever accelerated, anticipated or encumbered by any beneficiary, nor shall any income or principal of the trust estate be in any manner subject to or liable in the hands of the Trustee for the debts, contracts or engagements of any beneficiary or be subject to any assignment or any other voluntary or involuntary alienation or disposition whatsoever; but in all distribution of income or principal, the same shall be paid only to the beneficiary entitled, upon receipt of the beneficiary, or to others for his or her benefit as herein provided.

ARTICLE 6
RESIDUARY ESTATE

6.1 All the rest and residue of my property, after all costs of administering my estate are paid, I devise and bequeath absolutely and in fee simple as follows, to-wit:

A. Two-Thirds (2/3) to my daughter, **KAREN B. BAIRD**; and

B. One-Third (1/3) to my grandchild, **EMILY GRACE SHEARRON,** (hereinafter referred to as "grandchild"). In the event my grandchild has not attained the age of thirty (30) years at my death, her one-third (1/3) share shall be deposited in Trust for her and disposed of under the following provisions:

1. Until my grandchild shall attain the age of twenty-one (21) years, the Trustee shall pay to or for the benefit of the grandchild so much of the net income of the grandchild's Trust as the Trustee deems necessary or desirable for the health, education, maintenance or support of the grandchild, and may incorporate any income not so disbursed into the principal of the Trust; after the grandchild has

COPY

attained the age of twenty-one (21) years and until the trust terminates, the Trustee shall pay to the grandchild the entire net income of Trust. As the grandchild attains the age of twenty-five (25) years, the Trustee shall distribute absolutely to the grandchild one-half (1/2) of the then-existing principal of the Trust. The remainder of the principal of the Trust shall be retained in trust until grandchild attains the age of thirty (30) years, at which time the trust shall terminate and the Trustee shall distribute the balance of the Trust to the grandchild absolutely. If the grandchild has attained any of such respective ages at the time when the Trust is funded for the grandchild, the Trustee shall distribute to the grandchild such part or all, as the case may be, of the Trust as directed to be distributed to the grandchild upon attaining such respective ages.

2. *The Trustee may encroach upon the principal of the Trust, at any time and from time to time, for the purpose of paying to or for the benefit of the grandchild any amount the Trustee, in its sole discretion, deems necessary or desirable for the health, education, maintenance or support of my grandchild. For the Trustee, I wish my grandchild to have a college education and such professional and/or technical education as they may desire.*

ARTICLE 7

DEALING WITH FIDUCIARIES

7.1 ***Dealing with Executor***. *No person dealing with the executor in any capacity is bound to inquire into the capacity to act on the part of the executor or into the authority for, or propriety of, any act of the executor or to see to the application or disposition of any money or other property paid, delivered, or loaned to the executor.*

COPY

EFILED 08/30/23 11:26 AM CASE NO. 23P1542 Joseph P. Day, Clerk

7.2 ***Income During Administration****. During the administration of my estate, the executor is authorized to make distributions of the income of the estate to the same person, and in the same proportions, as might be made if the administration were completed.*

7.3 ***Power to Disclaim****. Each person entitled to receive an interest under this instrument may disclaim such interest in whole or in part if such person has not accepted such interest or any of its benefits. The person will not be treated as accepting an interest or any of its benefits if the person takes physical possession of the property solely to protect it against loss or damage and, if such person is not otherwise appointed a fiduciary, I appoint such person a special fiduciary for the purpose of protecting the property.*

7.4 ***Joint Accounts****. If any of my accounts are joint accounts with right of survivorship, it is my intention that these joint accounts pass to the surviving joint owner at my death.*

7.5 ***Indemnity of Fiduciary.*** *I want my fiduciary to exercise its discretion without fear of incurring a liability or expense. Therefore, unless it acts capriciously or arbitrarily, my estate must indemnify the fiduciary for each monetary expense (including attorney fees) which it incurs or expends, or which arises from the exercise of discretion.*

ARTICLE 8

Should any beneficiary under this will, in any manner, directly or indirectly attack or contest this will or any of its provisions, any share or interest in my estate given to that contesting beneficiary under this will is revoked and shall be disposed of in the same manner provided herein as if that contesting beneficiary had predeceased me.

This is page nine of my Will BJB

COPY

EFILED 08/30/23 11:26 AM CASE NO. 23P1542 Joseph P. Day, Clerk

ARTICLE 9
SIGNATURE

This will consists of ten (10) pages (each of which I have signed or initialed) covering Articles 1 through 9 inclusive. I now sign this as my Will on this the 27th *day of* July, *2006, and pursuant to Tennessee Code Annotated Subsection 32-2-110, I request the attesting witnesses to make the Affidavit attached to this Will.*

***IN WITNESS WHEREOF**, I have set my hand this* 27th *day of* July, *2006.*

Betty J Brumfield
BETTY J. BRUMFIELD

***SIGNED, DECLARED and PUBLISHED** by the said* **BETTY J. BRUMFIELD**, *as and for her last Will, in the presence of us, the undersigned, who, at her request and in her sight and presence, and in the sight and presence of each other, have subscribed our names hereto as attesting witnesses the day and date written.*

NAME	***ADDRESS***
Jessica Strange	6576 Clarksville Pike Joelton, TN 37080
Howard M. Shipwash	P.O. Box 4489, Joelton, Tn. 37080

This is page ten of my Will BJB

COPY

EFILED 08/30/23 11:26 AM CASE NO. 23P1542 Joseph P. Day, Clerk

AFFIDAVIT PROVING WILL

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Before me, the undersigned Notary Public, personally appeared the undersigned affiants, whose names are subscribed to the instrument to which this Affidavit is attached and, after being duly sworn, declared to me that, in their sight and presence **BETTY J. BRUMFIELD**, *signed, declared and published the instrument to which this Affidavit is affixed or annexed as the testatrix's will; and requested them to act as witnesses to its execution and to execute this Affidavit; that in the testatrix's sight and presence and in the sight and presence of each other, each affiant signed the instrument as witness; and that the testatrix was at that time 18 years of age or over, was of sound mind and disposing memory, was fully capable of making a will and was under no duress, compulsion or constraint.*

Jessica Steange — *WITNESS*
6576 Clarksville Pike Joelton, TN 37080 — *ADDRESS*

Howard M. Skipworth — *WITNESS*
P.O. Box 469, Joelton, Tn. 37080 — *ADDRESS*

Subscribed and sworn to before me
this 27th *day of* July, *2006.*

Bonni K. Skipworth — *NOTARY PUBLIC*

BONNI K. SKIPWORTH
NOTARY PUBLIC AT LARGE
DAVIDSON CO., TENN.

My Commission Expires: _____

MY COMMISSION EXPIRES
NOVEMBER 24, 2007

COPY

EFILED 08/30/23 11:26 AM CASE NO. 23P1542 Joseph P. Day, Clerk

NOTARY PUBLIC AT LARGE
DAVIDSON CO., TENN.
ROBIN K. SKIPWORTH

MY COMMISSION EXPIRES
NOVEMBER 24, 2027

CERTIFICATE OF AUTHENTICITY

I, **Devin Freeman Park**, 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 **10/18/2023** [DATE].

AFFIANT SIGNATURE

10/18/2023
DATE

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Sworn to and subscribed before me on this the **18th** day of **October**, 2023.

Notary Signature
My Commission Expires: 4/26/25
[SEAL]

