STATE OF TENNESSEE

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IN RE: ***DONNA SUE BEARD***

Docket No: ***23P563***

Karen Johnson Davidson County
Batch# 1071014 WILL
11/13/2023 12:48:02 PM 12 pgs
Fees: $62.00 Taxes: $0.00
20231113-0088242

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 April 12, 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 November 13, 2023.

JOSEPH P. DAY CIRCUIT COURT CLERK

JOSEPH P. DAY, Clerk,

By: _____

Deputy Clerk

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LAST WILL AND TESTAMENT

ORIGINAL

FILED
APR 12 2023
JOSEPH P. DAY, Clerk
By Deputy

OF

DONNA SUE BEARD

THE STATE OF TEXAS ()
() KNOW ALL MEN BY THESE PRESENTS
COUNTY OF HARRIS ()

That I, DONNA SUE BEARD, a resident of Houston, Harris County, Texas, being of sound mind and disposing memory and more than eighteen (18) years of age, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all wills, codicils and other instruments of testamentary disposition heretofore made by me.

ARTICLE I
Identification and Declarations

Section 1.1. Statement as to Family. At the making of this Will, I am single. I have two children whose names are as follows:

Jerry Van Beard	June 1, 1960	Dallas, Texas
John Stuart Beard	January 7, 1963	Nashville, TN.

Section 1.2. Disposition Intended. I intend to dispose of my entire interest in my property, wheresoever said property is located and howsoever said property was acquired. It is my intention to dispose of all property of which I may die seized or possessed, irrespective of whether the same was originally my separate or community property.

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ARTICLE II
Executorship

Section 2.1. Appointment of Executor. I appoint my son, John Stuart Beard, Independent Executor under this Will and of my estate. If he should fail or refuse to qualify or, after qualifying, die, resign or be unable to serve as my Executor, I appoint my son, Jerry Van Beard, as my Independent Executor. Any reference to the term "Executor" herein shall mean the Executor, Executrix, or the Executors then acting under any of the appointments herein. No bond or other security shall be required of any Executor acting hereunder.

Section 2.2. Independent Executorship. I direct that my Executor hereunder shall be independent of the supervision and direction of the probate court to the fullest extent permitted by law. I further direct that no action shall be had in any court of probate jurisdiction or settlement of my estate other than to probate and record this Will, to return an inventory, appraisal and list of claims due by or owing to my estate as required by law, and the ancillary probate proceedings, if any, which may be required or advisable in connection with this Will.

Section 2.3. Powers of Executor. My Executor shall have and may exercise, without first obtaining the approval of any court, all of the powers of independent executors under the laws of the State of Texas. Without in any way limiting the foregoing, all rights and powers of sale or other disposition of any portion of my estate conferred upon my Executor may be exercised by my Executor regardless of whether or not any debts or unpaid taxes then exist against or upon my estate.

My Executor may claim administration expenses as deductions either in the income tax returns of my estate or in the estate tax return, whichever will result in the

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least amount of total tax being paid by my estate. My Executor shall incur no liability for any election which is made in accordance with the foregoing authorization and shall have no obligation to make any adjustments in the interests of any beneficiaries as the result of any such election.

Any party dealing with my Executor shall not be required to determine the propriety of any transaction with the Executor or of the application of any consideration which may arise therefrom.

Section 2.4. Payment of Debts and Obligations. My Executor shall pay all of my valid and just debts and all administration expenses incurred in the administration of my estate as soon as practicable after my death; provided, however (i) that my Executor shall not be required to pay any indebtedness payable out of my estate which, under applicable provisions of law, is not required to be paid during the administration of my estate or which, by agreement among my Executor, the owner of such indebtedness and all persons whose property may be liable for payment of such indebtedness or whose share of my estate would be reduced by payment of such indebtedness, is not required to be paid during the administration of my estate; (ii) that my Executor may renew and/or extend any notes or other obligations of my estate; and (iii) that any distribution by my Executor to the legatees and/or devisees hereunder may be made subject to all or any part of the indebtedness and obligations of my estate.

All estate, inheritance, transfer, legacy and succession taxes, federal or state (including any interest and penalties thereon), imposed by any applicable laws (presently in force or hereafter enacted) upon or with respect to property passing under this Will shall be paid out of my estate.

dsb

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Section 2.5. Distribution of my Estate. My Executor shall make final distribution of my estate as promptly as in my Executor's absolute discretion may appear advisable. The judgment of my Executor in making distribution of my estate to the legatees and devisees of this Will shall be final and binding on all such legatees and devisees under this Will.

Prior to final distribution of my estate, partial distribution of principal may be made, in the discretion of my Executor, to any legatee and/or devisee hereunder. Income from any part of the undistributed principal of my estate shall accrue to the legatees and devisees hereunder in the same manner and proportions as if final distribution of such principal had been made on the date of my death. Such income from any part of the undistributed principal of my estate may be paid, from time to time, in whole or in part, to the legatees and devisees hereunder, or may be withheld in the discretion of my Executor, until the termination of the executorship.

Section 2.6. Responsibility and Liability of Executor. My Executor shall not be responsible or liable for any loss or depreciation in value of the properties of my estate. My Executor shall not be accountable or held liable for any act or omission of any agent of such Executor if the Executor has exercised good faith in the selection of such person, and in such event any liability to my estate shall be solely that of such selected person.

Section 2.7. Compensation of Executor. All expenses necessary for the administration of the estate are costs appropriately borne by the estate.

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ARTICLE III.
Dispositive Provisions

Section 3.1. I give and devise my real property known as the Windsor Tower property, located at 4215 Harding Pike, #403, Nashville, Tennessee 37205, and my real property known as the Green Hills property in Nashville, Tennessee at 310 Summit Ridge Circle, Nashville, Tennessee 37215, to my son, John Stuart Beard as his absolute property if he survives me.

In the event that my son, John Stuart Beard, should predecease me, then the real property known as the Windsor Tower property, located at 4215 Harding Pike, #403, Nashville, Tennessee 37205, shall, upon my death, pass to his children, John-Eliot Beard and Hannah Laine Beard, in equal shares, per stirpes.

In the event that my son, John Stuart Beard, should predecease me, then the real property known as the Green Hills property, located at 310 Summit Ridge Circle, Nashville, TN 37215, shall, upon my death, pass to his children, John-Elliot Beard and Hannah Laine Beard, in equal shares, per stirpes.

Section 3.2. I give and bequeath the following sums of monies to each of the following named individual(s) who survive me to be paid from the Estate of Donna S. Beard:

- my grandson, John-Elliot Beard $2,500, if he survives me
- my granddaughter, Hannah Laine Beard, $2,500, if she survives me
- my daughter-in-law, Rhonda Gayle Beard $750, in appreciation for the assistance she provided to me during the time that she was married to my son, and in affection for our continued friendship.
- my daughter-in-law, Terri Renea Beard $750, in affection for our continued friendship.

Section 3.3 I acknowledge that the real property bequest to my son, John Stuart Beard, (or his children if he is not living at the time of my death) is greater in value than

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the non-real estate amount passing to my other son, Jerry Van Beard, above. It is my intent and desire that my son, John Stuart Beard, receive such great amount in real property to compensate him for his time, and efforts in providing economic support, managing, maintaining and assisting me with such *parcels of real estate* during my lifetime.

It is my intent and desire that my son, Jerry Van Beard receive ten percent (10%) of the market value of the Windsor Tower property, located at 4215 Harding Pike, #403, Nashville, Tennessee 37205, such proceeds to be received by Jerry Van Beard according to methods and means agreed upon by him and John Stuart Beard.

My son, Jerry Van Beard and my grandchildren, Amber Dawn Beard and Aaron Michael Beard, also have been provided for with other financial means outside of this my Last Will and Testament.

Section 3.4. All the rest, residue and remainder of the property which I may own at the time of my death, real, personal and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this Will, including all lapsed legacies and devises or other gifts made by this Will which fail for any reason, I give, devise and bequeath to my sons, Jerry Van Beard and John Stuart Beard, to be divided equally among them, share and share alike. In the event that either son shall predecease me, then his share of my estate shall pass to his children to be divided equally among them, share and share alike.

Section 3.5. I have made, or may from time to time make, a written memorandum in which I request that certain items of personalty be distributed to certain named persons. I urge the beneficiaries of my estate to respect these written requests.

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ARTICLE IV.
Miscellaneous

Section 4.1 Gender and Number. Where the context and circumstances require, the gender of all words used in this Will shall include the masculine, feminine, and the singular of all words shall include the plural and the plural the singular.

Section 4.2 Common Disaster. In construing all provisions of this Will, no person shall be deemed to have survived me who shall have died at the same time as I or within ninety (90) days of my death, or in a common accident or disaster with me, or under circumstances that make it difficult or impossible to determine who shall have died first.

Section 4.3 Saving Clause. In the event that any phrase, clause, sentence, section, paragraph or provision of this Will shall be declared invalid, illegal or unenforceable in any respect, by a final decree of a court having jurisdiction in regard thereto, such declaration shall in no event affect, prejudice or disturb the validity of any other phrase, clause, sentence, section, paragraph or provision hereof, or the same phrase, clause, sentence, section, paragraph or provision in any other jurisdiction.

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IN WITNESS WHEREOF, I hereby declare this to be my Last Will and Testament and herewith sign my name to same (typewritten on eight (8) pages, including the attestation clause, signatures of witnesses and my self-proving acknowledgment and the affidavits of the witnesses), all present at the same time, each of whom signs this Will at my request, in my presence and in the presence of each other, all done this 20th day of December, 2016.

DONNA SUE BEARD

Attestation Clause

We, the undersigned persons, of lawful age, declare that the foregoing instrument was signed, published, and declared by DONNA SUE BEARD, the above-named Testatrix, as her last Will in our presence, and we, at her request and in her presence, and in the presence of each other, have subscribed our names to this instrument as attesting witnesses on the day and year last above written, and we certify that, in our opinion, the said Testatrix is of sound and disposing mind.

Witness — 206 White Cedar St.
Address

Michael Torres — Houston TX. 77015
Printed Name

Witness — 11719 S Spicewood Ln
Address

Ruby Solis — Houston, Tx 77044
Printed Name

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Self-Proving Affidavit

THE STATE OF TEXAS ()

COUNTY OF HARRIS ()

Before me, the undersigned authority, on this day personally appeared DONNA SUE BEARD, Michael Torres and Ruby Solis, known to me to be the Testatrix and the witnesses, respectively, whose names are subscribed to the annexed and foregoing instrument in their respective capacities; and all of said persons being by me duly sworn, the said Testatrix, DONNA SUE BEARD, declared to me and to the said witnesses in my presence that said instrument is her last Will and Testament and that she willingly made and executed such as her free act and deed for the purposes therein expressed; and the said witnesses, each on his oath, stated to me in the presence and hearing of the said Testatrix that the said Testatrix had declared to them that said instrument is her Last Will and Testament and that she executed same as such and wanted each of them to sign it as a witness: and upon his oath each witness stated further that he did sign the same as witness in the presence of said Testatrix and at her request, that he was at that time eighteen (18) years of age or older and was of sound mind, and that each of said witnesses was then at least fourteen (14) years of age.

DONNA SUE BEARD

WITNESS

WITNESS

SUBSCRIBED AND ACKNOWLEDGED before me by the said DONNA SUE BEARD, Testatrix, and subscribed and sworn to before me by the said Michael Torres and Ruby Solis, witnesses, on this the 20th day of December, 2016.

Notary Public for State of Texas

NANCY M GUAJARDO
124050365
NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES
FEB. 24, 2018

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