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FORSYTH COUNTY, GEORGIA
PROBATE COURT

LAST WILL AND TESTAMENT

OF

WILLIAM DELMAR SMITH

State of GEORGIA

County of FORSYTH

2022-ES-0243
WILLSUB
Will Submitted for Probate
2483321

I, William Delmar Smith, a resident of the State of GEORGIA, county of FORSYTH, make and publish this being my Last Will and Testament, hereby revoking all other Wills and codicils heretofore made by me.

SECTION ONE – Definitions

1. I am presently (Married) to my lovely wife Teresa Jan Smith.

   I have 3 children now living: Shannan Rachael Krippner, William Delmar Smith II, and Sarah Rebecca Smith

2. My Social Security number is -6616

SECTION TWO – General Provisions

1. I desire and direct that all of my just debts shall be paid out of my estate as soon as practicable, without unnecessary delay, but my Executor hereinafter named and appointed, need not accelerate and pay those unmatured obligations which, in his/her opinion, might be more properly or advantageously retained, renewed, or paid as they become due and payable.

2. I wish to receive a suitable funeral, and I direct that the costs thereof be paid out of my estate. I request I be placed to rest in the Georgia National Cemetery, Cherokee County, GA, overlooking Lake Allatoona, and the Blue Ridge Mt., with my Soldiers Medal, Air Medal, Bronze Star and Past Masters Apron with me and the $20 picture frame I received from my friend, "Tank Harvey".

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SECTION THREE – Birth Adoption of a Future Child or Children

I make this Will in contemplation of the unlikely possible future birth of children to me or adoption of children by me, or any un-named child unknown and this Will shall not be revoked by any such event nor shall they make any claim under this Will.

SECTION FOUR – Simultaneous Death

1. If any beneficiary named under this Will and I should die about the same time as the result of a common disaster or under circumstances whereby it cannot be ascertained who died first, it shall be presumed hereunder that he or she predeceased me.

2. It is my express intention to make this Will in such a manner as to maximize the tax advantage that may be available under Federal and State tax laws and minimize the estate taxes upon my estate. If the circumstances existing at the time of my death are such that, in the event of simultaneous death of any beneficiary named under this Will, a presumption that I predeceased him or her would result in a tax advantage, such a presumption shall be made.

Section Five – Appointment of Executor

1. I hereby constitute and appoint William Delmar Smith II, my Son, and Teresa Jan Smith, my wife, as the Co-Executors of my Last Will and Testament.

2. I direct my Executors to take all actions legally permissible to probate my Will as simply as possible and as free of court supervision as legally permissible under the laws of the state having jurisdiction over this Will.

3. Should William Delmar Smith II or Teresa Jan Smith fail to survive me, or be unable to serve for any reason or cease to act as Executor, I hereby appoint Sarah R. Smith, my daughter, to replace co-Executor.

SECTION SIX – Powers of

In the management, care, and distribution of my estate, I confer upon the Executor of my Last Will and Testament, and the successors in office, the power to do all things and execute such instruments as may be deemed necessary or proper, including the following powers, all of which may be exercised without the order of or the report to any court:

a) In the administration, management, care, and disposition of my estate provided herein, my Executor shall not be required to make or file any inventory or appraisal or to file any annual or other returns or reports to any court, or to give any bond or to secure any order and consent of any court to perform any of the powers conferred on it in this Will, or to make any other reports or returns to any court, but shall furnish at least annually a statement of receipts and disbursements to each person then entitled to receive income from my estate. The Executor shall furnish to my beneficiaries (if no widow nor widower) a complete inventory of my estate as soon as such information is available.

b) My Executor shall have the power for any purpose to sell, exchange, or otherwise dispose of any property at any time held or acquired under this Will, at public or private sale, for cash or on terms, with or without advertisement, and without any order of court.

c) My Executor shall have the power to make leases either as landlord or as tenant for any term and, in like manner, shall have the power to grant options to buy for any term.

d) My Executor shall have the power to retain any property owned by me at the time of my death and to invest and reinvest any and all forms of property, including common trust funds and chooses in action, as in his discretion, my Executor may deem best, without being limited by any laws limiting or restricting the character or size of investment which executors may retain.

e) My Executor shall have the power to employ such agents, brokers, accountants, and attorneys if such employment be deemed necessary, and to pay reasonable compensation for their services.

f) My Executor shall have the power to compromise, settle, and adjust any claim or demand by or against my estate and to agree to any rescission or modification of any contract or agreement.

g) My Executor shall have the power to extend or renew any existing obligations as well as to borrow money for any purpose deemed necessary or advisable, and to secure the

same by the transfer as security therefore on any property of the estate by any form of security instrument that is required.

h) My Executor shall have the discretion to determine whether items should be charged or credited to the income or corpus or allocated between income and corpus, including the power to amortize any part or all of any premium or discount, to treat any part or all of the profits and dividends resulting from the maturity or sale of any assets whether purchased at a premium or a discount, as income corpus, or apportion the same between the income and corpus, to apportion the sales price of any asset between income and corpus, to treat any dividend or other distribution on any investment as income or corpus or apportion the same between income and corpus, to charge any expense against income and corpus or apportion the same, and to provide or fail to provide a reasonable reserve against the deprecation or obsolescence, all as the Executor may reasonably deem equitable and just under the circumstances.

i) My Executor shall have the power to make any and all distribution hereunder in cash or in kind, and the values it assigns to such distribution shall not be subject to question.

j) The foregoing powers granted to my Executor are intended to be in addition to the powers vested in him by the laws of the State of GEORGIA, and may be exercised without any requirement for approval of any court which may have jurisdiction over my Will.

k) The invalidity of any provision of this power of the Executor shall not affect the validity of the remaining provisions.

SECTION SEVEN – Beneficiary(s) Survives Beyond Survival Period

1. Upon my demise, I give, bequeath, and devise to Teresa Jan Smith, a life estate in 3655 Adams Rd., Cumming, GA 30041. (I plan to have the necessary Deeds prepared prior to my demise and recorded so there will be no need for Probate any real property). All household furniture and furnishings shall be sole property of Teresa J. Smith. That shall include my Coin collection, Stamp collection, Jewelry, any lawn tools she deems necessary including lawn mowers. If any Automobiles are in my name that have not previously been transferred to her shall be hers free and clear as well as the Trojan boat and boat dock. All property taxes for the real property at 3655 Adams Rd. shall be of equal responsibility and be split equally between my Co-Executors (my wife and son).

2. Any funds in any banking accounts to include Law Office Business accounts, after any Law office debts are paid, that the balance shall be split equally between my wife, Teresa J. Smith, and my son, William D. Smith II.

3. To my son, William Delmar Smith II, I give and bequeath any and all farm equipment wherever located, to include tractors and trailers, all tools, and equipment wherever located. Together with any boats and gifts heretofore given to him. Also, all guns or shot guns. However, from those, Teresa J. Smith may select (1) one hand gun and a shot gun she cares to select from my collection. However, I also desire that she keep the two shot Derringer that I keep in my desk.

4. After Teresa J. Smith's Life Estate expires, the Real Property at 3655 Adams Rd. shall be the property of William Delmar Smith II, in fee simple and shall be so recited in the life state deed to be filed prior to my demise.

5. The Real property located at 53 Hwy, Pickens Count, Ga. (approximately 56 acres) that I own one-half interest in with Charles Young, I give and demise any and all interest I may have to Shannon R. Krippner, Sarah R. Tancini, Alexis N. Smith (my daughter-in-law), and William D. Smith II equally.

6. The proceeds from the sale of the property at 2956 McGavock Pike, Nashville, TN, that I own one-half interest with Bonnie Prince (my sister), I give and demise equally to my wife, Teresa J. Smith, and my son, William D. Smith II. If the property has not yet sold, I give and devise my interest equally to my wife and son.

7. The property located in Wilson County, TN (approximately 26 acres), I give and demise equally to my wife, Teresa J. Smith, and my son, William D. Smith II.

8. The property at 2712 Nonaville Rd., Mt. Juliet, TN, I give and demise equally to my wife, Teresa J. Smith, and my son, William D. Smith II.

9. The five (5) rental properties that I own in the Nashville, TN area, I give and demise all interest I may have to my wife, Teresa J. Smith and my son, William D. Smith, II., equally. The income shall be used to pay the property taxes and repair expenses on the properties and William Delmar Smith, II and Teresa J. Smith, will split the remainder income.

10. I hereby appoint my Co-Executors, Teresa J. Smith and William D. Smith II, as attorney in fact, with full power of substitution, with power and authority to do all things necessary or advisable in connection with the transactions contemplated under this agreement.

State of Georgia

***County of Forsyth**, the undersigned, an officer authorized to administer oaths,*

Certify that WILLIAM DELMAR SMITH 9/7/1943 _____

The testator, and:

_____ *Address:* _____

_____ *Address:* GAINESVILLE, GA

, the witnesses, whose names are signed to the foregoing instrument and whose signatures, having appeared together before me and having been first duly sworn, each then declare to me that the attached or foregoing instrument is the last will of the testator; the testator willingly and voluntarily declared, signed, and executed the will or willingly directed another to sign in the presence of the witnesses; the witnesses signed the will upon request by the testator, in the presence and hearing of the testator, and in the presence of each other; to the best knowledge of each witness, the testator was, at the time of the signing, eighteen (18) years of age or older, of sound mind, and under no constraint, or undue influence; and each witness was and is competent, and of the proper age to witness a will.

_____ *Notary*

This 29th *day of* September, 2022

SHERYL HOWARD NOTARY PUBLIC EXP. Dec. 20, 2025 HALL COUNTY, GA

202401240004599

- The text of a certification of an electronic document must be in the following form.

I, Kirsten Virden, 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 electric document is a true and exact copy of the original document executed and authenticated according to law on 9/27/2022 (date of document).

Kirsten Virden

Affiant Signature

Date: 1/23/24

State of Tennessee

County of Davidson

Sworn to and subscribed before me this 23 day of January, 2024.

Rachel Marie Collins

Notary Signature

MY COMMISSION EXPIRES: 3.6.2024

Notary's Seal (if on paper)

