Karen Johnson Davidson County
Batch# 1105302 AFFIDAVITH
02/28/2024 12:39:30 PM 7 pgs
Fees: $37.00 Taxes: $0.00
20240228-0013662

Prepared by:
Guaranty Title & Escrow Co.
721 President Place, #100
Smyrna, TN 37167

# AFFIDAVIT OF HEIRSHIP

**Address of New Owner:**
Charles E. Appleton, et al
900 South Wickershire Way
Brentwood, TN 37027

**Send Tax Bills To:**
OWNER

**Map & Parcel:**
117-7II-38

STATE OF TENNESSEE
COUNTY OF Rutherford

RE: Property Described in
Book 9138, Page 813 and
Instrument No. 20161028-0114123

I, Jacqueline P. Bryant, being first duly sworn on oath, state that I am of lawful age and that based upon my personal knowledge further depose and state:

1. Affiant was personally acquainted with the Decedent and is familiar with Decedent family history. Affiant was ____ was not X related to the Decedent. Relationship if applicable _____
2. Pamela Bryant Appleton died on the 22nd day of December 2023.
3. Pamela Bryant Appleton was married at the time of her death to Charles E. Appleton.
4. The only children born (or legally adopted) by Pamela Bryant Appleton from all marriages are: Charles A. Appleton and Brian R. Appleton.
5. The Decedent died testate leaving an unprobated Will for the distribution of her estate to her husband, Charles E. Appleton, if then living. If Charles E. Appleton predeceases, then to her two children, Charles A. Appleton and Brian R. Appleton. Reference Exhibit A.

This affidavit is given as an inducement for Stewart Title Company and Guaranty Title and Escrow Co. to insure the title to the above-described property without taking any exception as to any and all matters set out herein above; and further the undersigned agrees to indemnify Stewart Title Company and Guaranty Title and Escrow Co. for any loss caused by a misstatement of fact.

TCA 30-2-712 provides that whomever shall willfully, corruptly and falsely swear to any statement in an affidavit of heirship known by him to be false or about which he does not have sufficient knowledge to justify his/her making such a sworn statement commits a Class E Felony.

Witness my hand this the 21st day of February, 2024.

Jacqueline P. Bryant
Affiant

Sworn to and subscribed before me this the 21 day of FEB, 2024.

Kellie Holloway
Notary Public

Commission Expires: 5/18/2024

KELSIE HOLLOWAY
STATE OF TENNESSEE
NOTARY PUBLIC
RUTHERFORD COUNTY
MY COMMISSION EXPIRES 5-18-2024

# LAST WILL AND TESTAMENT

# OF

# Pamela E. Appleton

I, **Pamela E. Appleton**, a resident of Davidson County, Tennessee, being of sound and disposing mind, memory and understanding, do hereby make, publish and declare this to be my last will and testament and do hereby revoke all other wills, codicils and testamentary instruments heretofore made by me.

## ARTICLE FIRST

## Appointment of Executor and Payment of Debts and Taxes

A. Appointment of Executor and Payment of Debts. I appoint **Charles E. Appleton** as personal representative (Executor) of my estate. If **Charles E. Appleton** fails to or is unable to serve then I appoint Charles A. Appleton as Substitute Executor. I direct that my Executor pay as soon as practical after my death all my lawful debts (except debts secured by mortgages or other security instruments, which May be paid or retained in the discretion of my Executor), my funeral expenses, the expenses of administration of my estate, and inheritance, estate or other death taxes that May be imposed upon my estate, including interest and penalties thereon.

B. Payment of Taxes. I direct that my Executor pay all estate, inheritance or other death taxes, including interest and penalties thereon, which May be lawfully assessed by reason of my death, together with administration expenses, from property which would otherwise become part of my residuary estate, without apportionment. I waive on behalf of my estate the right to recover any part of such taxes, interest, penalties or administration expense from any person, including any beneficiary of insurance on my life or any other similar insurance, and anyone who May have received from me or my estate any property which is taxable as part of my estate.

C. Real Estate. My Executor has the authority pursuant to TCA 31-2-103 to contract, sell, or convey all real estate I own without court approval.

"Exhibit A"

**ARTICLE SECOND**

**Bequests**

A. I give, devise and bequeath my all my real and personal property to my spouse Charles E. Appleton------Pamela E. Appleton

B. If Charles E. Appleton fails to survive me then I give, devise and bequeath all my real and personal property to my children **Charles A. Appleton and Brian R. Appleton** in fee simple.

C. I plan to attach a list of personal property to this Will. I wish for my executor to give those items to the loved one next to that item. If I forget to make such a list then I leave it up to my Executor to do what is best.

D. Discretion of Executor. I direct that if it becomes necessary to make the required division of my personal effects and household and similar items among anyone, my Executor shall have discretion as to what specific article or articles shall be included in that property, and as to what items thereof each person shall receive.

**ARTICLE THIRD**

**Executor Powers and Duties**

My Executor shall have the following powers and duties, in addition to those now or hereafter conferred by law, subject, however, to any contrary provisions elsewhere in this will unless stated otherwise:

A. Incorporation of Statutory Powers. Unless contrary to any power or duty set forth in this will, I incorporate by reference all of the fiduciary powers contained in Section 35-50-110 of the T.C.A., as fully as if set out verbatim herein.

B. Bond, Inventory and Accountings. I direct that my Executor, including its successors, shall not be required to furnish a bond for the faithful performance of its duties in any jurisdiction, any provision of the law to the contrary notwithstanding. If any bond is required by law, no surety shall be required on such bond. My Executor shall be excused from the statutory requirement of making and filing an inventory of my estate with the court exercising probate jurisdiction unless such filing is demanded by any residuary distributee or legatee of my estate. Further, my Executor shall be excused from the statutory requirement of filing with

Initials _____

the probate court any interim accountings, in addition to the final accounting for my estate.

C. Shares and Distributions Whenever my Executor is required to divide the estate property into separate shares, or to make distribution thereof, it is authorized in its discretion to make division or distribution wholly or partly in cash or in kind, or assign undivided interests in any property or shares, and to make joint investment of funds belonging to the estate. The judgment of my Executor as to the values for such purposes shall be binding and conclusive on everyone.

D. Payment of Debts and Expenses. When required to make a distribution or transfer of all or part of the assets of my estate, my Executor May retain therefrom assets sufficient in its judgment to cover any liability which May then or later be imposed upon it, including, but not limited to, its liability for estate, income or other taxes, until such liability shall have been finally determined.

E. Successor Executors. Any successor Executor shall be vested with all duties, rights and powers, whether discretionary or otherwise, as if originally named as such Executor. No successor Executor shall be liable or responsible in any way for any acts or defaults of any predecessor Executor, nor for any loss or expense from or occasioned by anything done or elected to be done by any predecessor Executor, but such successor Executor shall be liable for its own acts or default in respect to property actually received by such successor Executor. Provided the successor Executor has no reason to suspect a default by the predecessor Executor, the successor Executor May accept the accounts rendered and the assets and property delivered to such successor Executor by the predecessor Executor as a full and complete discharge to the predecessor Executor, and shall incur no liability by reason of so doing.

F. Executor Standard of Care. My Executor shall be charged with the duty of good faith and reasonable care in the management of my estate, but shall not be responsible for losses, if any, resulting from honest mistakes of judgment.

G. Facility of Payment. If my Executor determines that any income or principal shall be paid to a minor, or to a person under a legal disability, or to a person not adjudicated incompetent, but who, by reason of illness or mental or physical disability is, in the opinion of my Executor, unable properly to administer such funds, then such funds May be paid out by my Executor in any of the following ways as its deems best: (i) directly to such beneficiary; (ii) to the legally appointed guardian or conservator of such beneficiary; (iii) by my Executor using such amounts directly for the benefit of such beneficiary; or (iv) to some relative or friend for the care, support, education and welfare of such beneficiary. The receipt of any such person shall discharge my Executor from any further responsibility with respect to any such funds. No recipient shall be required to furnish bond with respect to any such funds, nor make report as to the disposition of the same.

Initials _____

H. Payment of Expenses. My Executor shall pay out of principal or income as it May elect, or partially out of each in such shares as it May determine, taxes, assessments, charges, attorneys' fees, the Executor's compensation, and other expenses incurred in the administration or protection of the estate. Compensation payable to a corporate fiduciary shall be paid pursuant to its published fee schedule at such time. The discretion of my Executor to pay these items from income or principal, or partially from each, May be exercised not only in the interest of the estate but further for the benefit of any beneficiary thereof.

I. Protection of Life Insurance From Creditors. Any insurance on my life or other similar insurance payable to my Executor or to my estate, shall be free from the claims of creditors and shall be governed by the provisions of my will; provided, however, that my Executor May in its discretion pay my personal debts from the proceeds of such policies, but my Executor shall, in its discretion, determine which, if any, of my debts shall be so paid.

**ARTICLE FOURTH**

**Governing Law**

Except as Maybe otherwise herein stated to the contrary, this will is to be administered, construed and governed in all respects by the laws of the State of Tennessee.

IN WITNESS WHEREOF, I have hereunto subscribed my name to this the fourth (4) page of my last will and testament, consisting of five (5) typewritten pages, and for the purpose of identification, I have initialed each such page, all in the presence of the persons witnessing it at my request on this 14th day of October, 2016, at Nashville, Tennessee.

Pamela E. Appleton

**Pamela E. Appleton**

SIGNED, PUBLISHED AND DECLARED by **Pamela E. Appleton**, the testator, as and for the testator's last will and testament, in the presence of us, who at the testator's request, in the testator's presence, and in the presence of each other, all being present at the same time, have hereunto subscribed our names as witnesses and do hereby certify that we believe the testator to be of sound and disposing mind and memory.

Lindsay Roush _____ 323 Emery Dr, Nashville Tn

Witness

_____ 323 Emery Dr, Nashville Tn

Witness

Initials _____

State of Tennessee
County of Davidson

**AFFIDAVIT BY WITNESSES TO WILL**

Kimbra Roush and Toni Parsley,

after first being duly sworn or affirming, hereby together make oath or affirm that the foregoing last will and testament was signed by **Pamela E. Appleton**, the testator, as and for, and at that time acknowledged, published and declared by the testator to be the testator's last will and testament, in the sight and presence of us, the undersigned, who at the testator's request and in the testator's sight and presence, and in the sight and presence of each other, have subscribed our names as attesting witnesses on the 14th day of October, 2016 We further make oath or affirm that the testator was of sound mind and disposing memory; was not acting under the fraud, menace or undue influence of any person; was more than eighteen (18) years of age and that each of the attesting witnesses is more than eighteen (18) years of age.

Kimbra Roush
Witness

Toni Parsley
Witness

Sworn to and subscribed before me, the undersigned, this 14 day of October, 2016

J. BLAKE FREEMAN
STATE OF TENNESSEE
NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires 5/20/2020

Notary Public
My Commission Expires:

202402280013662

I, Kelsie Holloway 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 2/21/2024 (date of document).

Kelsie Holloway

Affiant Signature

2/28/2024

Date

State of Tennessee

County of Rutherford

Sworn to and subscribed before me this 28 day of February, 2024

Lori Holloway

Notary's Signature

MY COMMISSION EXPIRES: 11/28/26

Notary's Seal (if on paper)

LORI HOLLOWAY
STATE OF TENNESSEE NOTARY PUBLIC
RUTHERFORD COUNTY