24P340

FILED

MAR 14 2024

JOSEPH P. DAY, Clerk

By _____ Deputy

WILL

OF

HERBERT MARTIN WADE

I, **HERBERT MARTIN WADE**, of 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, personal representative 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.

This is page one of my Will H.M.W
Initials

Karen Johnson Davidson County
Batch # 1116922 WILL
04/01/2024 02:58:26 PM 7 pgs
Fees: $37.00 Taxes: $0.00
20240401-0022342

ARTICLE 2
DEFINITIONS

2.1 **My Spouse**. My beloved wife is **JUANITA TOMLINSON WADE.**

2.2 **My Children**. I have two children: **HEBERT MARTIN WADE JR.** and **CAROL DIANNE (WADE) WILEY.**

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 **CAROL DIANNE WILEY,** as personal representative of my will. If **CAROL DIANNE WILEY** ceases to qualify or fail to serve, then my son, **HERBERT MARTIN WADE JR.,** shall act alone as my personal representative.

ARTICLE 4
PAYMENT OF DEBTS, EXPENSES AND TAXES

4.1 **Debts, Funeral and Administration Expenses**. My personal representative 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 personal representative 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 personal representative 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 personal representative is to pay the taxes from my Remainder Estate.

ARTICLE 5
DISTRIBUTION OF TANGIBLE PERSONAL PROPERTY

5.1 I give to my wife all of my tangible and intangible property, wherever located, and all rights and interest which I may be entitled to devise and bequeath.

5.2 In the event my spouse does not survive me, then I give all of the above-mentioned property, except household furnishing inside and outside my home, to my residuary estate to be divided as instructed.

ARTICLE 6
DISTRIBUTION OF REAL PROPERTY

6.1 In the event my wife shall not survive me, I devise my home located at 4100 Grays Point Road to my granddaughter, Brandi Nicole Wiley, in fee simple, along with all the furnishing inside and outside of the house.

ARTICLE 7
RESIDUARY ESTATE

7.1 All the rest, residue and remainder of my estate, real, personal and mixed of every nature and wheresoever situated, including lapsed legacies and devises, remainders, reversions, expectancies, income collected during the period of administration, I give, devise and bequeath to my beloved wife. In the event my wife shall not survive me, I give to my son, Herbert Martin Wade Jr., and grandson, Thomas Shane Wiley, share and share alike. In the event my son or grandson listed in this article dies ahead of me, their sibling, if living, shall take their share of my residuary estate.

This is page three of my Will HMW

Initials

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.

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 **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
SIMULTANEOUS DEATH

8.1 If my spouse and I die simultaneously, or under circumstances which make it difficult or impossible to determine who died first, it shall be presumed conclusively for all purposes of my will that I survived my spouse.

This is page four of my Will TM DM LV
Initials

ARTICLE 9

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.

ARTICLE 10
SIGNATURE

This will consists of five (5) pages (each of which I have signed or initialed) covering Articles 1 through 10 inclusive. I now sign this as my Will on this the 6th day of April, 2017, 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 6th day of April, 2017.

Herbert Martin Wade
HERBERT MARTIN WADE

SIGNED, DECLARED and **PUBLISHED** by the said **HERBERT MARTIN WADE,** as and for his last Will, in the presence of us, the undersigned, who, at his request and in his 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**
Howard M. Sigmund	P.O. Box 489 Joelton, Tn 37080
Gayle D Terrell	3127 Union Hill Rd. Joelton, TN 37080

This is page five on my will HMW

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 **HERBERT MARTIN WADE**, signed, declared and published the instrument to which this Affidavit is affixed or annexed as the testator's will; and requested them to act as witnesses to its execution and to execute this Affidavit; that in the testator's sight and presence and in the sight and presence of each other, each affiant signed the instrument as witness; and that the testator 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.

Gayle Sherrill
WITNESS

3127 Union Hill Rd.
ADDRESS

Joelton, TN 37080
CITY/STATE/ZIP

Howard M. Hopwood
WITNESS

P.O. Box 489
ADDRESS

Joelton Tn 37080
CITY/STATE/ZIP

Subscribed and sworn to before me
This 6th day of April

Bonnie K. Skipworth
NOTARY PUBLIC

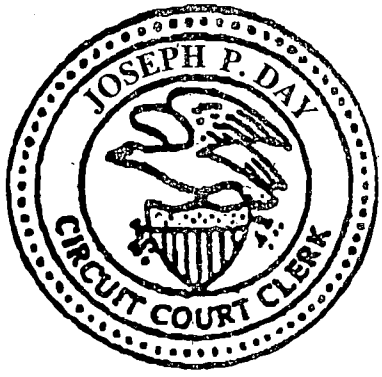
BONNIE K SKIPWORTH
NOTARY PUBLIC
STATE OF TENNESSEE
DAVIDSON COUNTY
MY COMMISSION EXPIRES 10-7-2019

My Commission Expires: _____

STATE OF TENNESSEE

I, JOSEPH P. DAY, Clerk of the Circuit Court for Davidson County, do hereby certify that the foregoing is a true and complete copy of the LAST WILL AND TESTAMENT heretofore filed in the Seventh Circuit Court (Probate Division) for Davidson County, Tennessee, on the 14TH day of MARCH, 2024, in Docket Number 24P390, IN RE: HERBERT MARTIN WADE, 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, the 14TH day of MARCH in the year 2024 and in the 247 year of American Independence.



[SEAL]

JOSEPH P. DAY, Clerk

By: K.CHAMBERS
Deputy Clerk