STATE OF TENNESSEE

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Karen Johnson
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Davidson County
WILL
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IN RE: ***RICHARD PEREZ***

Docket No: ***24P167***

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 document heretofore entered in the above styled case on February 22, 2024 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 March 21, 2024.

JOSEPH P. DAY CIRCUIT COURT CLERK

JOSEPH P. DAY, Clerk,

By: _____
Deputy Clerk

24P167

FILED
FEB 22 2024
JOSEPH P. DAY, Clerk
By _____ Deputy

LAST WILL AND TESTAMENT

OF

RICHARD PEREZ

Dated: October 5, 2023

Prepared by:
Jessica M. Hagan
Bar License No.: KY 99790
U.S. Army - The Office of the Staff Judge Advocate
2765 Kentucky Ave
Fort Campbell, Kentucky 42223
(270) 798-0918

MILITARY TESTAMENTARY PREAMBLE: This is a Military Testamentary Instrument prepared pursuant to 10 U.S.C. § 1044d, and executed by a person authorized to receive legal assistance from the Military Departments. Federal law exempts this document from any requirement of form, formality, or recording that is provided for testamentary instruments under the laws of a state, the District of Columbia, or a commonwealth, territory, or possession of the United States. Federal law specifies that this document shall receive the same legal effect as a testamentary instrument prepared and executed in accordance with the laws of the jurisdiction in which it is presented for probate. It shall remain valid unless and until the Testator revokes it.

LAST WILL OF RICHARD PEREZ

I, RICHARD PEREZ, do hereby make, publish, and declare this to be my Last Will and Testament, hereby revoking any and all other wills and codicils executed by me.

I am a retired member of the United States Armed Forces.

ARTICLE I. MILITARY HONORS.

I direct that, upon my death, I be buried with full military honors.

I direct that my body shall be buried at Middle Tennessee State Veterans Cemetery, located at 7931 McCrory Lane, in Nashville, Tennessee.

ARTICLE II. PAYMENT OF DEBTS, TAXES, AND EXPENSES.

2.1. My legally enforceable debts (other than mortgage debts, unless expressly provided otherwise in this Will), funeral expenses, and expenses of the administration of my estate, shall be paid without reimbursement from any party out of my Residuary Estate, as defined below. My Executor shall have complete discretion in deciding which particular properties are to be used for payment of debts, taxes, and other obligations pursuant to this paragraph.

2.2. All estate, inheritance, legacy, succession, or other wealth transfer taxes (other than any generation-skipping transfer tax imposed by Internal Revenue Code Section 2601 et seq.) that result from my death and that are imposed by any domestic or foreign taxing authority as a result of my death, but only to the extent imposed upon property passing under my Will, together with interest and penalties on those taxes, shall be charged against and paid without apportionment out of my Residuary Estate as an administration expense. Such taxes on property not passing under this Will shall be apportioned to and paid from such property by those succeeding to such property, taking into account the provisions of any instrument governing such property, the provisions of the Internal Revenue Code and any provisions of other applicable law apportioning such taxes.

Notwithstanding the above, the following clarifications and/or modifications of the general rule set forth above shall apply:

(a) All taxes generated by my Residuary Estate shall be apportioned within my Residuary Estate to the share or shares generating the tax but shall not be apportioned between current and future interests, such as a life estate and remainder, even if one and not the other is taxable.

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ARTICLE III. DISPOSITION OF TANGIBLE PERSONAL PROPERTY.

3.1. I give and bequeath all my tangible personal property not otherwise disposed of to LISA ANN RIBACK, NANCY HORN, ROBERT ANTHONY PEREZ JR, LINDA ARIZA, STEPHEN PEREZ, and ANTHONY PEREZ or whichever one or more survives me. The term "tangible personal property" shall include, but not be limited to, my household goods, jewelry, furniture, furnishings, equipment, automobiles, art, antiques, stamp and coin collections, and other collectibles, together with all insurance policies relating thereto. The term does not include property primarily held for investment purposes, nor does it include any property held for use in a trade or business, ordinary currency and cash or bullion.

3.2. I direct that each of the aforementioned beneficiaries may select from the foregoing those items of personal property they may wish to retain, and I hereby give and bequeath to each beneficiary the items selected. If my beneficiaries are unable to agree as to the recipient of any item, I authorize and direct my Executor to make the decision. If, in the sole judgment of my Executor, any such beneficiary is too young to make a prudent selection, I authorize my Executor to make a selection on behalf of the beneficiary.

3.3. If any of the beneficiaries is a minor at the time of delivery of any items of personal property, I authorize my Executor, in the Executor's discretion, to deliver the items either directly to the beneficiary, or to the beneficiary's guardian, or to the person having the care and custody of the beneficiary, and a duly executed receipt from the beneficiary or guardian or other person shall constitute a complete acquittance to my Executor with respect to the bequest.

3.4. My Executor, in the Executor's sole discretion, may sell, donate, or otherwise dispose of any items of personal property not selected, and the sale proceeds, if any, shall be added to my Residuary Estate.

3.5. The expense of packing, shipping, insuring, and delivering tangible personal property to an individual under this Article at such individual's residence or place of business shall be paid by the recipient of such tangible personal property.

3.6. If none of the aforementioned beneficiaries of my tangible personal property survives me, then my Executor shall make a reasonable effort to sell such property (the extent of said reasonable effort being in the Executor's sole discretion), with the proceeds of any sold items added to my Residuary Estate, and to then donate or discard any remaining property, in their sole discretion.

ARTICLE IV. DISPOSITION OF RESIDUARY ESTATE.

I give, devise, and bequeath all the rest, residue, and remainder of my estate, real, personal, and mixed, of whatever kind and nature and wherever situated, of which I may die seized or possessed, or in which I may have any interest (my "Residuary Estate") as follows:

4.1. My Residuary Estate shall be distributed to the following individuals: 30% to LISA ANN RIBACK, 30% to NANCY HORN, and the remainder shared equally between ROBERT ANTHONY PEREZ, JR, my nephew, LINDA ARIZA, my niece, STEPHEN PEREZ, my nephew, and ANTHONY PEREZ, my nephew. If any of the beneficiaries named in this section do not survive me, the share of the residue of my estate that such individual

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would have taken shall go to their descendants per stirpes. If they have no descendants, then it shall be divided equally among the surviving beneficiaries named in this section.

4.2. If, at any time, no person designated in this Will to receive any portion of my estate is living, so that the disposition of any portion of my estate is not provided for by this Will, such property shall be distributed to the persons to whom and in the shares and proportions in which my estate would have been distributed under the laws of the State of Tennessee in effect at the time such disposition is made had I then died intestate and possessed of such property.

4.3. If at any time any beneficiary under this Will is a minor, or it appears to the Executor that any beneficiary is incapacitated, incompetent, or for any other reason not able to receive payments or make intelligent or responsible use of the payments, then the Executor, in lieu of making direct payments to the beneficiary, may continue to hold the property to which the minor is entitled, or make payments (1) to the beneficiary's conservator or guardian; (2) to the beneficiary's custodian under the Uniform Gifts to Minors Act or Uniform Transfers to Minors Act of any state (including a custodian selected by the Executor) to be held for the maximum period of time permitted by law; (3) to one or more suitable persons as the Executor deems proper, such as a relative of or a person residing with the beneficiary, to be used for the beneficiary's benefit; (4) to any other person, firm, or agency for services rendered or to be rendered for the beneficiary's assistance or benefit; or (5) to an account in the beneficiary's name. The receipt of payments by any of the foregoing shall constitute a sufficient discharge of the Executor for all purposes.

ARTICLE V. DESIGNATION OF EXECUTORS.

5.1. I nominate and appoint my niece, LISA ANN RIBACK, as Executor of my Will. Should LISA ANN RIBACK be unwilling or unable to serve as Executor, or shall at any point cease to serve as Executor, I nominate and appoint my niece, NANCY HORN, as Executor of my Will.

5.2. All Executors and Trustees, if any, shall receive reimbursement for reasonable out-of-pocket expenses incurred in performing the duties in accordance with this instrument and any trusts created hereunder.

5.3. The word Executor shall mean the person or entity who qualifies as executor, executor or administrator, and indicates successor executors.

5.4. No individual Executor or Trustee, if any, shall be entitled to or shall receive any compensation for serving hereunder.

5.5. None of my Executors or Trustees of trusts created under this instrument, if any, shall be required to give any bond or other security for the faithful performance of her, his, or its duties as Executor or Trustee, as the case may be, in the State of Tennessee or elsewhere, unless required by court. My Executor is expressly excused from rendering any accounts or inventories to any court or other authority.

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ARTICLE VI. POWERS OF THE EXECUTOR.

6.1. Except as specifically provided in this Will, the Executor and Trustee, if any, shall have all of the powers conferred by law upon fiduciaries in every jurisdiction in which my Executor or Trustee shall act, including, but not limited to, the introductory paragraph of and all powers contained in Tenn. Code Ann. §§ 35-50-110 and 35-15-816, which are hereby incorporated into this Will. Such powers shall include any fiduciary powers act or other statute of the State of Tennessee or any other jurisdiction whose law applies to this Will or to any trust hereby created. Except as specifically provided in this Will, the Executor and Trustee, if any, shall have complete discretion to exercise each of the following powers without authorization from any court, it being my intent that these powers be construed in the broadest possible manner:

(a) With respect to any and all digital assets (as defined below), (1) to access, use and control my digital devices, including, but not limited to, desktop computers, laptop computers, tablets, peripheral storage devices, mobile telephones and smart phones (including Apple iPhones and other Apple devices), and any similar digital device which currently exists or may exist as technology develops or such comparable items as technology develops with the purpose of accessing, modifying, deleting, controlling, or transferring my digital assets; (2) to access, modify, delete, control and transfer my digital assets, including, but not limited to, any and all of my emails, email accounts, digital music, digital photographs, digital videos, hotel points, airline miles, software licenses, social network accounts, file-sharing accounts, financial accounts, domain registrations, DNS service accounts, web hosting accounts, tax preparation service accounts, online store accounts, affiliate programs, other online accounts (including any such accounts encompassed by an Apple ID associated with my name below), and similar digital items which currently exist or may exist as technology develops or such comparable items as technology develops; (3) to access any of my electronically stored information and the content of any communication that has been electronically stored by the service provider for that communication or that is carried or maintained by the service provider for that communication; and (4) to access any record or other information pertaining to me with respect to that service.

I direct that the terms used in this authorization are to be construed as broadly as possible and that this authorization of access be construed as my lawful consent under the Electronic Communications Privacy Act of 1986, as amended; the Computer Fraud and Abuse Act of 1986, as amended; the Tennessee Revised Uniform Fiduciary Access to Digital Assets Act; and any other applicable federal or state data privacy law or criminal law. In furtherance of providing the broadest and amplest possible digital asset powers, I direct my estate to indemnify and hold harmless any Executor and/or digital asset provider who relies on this power in accessing or providing the requested information, even if in violation of my own lifetime terms of service agreements or prior privacy elections with the provider.

(b) To retain any property, real or personal, to carry on any business in which I may have an interest, and to invest and reinvest in any property, real, or personal, all as

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the Executor or Trustee, if any, may determine, without regard to any requirement for diversification;

(c) To sell, grant options with respect to, or dispose of, any property, real or personal, for cash or on credit, with or without security, on terms that the Executor or Trustee, if any, may determine;

(d) To lease any property, real or personal, for any period, on terms (including options for renewal) that the Executor or Trustee, if any, may determine, and to improve or take any other action with respect to real property;

(e) To permit any income beneficiary (and the guardian of any minor income beneficiary and the family of such guardian) to use any real property or tangible personal property held hereunder for the benefit of the beneficiary, rent free or otherwise, on terms that the Executor or Trustee, if any, (other than the beneficiary or guardian) may determine;

(f) To borrow money for any purpose, from others or from any Executor or Trustee, if any, with or without security, and to mortgage or pledge any property, real, or personal;

(g) To employ agents, brokers, attorneys, accountants, custodians, and investment advisers (including any individual Executor or Trustee, if any), and to treat their compensation as an administration expense;

(h) To sell any property, real or personal, from my estate to any trust, from any trust to my estate, or from one trust to another;

(i) To sell any property, real or personal, to any Executor, Trustee, if any, or beneficiary at fair market value;

(j) To make loans to any income beneficiary, interest free or otherwise, on terms that the Executor or Trustee, if any, (other than the beneficiary) may determine;

(k) To sever any trust, if applicable, into two or more separate trusts having identical terms and beneficiaries as the original trust, and to combine two or more trusts having identical terms and beneficiaries (whether or not the trusts resulted from division of a prior trust), at any time and from time to time (whether before or after funding), without approval of any court, for any administrative, tax or other purpose determined by the Trustee, if any, to be in the best interests of any beneficiary (including any remainderman) hereunder;

(l) To hold the property of any separate trusts as an undivided whole, but the separate trusts must have undivided interests, and no such holding defers the vesting of any estate in possession or otherwise;

(m) To allocate administration expenses to income or principal in proportions that the Executor or Trustee, if any, may determine, to the extent this discretion is permitted under applicable law, without liability to any person for any consequences of the allocation;

(n) To allocate my generation-skipping transfer tax exemption (to the extent not otherwise allocated to lifetime transfers) among the bequests under this Will in

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amounts and proportions that the Executor may determine, without liability to any person for any consequences resulting from the allocation;

(o) To change the situs of any trust, if applicable, at any time and from time to time, for the convenience of the beneficiaries or the Trustee, if any, or for any other reason;

(p) To treat capital gains on the books, records and tax returns of any trust as part of a distribution to a beneficiary of the trust to the extent of principal distributed to the beneficiary; and

(q) To make any distribution or division of property wholly or partly in kind, whether or not pro rata, using specific assets or undivided interests therein.

ARTICLE VII. DEFINITIONS AND MISCELLANEOUS PROVISIONS.

7.1. If any provision of this instrument, or the application of any provision to any person or circumstance, shall be held invalid, the remainder of this instrument, and all other applications thereof, shall remain in full force and effect.

7.2. For all purposes hereunder, the term "descendants" and "issue" means the biological children of the person designated and the descendants of such children, and includes any person adopted before attaining age 18 and the adopted person's descendants. A posthumous child shall be considered as living at the death of their parent.

7.3. Words used in the singular may be read to include the plural or the plural may be read as the singular. Similarly, the masculine form may be read to include the feminine and neuter; the feminine may be read to include the masculine and neuter; and the neuter may be read to include the masculine and feminine.

7.4. For all purposes hereunder, the terms "real estate," "real property," and other terms of similar import shall be deemed to include interests in personal property having appurtenant rights of occupancy of real property, including but not limited to cooperative apartments.

7.5. The term "Article" shall refer to such portion of text herein as shall be identified in its heading or caption as an "Article," including all subparagraphs or subsections within such Article. The headings which have been used throughout this will have been inserted for administrative convenience only and do not constitute matter to be construed in interpreting this Will.

7.6. All references herein to the "Internal Revenue Code" shall be construed as references to the Internal Revenue Code of 1986, as amended.

7.7. For all purposes hereunder, the term "Digital Asset(s)" means an electronic record in which I have either a right or interest. The term does not include an underlying asset or liability. Digital Assets can be stored on computers (or other hardware or devices), in the cloud, or in online accounts. No matter the location, Digital Assets include, but are not limited to, online accounts (financial or otherwise), social media accounts, email, photographs and video, personal blogs, documents, computer and account passwords and other digital files that may require a username and password (or other identity verification methods) to access and manage. Digital Assets also includes any and all digital assets and devices encompassed by an Apple ID associated with my name; as I

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was the lawful owner and user of all devices and accounts associated with said Apple ID. For purposes of this definition, "electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities, and "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. For any communication related records or data, Digital Assets means both catalogue data and the content of the communications, unless the Executor's authority is limited in another article in this Will.

ARTICLE VIII. MILITARY BENEFITS CLAUSE.

I have served in the Armed Forces of the United States. I therefore request that my Executor make appropriate inquiries to ascertain whether there are any benefits to which my dependents, my heirs, or I may be entitled by virtue of any military affiliation. I specifically request that my Executor consult with a retired affairs officer at the nearest military installation, the Department of Veterans Affairs, and the Social Security Administration.

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SIGNATURE AND ATTESTATION

I, RICHARD PEREZ, the testator, sign my name to this instrument on October 5, 2023, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes herein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

Richard Perez

RICHARD PEREZ

Testator

The foregoing Will was this 5th day of October, 2023, signed, sealed, published, and declared by the Testator as and for the Testator's Last Will and Testament in our presence, and we, at the Testator's request and in the Testator's presence, and in the presence of each other, have hereunto subscribed our names as witnesses on the above date.

Samuel R Temple

Samuel R Temple, Witness

10/5/23

Jeannie O. Temple

Jeannie O. Temple, Witness

10/5/23

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SELF-PROVING AFFIDAVIT

WITH THE ARMED FORCES AT FORT CAMPBELL, KENTUCKY

We, the testator and the witnesses, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned 10 U.S.C. § 1044a authorized notary, that in the presence of the witnesses, the testator RICHARD PEREZ signed and executed the instrument as the testator's military testamentary instrument and that the Testator had signed willingly (or willingly directed another to sign for the Testator), and that the Testator executed it as the Testator free and voluntary act for the purposes therein expressed. It is further declared that each of the witnesses, in the presence and hearing of the testator and the below named authorized notary, signed the military testamentary instrument as witness and that to the best of their knowledge the testator was at that time eighteen years of age or older or emancipated, of sound mind, and under no constraint or undue influence.

RICHARD PEREZ

Samuel R Temple, Witness

Jeannie O. Temple, Witness

Subscribed, sworn to and acknowledged before me by the testator, and subscribed and sworn to before me by the above-named witnesses, this date 5 October, 2023.

Jessica M. Hagan Title 10 U.S.C. § 1044a

COMMISSION: indef
Pursuant to 10 USC 1044a

Position: Judge Advocate

Grade and Branch of Service: CPT/O-3, U.S. Army

Command or Organization: The Office of the Staff Judge Advocate

United States Armed Forces
AUTHORIZED BY
NOTARY PUBLIC
10 U.S.C. 1044a
Fort Campbell, Kentucky

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