24P773

Last Will and Testament of

ELAINE HEARN RUST

FILED
APR 25 2024
JOSEPH P. DAY, Clerk
By _____ D.C.

I, **ELAINE HEARN RUST**, a resident and citizen of Old Hickory, Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make, publish and declare this instrument to be my Last Will and Testament, and I do hereby expressly revoke any and all Wills and Codicils heretofore made by me.

I.

I hereby appoint my Husband, **PHILLIP ANDREW RUST**, as Executor of this my Last Will and Testament, and I do hereby expressly relieve and exempt him from the necessity of giving bond or other security for the faithful performance of his duties herein, or to make or file any inventory, settlement or accounting with any Court in which he may be called upon to act in the administration of my Estate.

II.

If my said Executor should predecease me, decline or fail to qualify, resign or cease to act for any reason, then I appoint in his place and stead, and with the same powers and exemptions, my Mother, **WILLIE MAE HEARN**, as my alternate Executrix.

III.

I hereby direct that all my just debts and funeral expenses be paid from my Estate as soon as practicable. My Executor may pay the same out of whatever property he deems advisable, and I hereby direct and authorize my Executor to sell whatever property, real or personal, he deems necessary or advisable to pay said debts and expenses.

IV.

I hereby give, devise and bequeath all of my Estate, of whatever nature and wherever situated, unto my Husband, **PHILLIP ANDREW RUST**, provided he survives me.

Karen Johnson Davidson County
Batch # 1133841 WILL
05/13/2024 09:04:13 AM 5 pgs
Fees: $27.00 Taxes: $0.00

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Elaine Hearn Rust
ELAINE HEARN RUST

V.

In the event my Husband does not survive me, or if we die as the result of a common accident or incident, then I give, devise and bequeath all of my Estate, of whatever nature and wherever situated, unto my Daughter, JENNY ELAINE RUST, subject to the additional terms of this Paragraph. In the event my said Daughter is fewer than eighteen (18) years of age at the time of my death, then I direct that her inheritance under this Will shall pass to my Trustee for the exclusive use and benefit of my said Daughter, and to be held by my Trustee and that my Trustee shall pay to my child, or expend on her behalf, so much of the net income derived from the trust or so much of the corpus as the Trustee may in its sole discretion deem advisable, to provide properly for the health, maintenance, education and welfare of my said child. When my Daughter reaches twenty-one (21) years of age, I direct that my Trustee shall pay to my Daughter exactly twenty-five (25%) per cent of the remaining corpus and undistributed income. When my Daughter reaches twenty-five (25) years of age, I direct that the trust shall terminate and my Trustee shall pay over to my Daughter, all of the remaining corpus and undistributed income, if any. Neither the corpus nor income of any trust created hereunder shall be pledged, assigned, transferred, sold, or in any manner whatsoever accelerated, anticipated, or encumbered by any beneficiary, nor shall any income or corpus of the trust estate in any manner be liable or subject in the hands of the Trustee for the debts, contracts or engagements of the beneficiary, or be subject to any assignment, or any other voluntary or involuntary alienation or disposition whatsoever. All distributions of income or corpus shall be paid only upon receipt to my Daughter, or to others for her use and benefit.

VI.

I hereby nominate and appoint as my Trustee for any trust created under this my Last Will and Testament, and also as the guardian of the person of my Daughter, should she be a minor at

Elaine Hearn Rust
ELAINE HEARN RUST

the time the terms of Paragraph V. of this Will become effective, my Mother, **WILLIE MAE HEARN**, and direct that she be allowed to serve without the necessity of giving bond or other security for the faithful performance of her duties as Trustee and Guardian.

IN WITNESS WHEREOF, I, ELAINE HEARN RUST, have hereunto subscribed my name to this, my Last Will and Testament, contained in three pages, on each of which I have subscribed my name in the sight and presence of the undersigned attesting witnesses, who at my request and in my sight and presence have subscribed their names as attesting witnesses in the City of Mt. Juliet, County of Wilson, Tennessee, this the 21st day of September, 1983.

Elaine Hearn Rust
ELAINE HEARN RUST

We, the undersigned attesting witnesses, do hereby certify that the said Elaine Hearn Rust did sign, publish and declare in our presence, all of us being present at the time, the foregoing paper writing as, for, and that time acknowledged by her to be her Last Will and Testament, and at her request and in her sight and presence, and in the sight and presence of each other, have subscribed our names as attesting witnesses, and we hereby certify at the time of execution hereof, that we believe the Testatrix to be of sound mind and disposing memory.

WITNESS

Sherry Scruggs
WITNESS

Elaine Hearn Rust
ELAINE HEARN RUST

REQUEST FOR WITNESSES TO MAKE AFFIDAVIT

AND

AFFIDAVIT FOR EXECUTION OF WILL

Comes now, ELAINE HEARN RUST, Testatrix under the Last Will and Testament of Elaine Hearn Rust, and pursuant to Tennessee Code Annotated 32-211, requests Dean Robinson and Sherry Scruggs to make the following Affidavit concerning the execution of said Last Will and Testament, this the 27th day of September, 1983.

Elaine Hearn Rust
Elaine Hearn Rust, Testatrix

STATE OF TENNESSE)
COUNTY OF WILSON)

Dean Robinson and Sherry Scruggs, after first being duly sworn according to law, make oath that the Last Will and Testament of Elaine Hearn Rust, dated September 27, 1983, a copy of which is attached to and made part of this Affidavit, was signed by the said Elaine Hearn Rust as, for and at that time acknowledged, published and declared by her to be her Last Will and Testament in the sight and presence of us, the undersigned attesting witnesses, who at her request and in her sight and presence, and in the sight and presence of one another, subscribed our names as attesting witnesses on September 27, 1983, and we further make oath that the Testatrix was of sound mind and disposing memory, and was not acting under the fraud, menace, or undue influence of any person, and was more than 18 years of age, and that each of us is more than 18 years of age.

Dean Robinson
WITNESS

Sherry Scruggs
WITNESS

Subscribed and sworn to before me
this the 27th day of September, 1983.

NOTARY PUBLIC

My Commission Expires: 4-26-85

NOTARY PUBLIC STATE OF TENNESSEE LARGE

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 25TH day of APRIL, 2024, in Docket Number 24P773, IN RE: JUDITH ELAINE RUST, 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 25TH day of APRIL in the year 2024 and in the 247 year of American Independence.

JOSEPH P. DAY, Clerk

By: _____
Deputy Clerk

[SEAL]

