STATE OF TENNESSEE

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IN RE: ***EDWIN M. DELASHMITT***

Docket No: ***24P1029***

Karen Johnson Davidson County
Batch # 1148484 WILL
06/18/2024 01:10:49 PM 7 pgs
Fees: $37.00 Taxes: $0.00
20240618-0045863

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 June 5, 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 June 18, 2024.

JOSEPH P. DAY CIRCUIT COURT CLERK

JOSEPH P. DAY, Clerk,

By: _____

Deputy Clerk

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24P1029

FILED
JUN 05 2024
JOSEPH P. DAY, CLERK
By Deputy

Last Will and Testament

OF

EDWIN M. DELASHMITT

Item I

Declarations

1.1 My Will: My name is Edwin M. Delashmitt, and this is my Will. I revoke any earlier dated Testamentary instrument of mine.

1.2 My Family: I have two children, Kerry Wayne Delashmitt and David Morris Delashmitt, and I may hereafter refer to them as my children in this Will. I am mindful of my heirs at law and all gifts made herein are intentional on my part.

Item II

Payment of Funeral and Administration

expenses, debts and Taxes

2.1 Debts and Administration Expenses: My Executrix should pay my unpaid funeral expenses and the expense of administering my debts.

2.2 Taxes: My Executrix shall pay my lawful inheritance, estate or other death taxes, including interest and penalties thereon, from my general estate. My Executrix shall not apportion these taxes against a beneficiary of my probate estate.

Item III

Specific Gifts

THE MONETARY GIFTS TO BE MADE AS SET FORTH IN THIS ITEM SHALL ONLY BE MADE IN THE EVENT THAT THERE ARE LIQUIDATED FUNDS AVAILABLE ON THE DATE OF MY DEATH AND NO REAL PROPERTY SHALL BE SOLD IN ORDER TO MAKE THE GIFT(S) AND THE GIFT SHALL LAPSE IN SUCH EVENT. TO THE EXTENT THERE BE LIQUIDATED FUNDS AVAILABLE TO PARTIALLY MAKE THE GIFT(S), THEN THE SAME SHALL BE MADE IN A PRO-RATA SUM PERCENTAGE OF THE LIQUIDATED SUMS AND THE REMAINDER OF THE GIFT SHALL LAPSE.

PAGE ONE OF MY LAST WILL AND TESTAMENT OF FOUR PAGES:

EDWIN M. DELASHMITT

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3.1 Gift of Real Property: Should I own on the date of my death, I give my real property located at 127 39th Avenue North, Nashville, Tennessee, in equal shares to David Morris Delashmitt, Kristin Delashmitt and Rebecca Delashmitt, per stirpes.

3.2 Gifts of Real Property to David Morris Delashmitt: I give my real property located at 6358 Columbia Avenue, Nashville, Tennessee, to my son, David Morris Delashmitt.

3.3 Gifts of Real Property and Personal Automobile to Bonnie Delashmitt: I give my real property I own at 437 Westboro Drive, Nashville, Tennessee, along with all contents, except as otherwise bequeathed in this instrument, to Bonnie Delashmitt. Further, I give to Bonnie Delashmitt any personal automobile I may own on the date of my death.

3.4 Gifts to Joyce Martin: To Joyce Martin, I give the sum of Ten Thousand ($10,000.00) Dollars.

3.5 Gift to Ardis Delashmitt: To my niece, Ardis Delashmitt, I give the sum of Two Thousand Five Hundred ($2,500.00) Dollars and the bookcase in my office that belonged to her grandmother.

3.6 Gift to Joseph Jensen: To my great-nephew, Joseph Jensen, I give the sum of Two Thousand Five Hundred ($2,500.00) Dollars, to be held for him by his mother, Ardis Jensen, until he turns age 18.

3.7 Gifts to Kerry Wayne Delashmitt: To my son, Kerry Wayne Delashmitt, I give all of my accounts held by Edward Jones.

3.8 Gifts to Kristin Delashmitt: To my granddaughter, Kristin Delashmitt, I give all dishes in the corner cabinet, including silverware, and my bedroom furniture (bed, dresser and chest).

3.9 Gifts to Rebecca Delashmitt: To my granddaughter, Rebecca Delashmitt, I give my dining room set, including the corner cabinet, my mother's sterling silver dinnerware, and Mamaw's cedar chest.

3.10 Gift to Casey Koonce: I give to Casey Koonce the sum of One Thousand ($1,000.00) Dollars.

3.11 Gift to Bonnie Delashmitt: I give to Bonnie Delashmitt the sum of One Thousand ($1,000.00) Dollars, to be held by her for the benefit of Makayla Moulder.

PAGE TWO OF MY LAST WILL AND TESTAMENT OF FOUR PAGES:

Edwin M. Delashmitt
EDWIN M. DELASHMITT

EFILED 06/05/24 11:15 AM CASE NO. 24P 1029 Joseph P. Day, Clerk

3.12 Remaining Tangible Personalty: I give the remainder of my tangible personalty to my four grandchildren, Candy Delashmitt, Sheila Delashmitt, Kristin Delashmitt and Rebecca Delashmitt, in equal shares. Should my grandchildren be unable to reach a physical division of said property, I ten authorize my Executrix to hold a public and/or private sale and dispose of those assets in dispute and equally divide the next proceeds therefrom.

Item IV

Disposition of Residuary Estate

4.1 Residuary Estate: I give my residuary estate to my four grandchildren, namely, Candy Delashmitt, Sheila Delashmitt, Kristin Delashmitt and Rebecca Delashmitt, in equal shares, per stripes.

Item V

The Fiduciary

5.1 Appointment: I appoint Bonnie Delashmitt as Executrix of my estate. My Executrix shall be paid from my estate for services rendered.

5.2 Resignation: My Executrix may resign upon advance written notice of not less than thirty (30) days to the Court having jurisdiction over my estate, and the Court will appoint a successor Executor. However, the resignation is not effective until the successor Executor is appointed. The resigning Executrix shall deliver the assets under its control and any evidences of title to the successor Executor and also shall make an accounting, unless excused from doing so by the successor Executor.

5.3 Bond: I excuse the Executrix appointed herein from making bond.

5.4 General Provision Applicable to Executrix: The following provisions apply to my Executrix:

(a) My Executrix has each power set forth in Tennessee Code Annotated, Section 35-50-110, which I incorporate by reference into this Will.

(b) A successor Executor has each duty, right and power given to the Executrix originally appointed. A successor Executor is not liable for an act or default of a predecessor Executor, nor for a loss or an expense from or occasioned by an act done or neglected to be done by a predecessor

Edwin M. Delashmitt
EDWIN M. DELASHMITT

EFILED 06/05/24 11:15 AM CASE NO. 24I1023 Joseph P. Day, Clerk

Executor. The successor Executor may accept the account rendered and assets delivered to it by its predecessor as a complete discharge to the predecessor Executor.

(c) I excuse my Executrix from filing an inventory and making reports to the Court having jurisdiction over my estate.

(d) My Executrix shall have full authority to sell at a public or private sale my personal property without Court approval, to satisfy my last debts, if necessary. My realty shall be treated in all respects as personal property, as may be applicable.

Item VI

Interpretive Provisions

6.1(a) If a beneficiary does not survive me, but leaves a descendant who does survive me, the descendant takes the share of my deceased beneficiary, except to the extent that I have made a different disposition of the gift.

(b) In referring to an Executor, trustee, fiduciary, child, descendant or beneficiary, a word of one gender includes each other applicable gender and a reference to the singular includes the plural, and vice-versa, unless the context indicates this would be inappropriate.

(c) In referring to an action by a fiduciary, the auxiliary verb "may" gives the fiduciary the continuing discretion to take or not to take the action referred to. The auxiliary verbs "must" and "shall" require the fiduciary to take the action directed.

Item VII

Signature

7.1 This Will consists of four (4) pages (each of which I have signed or initialed) covering Items I through VII, inclusive. I now sign this as my Last Will and Testament on this the 3rd day of December, 2012, and pursuant to Tennessee Code Annotated 32-2-110. I request the attesting witnesses to make affidavit attached to this Will.

Edwin M. DeLashmitt
EDWIN M. DELASHMITT

ATTEST TO EXECUTION OF THE WILL:

WITNESS

305 14th Ave N
Nashville TN 37203
ADDRESS

WITNESS

305 14th Ave N
Nashville, TN 37203
ADDRESS

EFILED 06/05...

STATE OF TENNESSEE
COUNTY OF DAVIDSON

I make oath or affirm that:

1. The Testator, Edwin M. Delashmitt, signed the foregoing Last Will on the date shown on the Will, and at the time of such signing he informed me he signed it as his Last Will.

2. He signed this Will when I was in his sight and presence. Contemporaneously with the signing, he requested me to sign the Will as his attesting witness, which I did in the sight and presence of a second witness.

3. The Testator is more than eighteen (18) years of age, and I am also more than eighteen (18) years of age.

4. In my judgment the Testator is legally competent to make a Will.

WITNESS

Sworn to and subscribed before me this 3rd day of December, 2012.

NOTARY PUBLIC

My Commission Expires: 10-28-2015

LARRY D. CRAIG
NOTARY PUBLIC AT LARGE
CHEATHAM COUNTY, TENN.

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STATE OF TENNESSEE
COUNTY OF DAVIDSON

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3. The Testator is more than eighteen (18) years of age, and I am also more than eighteen (18) years of age.

4. In my judgment the Testator is legally competent to make a Will.

WITNESS

Sworn to and subscribed before me this 3rd day of December, 2012.

NOTARY PUBLIC

My Commission Expires: 10-28-2015

NOTARY PUBLIC AT LARGE CHEATHAM COUNTY, TENN.