STATE OF TENNESSEE

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Karen Johnson
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Fees: $57.00 Taxes: $0.00
Davidson County
WILL
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IN RE: ***JOHN A CALLIGHAN III***

Docket No: ***23P2340***

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 January 11, 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 July 9, 2024.

JOSEPH P. DAY CIRCUIT COURT CLERK

JOSEPH P. DAY, Clerk,

By: _____
Deputy Clerk

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23P2340

LAST WILL AND TESTAMENT

OF

JOHN A. CALLIGHAN III

FILED
JAN 11 2024
JOSEPH P. DAY, Clerk
By: Deputy

I, JOHN A. CALLIGHAN III, domiciled in Davidson County, Tennessee, do make, publish and declare this to be my Last Will and Testament, hereby revoking all wills and codicils heretofore made by me.

I

I appoint my daughter, DONNA JEAN CALLIGHAN, to be the Executrix of this my Last Will and Testament and direct that no bond be required of her for the faithful performance of her duties; I vest my said Executrix with full power and authority to sell, transfer and convey any property, real or personal, which I may own at the time of my death at such price and upon such terms as she may determine and to do every other act and thing necessary or appropriate to complete the administration of this Will. Any successor Executor serving hereunder shall not be required to inquire into or audit the acts or doings of my Executrix or to make any claim against her or her estate. My successor Executor shall have and may exercise any and all of the powers, privileges, immunities and exemptions herein conferred on my Executrix as fully and to the same extent as if such successor Executor had originally been named Executrix herein.

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II

I direct that all my just debts that constitute enforceable claims against my estate (except debts secured by mortgages or other security instruments, which may be paid or retained in the discretion of my Executrix), including funeral and testamentary expenses, the cost of a suitable monument at my grave, the expense of my last illness, unpaid charitable pledges (whether or not the same are enforceable obligations of my estate) and the cost of administration of my estate be paid as soon as practical after my death. My Executrix, in her sole and absolute discretion, may pay from my domiciliary estate all or any portion of the cost of ancillary administration and similar proceedings in other jurisdictions.

III

I direct my Executrix to pay as an expense of administration all estate, inheritance, succession and other taxes (together with any interest or penalty thereon), assessed by reason of my death, imposed by the government of the United States, or any state or territory thereof, or by any foreign government or political subdivision thereof in respect of all property included in my estate for estate or like tax purposes by any of such governments, whether the property passes under this Will or otherwise, including property over which I have a power of appointment. The proceeds of any life insurance payable to my estate may be used for the payment of debts or taxes. I direct that any taxes so paid shall be charged against my residuary estate.

IV

A. I was granted a divorce from Rebecca Ann Callighan by order

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of the Superior Court for the Judicial District of Fairfield at Stamford, State of Connecticut (Docket No. 034632 2). Under the terms of paragraph 10 of the decree dated August 28, 1978 granting my said divorce, I am required to designate my children as beneficiaries of one half (½) of my estate as it existed at the time of execution of said decree. I have computed my estate to have had a value of $12,600.00 on August 28, 1978. In compliance with said decree, I hereby direct my Executrix to deliver an amount of Three thousand One hundred Fifty Dollars & no/100 cents ($3,150.00) outright to my daughter, DONNA JEAN CALLIGHAN, and also to deliver an amount of Three thousand One hundred Fifty Dollars & no/100 cents ($3,150.00) to my daughter, SUZANNE C. WAGNER.

B. I have no interest in any personal effects, slides, papers, pictures, mementos, tools, hunting and fishing supplies, writings, woodwork and similar articles, having previously gifted all of same to my wife, CAROLYN W. CALLIGHAN. Neither do I have any interest in any furniture, belongings or tangible personal property situated at 4200 Sneed Road, Nashville, Tennessee 37215 (hereinafter the "Residence"); I have also gifted my interest in said items to my wife, CAROLYN W. CALLIGHAN. It is my hope that my said wife will share some of these items with my daughters, DONNA JEAN CALLIGHAN and SUZANNE WAGNER, and my grandson, BENJAMIN LOUIS WAGNER, but this is a matter of my wife's discretion.

C. My wife, CAROLYN W. CALLIGHAN, and I currently own the Residence as tenants-by-the-entireties. I make the following provisions relative to the Residence:

1. If I survive my said wife, then I understand that her interest in the Residence will pass to me and I will be the sole owner of the Residence. In such event, I direct that all my interest in the Residence be distributed as a part of my residuary estate under the terms of Item V, below.

2. If my said wife survives me, then I understand that my interest in the Residence will pass to my wife. It is my hope

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that my said wife will make provision to leave the Residence to my daughter, DONNA JEAN CALLIGHAN, and my grandson, BENJAMIN LOUIS WAGNER, following her death, but I understand that this is a matter of my wife's discretion.

D. At the time of my death, I may be a joint tenant of one or more bank accounts with my daughter, DONNA JEAN CALLIGHAN, and/or my grandson, BENJAMIN LOUIS WAGNER. It is my intent that all of said accounts shall pass to, and become the sole property of, my said daughter and/or my said grandson (as the account designations indicate). I direct my Executrix to use her best efforts to see that my intent is fulfilled.

E. Under the terms of Item III, paragraph B, subparagraph 5 of the Barbara Hardesty Fortney Energy Trust dated July 27, 2005 (the "Energy Trust"), I am granted the right to appoint one or more persons to be my "Next Taker", as that term is defined in the Energy Trust. I do hereby appoint as my "Next Taker" my daughter, DONNA JEAN CALLIGHAN, and my grandson, BENJAMIN LOUIS WAGNER, each of them to receive an equal interest.

Provided, however, if either of my said daughter or my said grandson does not survive me, then the amount otherwise passing to him or her shall be distributed to the other of them who survives me.

Provided, further, if there is no living person entitled to receive an interest under the dispositive scheme set out above, then I direct that said interest shall pass to my wife, CAROLYN W. CALLIGHAN, if she survives me, but if she does not survive me, said interest shall pass to those persons, OTHER THAN my daughter, SUZANNE C. WAGNER, who may then be my heirs-at-law as determined under the laws of the state of Tennessee then in force.

V

I give, devise and bequeath outright all the rest, residue and

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remainder of my estate outright to and among my daughter, DONNA JEAN CALLIGHAN, and my grandson, BENJAMIN LOUIS WAGNER, each of them to receive an equal in value share thereof. If either of my said daughter or my said grandson does not survive me, then the amount otherwise passing to him or her shall be distributed to the other of them who survives me. If neither of them survives me, then the amount otherwise passing hereunder shall be distributed outright to my wife, CAROLYN W. CALLIGHAN, if she survives me, but if she does not survive me, the residue of my estate shall pass to those persons, OTHER THAN my daughter, SUZANNE C. WAGNER, who may then be my heirs-at-law as determined under the laws of the state of Tennessee then in force.

VI

In addition to any powers or duties provided by other provisions in this Will or by law, my Executrix shall have the following powers:

A. The powers enumerated in the provisions of §35-50-110 Tennessee Code Annotated, including the introductory paragraph and all subparagraphs thereof to the extent applicable. Said provisions (as in force on the date of execution of this Will) are hereby incorporated herein by reference as fully as though copied herein verbatim, notwithstanding that said statute may be amended hereafter or repealed.

B. The power to exercise any election available to my estate with regard to claiming any administration expense either as a deduction for any death tax or income tax purpose. Said elections may be made in such manner as will minimize the total tax burden, if any, on my estate and shall not require adjustments as between the income and principal accounts of my estate. I hereby relieve my Executrix of any liability to any beneficiary by reason of making

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or failing to make any such election.

C. To the extent allowable under applicable Tennessee law at the time of my death, I hereby relieve my Executrix from any duty or responsibility to file accountings, reports or inventories with any court having jurisdiction over my estate.

D. Pursuant to the authority of T.C.A. §31-2-103, all real property that I may own at the time of my death shall be administered as part of my estate subject to the control of my Executrix.

VII

A. Purchasers from, lenders to and other dealing with my Executrix shall not be required to inquire as to the occasion for such sale, loan or other transaction, nor to see to the application of such purchase, loan or other money or property. Written receipts and/or canceled checks retained by my Executrix shall be good and sufficient discharges for the sums therein stated to have been received. Transfer agents and other persons dealing with my Executrix may deal with her as if she were the sole owner of the property dealt with.

B. Any Executrix serving hereunder shall be entitled to reasonable compensation for services rendered, and may be reimbursed for her expenses. Any such expenses may be charged, in the discretion of the Executrix, to either income or principal.

VIII

A. Currently, my immediate family includes only my wife, CAROLYN W. CALLIGHAN. I have two (2) daughter by a prior marriage, SUZANNE C. WAGNER and DONNA JEAN CALLIGHAN. Also, I have a grandson, BENJAMIN LOUIS WAGNER.

B. Throughout my Will, I have not made any direct provision

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for my daughter, SUZANNE C. WAGNER. I have written my Will in this fashion because I did not want to disrupt my said daughter's financial situation. It is my sincere hope that persons taking benefits under this Will will make sure that my said daughter is adequately provided for.

IX

A. In referring to any person in this Will, a word of one gender shall be deemed to include the other, and a reference to the singular shall include the plural, and vice versa, if the context indicates that such a reading would be appropriate. If a successor Executor is appointed, any reference to the word "Executrix" shall be deemed to refer to such successor Executor.

IN WITNESS WHEREOF, I have hereunto subscribed my name to this my Last and Testament, consisting of ten (10) typewritten pages (including the affidavit) and for the purposes of identification I have initialed each such page, all in the presence of the persons witnessing it at my request, on this the 9th day of December, 2016.

JOHN A. CALLIGHAN III

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The foregoing instrument was signed, published and declared by John A. Callighan III, the Testator, to be his Last Will and Testament, in the presence of all of us at one and the same time, and we, at his request, and in his presence and in the presence of each other, have hereunto subscribed our names as witnesses this 9th day of December, 2016, at Nashville, Tennessee, this clause having first been read to us aloud.

WITNESSES:

ADDRESSES:

1211 16th Avenue S.
Nashville TN 37212

1211 16th Ave - S.
Nashville, TN 37212

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STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

AFFIDAVIT

Personally appeared before me, the undersigned notary public, Claiborne K. McLemore III and Dan E. Huffstutter, who, after being duly sworn according to law, depose and say:

1. That they are citizens of Davidson and Davidson Counties, respectively, and are each more than eighteen (18) years of age.

2. That they witnessed the execution of the Last Will and Testament of John A. Callighan III, the Testator, dated December 9, 2016, to which this affidavit is attached, and that this Affidavit is being made at the request of the Testator.

3. That the Testator signed said paper writing as and for his Last Will and Testament in their sight and presence at one and the same time.

4. That their signatures are affixed to said Last Will and Testament, that they signed or affixed the same at the instance and at the request of the Testator and in his presence, and in the presence of each other, at the place and on the date recited in said Last Will and Testament.

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5. That at the time they witnessed said Will, the Testator was, in their opinion, more than eighteen (18) years of age, of sound mind and disposing memory, and did not appear to be under any undue influence.

Sworn to and subscribed to before me, this 9th day of December, 2016.

Notary Public

My commission expires: October 20, 2020

