STATE OF TENNESSEE

****

Karen Johnson
Batch # 1167179
08/12/2024 08:51:50 AM
Fees: $57.00 Taxes: $0.00
Davidson County
WILL
11 pgs
20240812-0060148

IN RE: ***MARY JANE LITTLETON***

Docket No: ***24P1467***

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 July 29, 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 29, 2024.

JOSEPH P. DAY CIRCUIT COURT CLERK

JOSEPH P. DAY, Clerk,

By: _____
Deputy Clerk

EFILED 07/29/24 09:03 AM CASE NO. 24P1467 Joseph P. Day, Clerk

24P1467

Last Will and Testament

of

MARY JANE LITTLETON

FILED
JUL 26 2024
JOSEPH P. DAY, Clerk
By _____ Deputy

I, **MARY JANE LITTLETON**, of Murray, Calloway County, Kentucky, being of sound mind and disposing memory, do hereby make and publish this my LAST WILL AND TESTAMENT, hereby expressly revoking any and all Wills, Testaments, and Codicils to Wills at any time heretofore made by me.

ARTICLE ONE
EXPENSES AND TAXES

I direct that all of my legal debts, my funeral expenses, my unpaid religious and charitable pledges, and the costs of administering my estate be paid from the principal of my estate. I direct that all lawful estate, inheritance, succession, and other taxes assessed by reason of my death, in respect of all property required to be included in my gross estate for estate or inheritance tax purposes, whether the property passes under this Will or otherwise, shall be charged against and paid by the recipient or beneficiary of such property; provided, however, that there shall be no apportionment against any donee or recipient of the property that is a qualified charity for which a charitable deduction is allowed nor against any property passing to my spouse that qualifies for the marital deduction under Internal Revenue Code Section 2056.

ARTICLE TWO
BEQUESTS

Section A. Personal Effects.

1. ***Definition.*** The term "my personal effects" includes all clothing, jewelry, motorized and non-motorized vehicles, household furniture and furnishings, household appliances, silverware, glassware, china, pets, books, pictures, and other works of art, stamp and coin collections, family memorabilia, and all other similar assets of personal or household use or ornament including all tangible personal property not used in the conduct of a business or profit seeking venture, which I own at my death. The term "my personal effects" also includes all of my interests in insurance policies insuring any of the above-mentioned assets against loss or liability, but does not include personal property of an intangible nature, such as stocks, bonds, bank accounts, certificates of deposit, *et cetera*, or any property specifically bequeathed in Section C of this Article Two.

2. **Bequest.** I leave my personal effects to my children, JOSEPH ANDREW LITTLETON and MARY ANN LITTLETON, equally and on a *per stirpes* basis. No share of my personal effects shall be allocated for any of my children who have predeceased me and have no then living issue. If any beneficiary receiving a share of my personal effects is under twenty-one (21) years of age, I

INITIALS: MJL

EFILED 07/29/24 09:03 AM CASE NO. 24P1467 Joseph P. Day, Clerk

authorize my Co-Executors to convert such beneficiary's share of my personal effects to cash and distribute such cash to my Trustee to hold in trust for such beneficiary as a "Descendant's Trust" pursuant to the terms set forth in Article Four of this Will.

Section B. General Provisions.

The reasonable costs of protecting, appraising, packing, storing, shipping, cleaning, delivering, and insuring all assets disposed of in this Article Two shall be paid as an expense of administering my estate. My Co-Executors are authorized to make a binding and conclusive resolution of any reasonable doubt or uncertainty as to whether the term "my personal effects" includes any particular asset or assets.

ARTICLE THREE
RESIDUARY ESTATE

Section A. *Definition.*

The term "my residuary estate" includes all the residue of my assets of every kind, wherever located, which I own at my death. It includes all future interests and all assets which I have not otherwise effectively disposed of in this Will, either because an intended beneficiary failed to survive, or for any other reason. The term does not include any assets over which I may have a power of appointment at the time of my death.

Section B. Disposition.

I leave my residuary estate in the following manner:

1. **Primary Disposition.** I leave my residuary estate to my children, JOSEPH ANDREW LITTLETON and MARY ANN LITTLETON, outright and in fee simple.

2. **Secondary *Disposition*.** If any of my children do not survive me, I instruct my Executor to divide my residuary estate into equal shares, creating one such share for each of my then living children and one such share for each of my deceased children who has then living issue. I leave one such share of my residuary estate to each of my then living children outright and in fee simple, and one such share of my residuary estate to the then living issue, *per stirpes*, of each of my deceased children who has then living issue. In the event that any beneficiary for whom a share of my residuary estate is allocated pursuant to this subparagraph 2 is under twenty-one(21) years of age, I leave such beneficiary's share to my Trustee to be held, administered and distributed as a "Descendant's Trust" pursuant to Article Four below.

INITIALS: MLJ

EFILED 07/29/24 09:03 AM CASE NO. 24P1467 Joseph P. Day, Clerk

ARTICLE FOUR
TRUST PROVISIONS

Section A. Descendant's Trust.

Each Descendant's Trust shall be administered and distributed in the following manner for the benefit of my descendants:

1. **Income Distribution.** Prior to the Descendant attaining eighteen (18) years of age my Trustee is authorized to distribute all or any part of the net income to the Descendant which, in my Trustee's sole and absolute discretion, is for the Descendant's best interests and general welfare. My Trustee is granted further absolute discretion to determine: when, how, and whether to make distributions; the specific purposes for making them; and the assets and amounts to be distributed. When the Descendant attains the age of eighteen (18) years my Trustee shall commence to distribute the entire net income to the Descendant in convenient installments, but not less frequently than annually, each year.

2. **Principal Distributions.** My Trustee, in the Trustee's sole discretion, is authorized to distribute all or any part of the principal to the Descendant, if the Descendant has a need for distributions to provide for Descendant's health, maintenance, education and support. In determining the amounts of principal to be so disbursed, my Trustee shall take into consideration any other income or property which the Descendant may have from any other source, and the standard of living to which the Descendant is then accustomed. My Trustee's discretion shall be conclusive as to the advisability of any such disbursement.

During the administration of the trust my Trustee shall make the following principal distributions to the Descendant at the intervals stated until the trust is exhausted. My Trustee shall distribute one-third of the then remaining principal balance when the Descendant attains the age of twenty-one (21) years; one-half of the then remaining principal balance when the Descendant attains the age of twenty-five (25) years; and all of the remaining principal balance and income when the Descendant attains the age of twenty-eight (28) years and the Trust shall terminate.

3. **Gift Over.** As used in this paragraph 3, the term "remaining assets" includes all principal and accrued or undistributed income which remains at Descendant's death before the Trust terminates; and the term "then living" means living at the Descendant's death.

Upon the Descendant's death, the remaining assets shall be distributed, *per stirpes*, to the Descendant's then living issue. If the Descendant has no then living issue, the remaining assets shall be distributed, *per stirpes*, to my then living issue. If I have no then living issue, the remaining assets shall be allocated to my heirs at law.

INITIALS: MI JK

EFILED 07/29/24 09:03 AM CASE NO. 24P1467 Joseph P. Day, Clerk

Section B. Investment of Distributions Received.

It is my desire that the descendant discuss the use and investment of their principal distributions with the Trustee for guidance and suggestions. Notwithstanding, I understand that once the principal distributions are received that the funds belong to the Descendant who may invest as they desire. I would hope, however, the Descendant would rely on the judgment of the individual I have appointed as trustee to consider with them investment of the trust principal they receive.

Section C. Investing of Trust Funds.

My Trustee is authorized to combine trust funds for purposes of investing and reinvesting if my Trustee deems it appropriate and best for the Trust and the trust beneficiaries.

ARTICLE FIVE
APPOINTMENT OF FIDUCIARIES

Section A. Appointment of Executor.

I hereby nominate and appoint my children JOSEPH ANDREW LITTLETON and MARY ANN LITTLETON, as Co-Executors of my estate. Should either of my children fail to qualify, cease to act as my Co-Executor, become unable to serve as my Co-Executor, or die, then I nominate and appoint my remaining child to serve as my sole Executor as if he/she had been originally appointed as such. My Co-Executors, or any successor, shall serve without surety on his/her bond and to the extent permitted by law, without inventory or accounting.

Section B. Appointment of Trustee.

I nominate and appoint MARY ANN LITTLETON to serve as Trustee of all trusts created under this Will. If MARY ANN LITTLETON fails to qualify, ceases to act as my Trustee, becomes unable to serve as my Trustee, or dies, I nominate and appoint JOSEPH ANDREW LITTLETON to serve as Trustee. My Trustee or any successor, shall serve without surety on his/her bond and to the extent permitted by law, without inventory or accounting.

ARTICLE SIX
FIDUCIARY POWERS AND PROVISIONS

Section A. Fiduciary Powers.

I hereby grant to my Co-Executors the continuing, absolute, discretionary power to deal with any property, real or personal, held in my estate as freely as I might in the handling of my own affairs. Such power shall include, but not be limited to, all powers granted by KRS Chapter 395 and any other applicable statute, regulation, or controlling common law. Such power may be exercised independently and without the power or subsequent approval of any Court or judicial authority, and

INITIALS: MJL

EFILED 07/29/24 09:03 AM CASE NO. 24P1467 Joseph P. Day, Clerk

no person dealing with the Co-Executors shall be required to inquire into the propriety of any of his/her actions. I expressly grant my Co-Executors the power to sell and convey any real property which I may own at my death without the approval of any court on such terms and conditions and for such price as my Co-Executors, in his/her discretion, may determine to be in the best interests of my estate.

Section B. Estate Matters.

Further, my Co-Executors shall have the power to elect to deduct administration expenses either as income tax deductions or estate tax deductions, or as deductions and diminution of receipts, whichever in his/her judgment is in the best interest of my estate and are authorized to exercise, in his/her sole discretion, any elections to value my estate as of the date of my death or as of any other permissible date granted by any applicable law, and there shall be no adjustment between or among the various beneficiaries, legatees, or devisees named herein by reason of any election made pursuant to the powers granted herein or by reason of the failure or refusal to make such elections.

ARTICLE SEVEN
VESTING OF INTERESTS

Section A. Simultaneous Death.

In the matter of determining survivorship as between any legatee or devisee on the one hand and myself on the other, if such legatee or devisee and I shall meet our death under circumstances which make it impossible to determine whether or not one survived the other, this instrument shall be construed as though such legatee or devisee had predeceased me.

Section B. Spendthrift Provision.

No beneficiary of any trust created hereunder shall have any right or power to anticipate, pledge, assign, sell, transfer, alienate, or encumber his or her interest in the trust in any way, including by operation of law or legal process; nor shall any interest in any manner be liable for or subject to the debts, liabilities, or obligations of such beneficiary or claims of any sort against such beneficiary.

Section C. Perpetuities.

Anything in this Will to the contrary notwithstanding, no trust created hereunder shall continue beyond twenty-one (21) years after the death of the last to die of those beneficiaries who were living at the time of my death; and upon the expiration of such period, all trusts shall terminate and the assets thereof shall be distributed outright to those parties (and in the same proportions) as are then receiving the income therefrom.

INITIALS: DDJ JLK

EFILED 07/29/24 09:03 AM CASE NO. 24P1467 Joseph P. Day, Clerk

Section D. No Contest Provision.

If any beneficiary hereunder shall contest the probate or validity of this Will or any provision thereof, or shall institute or join in (except as a party defendant) any proceedings to contest the validity of this Will or to prevent any provision thereof from being carried out in accordance with its terms (regardless of whether or not such proceedings are instituted in good faith and with probable cause), then all benefits provided for such beneficiary are revoked and such benefits shall pass as if the beneficiary had died immediately before me.

Section E. Small Trust Provisions.

If the aggregate value of the assets available for the establishment of any trust created in this Will shall be less than Twenty-Five Thousand Dollars ($25,000.00) at the time of the Executor's final accounting, or if during the administration of a trust hereunder, the principal assets of such trust shall be less than Twenty-Five Thousand Dollars ($25,000.00), I give my Co-Executors or Trustee, as the case may be, the discretion whether or not said trust shall be established or continued, as the case may be, and that if my Executor or Trustee elects not to establish said Trust or to continue said Trust, the assets which are in or would have been distributed to such trust shall be distributed instead to the beneficiary who is then or would have been entitled to receive the income from said trust and in the same proportion as he or she would have been entitled to such income, absolutely and free from trust.

ARTICLE EIGHT
CONSTRUCTION PROVISIONS

Section A. Issue.

The terms "child", "grandchild", and "issue" are defined as provided in this Section A.

1. Child. The term "child" of a designated individual means that individual's descendant in the first degree, who was conceived or adopted prior to attaining eighteen (18) years of age, during that individual's lifetime. That term does not include a stepchild, a foster child, or a grandchild or more remote descendant.

All references to "my children" in this document are to my two children, JOSEPH ANDREW LITTLETON and MARY ANN LITTLETON.

2. Grandchild. The term "grandchild" of a designated individual means a child of that individual's child.

3. Issue. The term "issue" of a designated individual includes each child, grandchild, and more remote descendant of that individual, taken collectively. That term also means any child, grandchild, or more remote legitimate descendant of that individual, whenever the facts and context require.

INITIALS: JDJ JL

EFILED 07/29/24 09:03 AM CASE NO. 24P1467 Joseph P. Day, Clerk

4. **Afterborns.** The terms "child", "grandchild", and "issue" include descendants who are living at the date of execution of this Will, and those who are born or adopted thereafter. Anyone who is born alive shall be regarded as having been a legitimate, living descendant of his or her parents during the entire period of gestation.

5. **Heirs at Law.** References to someone's "heirs at law" mean individuals who are living at the time when assets are directed to be distributed to them. Those individual's identities, and the shares of the distributable assets which they each receive shall be determined under the Kentucky intestacy laws which then govern the distribution of the personal property of a resident dying then, without creditors, owning only the distributable assets.

Section B. Miscellaneous Definitions.

The Following terms are defined as provided in this Section B.

1. **Executor.** The term "Executor" includes any personal representative, additional Executor, successor Executor, preliminary Executor, and any administrator with the Will annexed. It also includes the terms "Executors" and "Executrix" whenever the facts and context require.

2. **Gender--Singular and Plural.** Words used in the masculine gender shall be construed to include the feminine genders and vice versa whenever the facts and circumstances dictate. Words used in the singular form shall be construed to include the plural, as appropriate.

3. **Leave.** The term "leave" includes the terms "give", "devise", and "bequeath". The terms "left" shall be similarly interpreted.

4. **Will.** References to this or any other "Will" include any Codicil to it.

Section C. Headings.

The headings, titles, and subtitles in this Will have been inserted solely for convenient reference, and shall be ignored in its construction.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name to this my LAST WILL AND TESTAMENT, and for the purpose of identification, I have initialed each page, and being first duly sworn, I do hereby declare to the undersigned authority that I sign and execute this instrument as my LAST WILL AND TESTAMENT, and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed and that I am eighteen years of

INITIALS: [illegible]

EFILED 07/29/24 09:03 AM CASE NO. 24P1467 Joseph P. Day, Clerk

age or older, of sound mind, and under no constraint or undue influence, all on December 21, 2012, at Paducah, Kentucky.

Mary Jane Littleton
MARY JANE LITTLETON

WITNESSES

We, the undersigned witnesses, sign our names to the foregoing instrument and being first duly sworn do hereby declare to the undersigned authority that the Testatrix signs and executes this instrument to be her LAST WILL AND TESTAMENT, and that she signs it willingly, and that each of us, in the presence and hearing of the Testatrix and in the presence of each other hereby signs this Will as witness to the Testatrix's signing, and that to the best of our knowledge the Testatrix is eighteen (18) years of age or older, of sound mind and under no constraint or undue influence, all on December 21, 2012, at Paducah, Kentucky.

J. Ronald Jackson
WITNESS residing at Paducah, Ky.

Robert E. Pace
WITNESS residing at PADUCAH, KY

INITIALS: MJL

EFILED 07/29/24 09:03 AM CASE NO. 24P1467 Joseph P. Day, Clerk

COMMONWEALTH OF KENTUCKY)
} SS:
COUNTY OF MCCRACKEN)

SUBSCRIBED, sworn to and acknowledged before me by Mary Jane Littleton Testatrix's Name, the Testatrix, and by J. Ronald Jackson and Robert L. Page, the witnesses, on December 21, 2012.

My commission expires: January 29, 2014.

Crystal F. Hauschild
Notary Public
State-at-Large, Kentucky

PREPARED BY:

JACKSON & PAGE, PLLC
ATTORNEYS-AT-LAW

BY: J. Ronald Jackson
J. RONALD JACKSON
P. O. Box 7603
Paducah, Kentucky 42002-7603
(270) 442-3433

Crystal F. Hauschild
Notary Public, ID No. 412821
State at Large, Kentucky

INITIALS: MJL

EFILED 07/29/24 09:03 AM CASE NO. 24P1467 Joseph P. Day, Clerk
Melinda Starks, Calloway Circuit Clerk

24P 1467

AOC-805.1 Rev. 12-23 Page 1 of 1 Doc. Code: OPP; OWF; or OFID Commonwealth of Kentucky Court of Justice www.kycourts.gov KRS 394.145; 395.015; 395.016	**ORDER PROBATING WILL; AND/OR APPOINTING EXECUTOR/ADMINISTRATOR**	Case No. 24-P- Court DISTRICT County Calloway Division PROBATE

IN RE: Estate of MARY JANE LITTLETON

Book: 1457
Name: GENERAL
Antonia Faulkner
Calloway COUNTY
5/16/2024, 10:36:21 AM
DC: Bonny Stewart

Pages:185 – 194 (10)

☑ Petition filed this _____ day of May, 2024.

☑ Will tendered this _____ day of May, 2024.

Upon hearing, the Will offered was proven by SELF PROVING and **ORDERED PROBATED** as the Last Will and Testament of Decedent this _____ day of May, 2024.

The Court appoints: MARY ANN LITTLETON and JOSEPH ANDREW LITTLETON as ☑ Executor/Executrix OR ☐ Administrator/Administratrix of said estate and fixes bond in the sum of $ 284,750.00 ☐ with surety OR ☑ without surety.

(Check if Executor/Executrix or Adminstrator/Administratrix is a nonresident)

☑ The Court designates MARY ANN LITTLETON, whose address is 809 SHARPE STREET MURRAY KY 42071, as agent for the service of process in any action filed against the above-appointed Executor/Executrix or Administrator/Administratrix as personal representative or personally if the action accrued in the administration of the estate.

/s/ HON. RANDALL HUTCHENS
electronically signed
5/13/2024 12:21:59 PM ET

May, 2024
Date

Judge's Signature

I, Antonia D. Faulkner, Clerk of the Calloway County do hereby certify that the above order & will is a true and correct copy as found of record in my office in Book 1457 Card 185-194 this the 16 day of Jun 20 24.
Antonia D. Faulkner, Calloway County Clerk
BY Bonny Stewart D.C.

Distribution: Case File
Revenue Cabinet (Petition and Order)

SEAL
I, Melinda Starks, Clerk of the Calloway Circuit Court hereby certify that the above Order is a true and correct copy as found of record in my office Calloway, 20 24 this the 13 day of May
CLERK
BY: _____ D.C.

Entered 5/13/2024 Melinda Starks, Calloway Circuit Court