Karen Johnson Davidson County
Batch# 1170141 AFFIDAVITH
08/15/2024 07:59:30 AM 11 pgs
Fees: $57.00 Taxes: $0.00
20240815-0062326

Prepared by:
Midstate Title & Escrow, Inc.
128 Holiday Ct., Ste. 125
Franklin, TN 37067
2024-1098

AFFIDAVIT OF HEIRSHIP

AFFIANT, hereinafter referred to as Affiant, being first duly sworn, makes oath as follows:

1. Stephanie Camille Sullivan, (hereinafter referred to Collectively as "Affiant") Affiant is eighteen (18) years or older and suffers under no mental disability.

2. Affiant personally knew **Mark D. Richards**, (hereinafter referred to Collectively as "Decedent") for 15 years and has personal knowledge of the family of Decedent.

3. Affiant knows that at the date of Decedent's death Decedent owned real property known as **719 Powers Avenue, Nashville, TN 37206, Davidson County**, and described as follows:

   Land in Davidson County, Tennessee, being Lot No. 4, Block "A" on the Plan of Tillman's Subdivision, Part One of Part of G.N. Tillman Home Tract of record in Plat Book 1130, Page 29, in the Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description of the property.

4. Decedent, **Mark D. Richards, died on January 26, 2024**, with a Will that was filed and probated in North Carolina and is attached hereto as **Exhibit "A"** and that this Affidavit of Heirship is freely given pursuant to Tenn. Code Ann. § 30-2-712 in order to confirm the vesting of title to the above-described real property.

5. At the date of Decedent's death, Decedent was not married and had no children, born to or adopted.

6. Decedent's Mother, Margaret C. Richards is the heir-at-law of Mark D. Richards as of the date of Decedent's death.

FURTHER AFFIANT SAITH NOT.

Stephanie Camille Sullivan

Affiant – Stephanie Camille Sullivan

STATE OF ~~TENNESSEE~~ Florida
COUNTY OF ~~DAVIDSON~~ Duval

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Stephanie Camille Sullivan, the within named Affiant, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who made oath that the statements contained in the foregoing Affidavit are true of Affiant's own knowledge, and who acknowledged that she executed the within instrument as his/her free act and deed for the purposes therein contained.

Witness my hand, at office, this 5th day of August, 2024.

Lola Denise Strickland
08/05/2024

Notary Public Lola Denise Strickland
My Commission Expires: 06/04/2025

LOLA DENISE STRICKLAND
Notary Public - State of Florida
Commission # HH137805
Expires on June 4, 2025

Produced TN DL

Notarized remotely online using communication technology via Proof.

Last Will and Testament

24 E 125

Of

MARK D. RICHARDS

I, Mark D. Richards, of Burke County, North Carolina, declare this to be my will and revoke all earlier wills and codicils.

ARTICLE I

DISPOSITION OF ESTATE

A. Gift of Tangible Personal Property. All my tangible personal property that was not held by me solely for investment purposes, including, but not limited to, my automobiles, household furniture and furnishings, clothing, jewelry, collectibles and personal effects, shall be disposed of as follows:

I give all such tangible personal property to Margaret C. Richards and Kenneth E. Richards, equal shares per stirpes. I may leave a writing which, although not a part of my will, expresses my desires concerning the disposition of my tangible personal property. I request, but do not require, that my wishes as set forth in any such writing be observed.

B. Gift of Real Property. I leave all of my real property located in Tennessee to Margaret C. Richards. If Margaret C. Richards does not survive me, I give all my real property in Tennessee to Kenneth E. Richards. I leave all of my real property located in North Carolina to Kenneth E. Richards. If Kenneth E. Richards does not survive me, I give all my real property in North Carolina to Margaret C. Richards.

C. Gift of Residuary Estate. My residuary estate, being all my real and personal property, wherever located, not otherwise effectively disposed of, but excluding any property over which I may have a power of appointment, shall be disposed of as follows:

I give my residuary estate to Margaret C. Richards and Kenneth E. Richards, equal shares per stirpes.

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ARTICLE II

PAYMENT OF DEBTS, EXPENSES AND DEATH TAXES

A. Payment of Debts and Expenses. All my debts, health care expenses, funeral expenses and the administration expenses of my estate shall be paid out of my residuary estate. I authorize my Executor, in the Executor's discretion, to spend more than is otherwise allowed by law for a suitable gravestone and for perpetual care of the lot upon which my grave is located.

B. Payment of Death Taxes. All death taxes shall be paid out of my residuary estate as an administration expense and shall not be charged against or recovered from any recipient or beneficiary of the property taxed, except that my Executor shall recover as provided by law any death tax attributable to property over which I have a power of appointment to the extent that any death tax recoverable by law is not otherwise paid out of such property.

ARTICLE III

THE FIDUCIARIES

A. Appointment of Executor. I appoint Margaret C. Richards to be my Executor. If Margaret C. Richards fails or ceases to act for any reason, I appoint my Kenneth E. Richards to be my Executor.

B. Waiver of Bond and Court Supervision. No bond or other security shall be required from any fiduciary. Any fiduciary may act without qualifying before any court or filing with any court any inventory, accounting or other report relating to the administration of my estate unless otherwise required by law to do so.

C. Compensation of Fiduciary. An individual fiduciary may receive that compensation for

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such fiduciary's services which is allowed by law at the time the services under this will are rendered. A corporate fiduciary may receive compensation for its services in accordance with its published schedule of fees in effect at the time the services under this will are rendered.

D. No Requirement of Successor Fiduciary to Audit. No successor fiduciary shall be required to review or audit the accounts or transactions or otherwise inquire into any act or omission of any predecessor fiduciary or to assert any claim against any such predecessor or his or her estate and shall not be liable for any acts or omissions of any predecessor fiduciary.

E. Powers of Successor Fiduciary. Any successor fiduciary may exercise any and all of the powers, authority, and discretion conferred upon the original fiduciary as fully and to the same extent as if such successor had originally been named fiduciary.

ARTICLE IV

ADMINISTRATIVE POWERS OF THE FIDUCIARIES

In the management, care and distribution of my estate or any trust established under this will, I confer upon the fiduciaries, and any successor fiduciary, all of the powers set forth in North Carolina General Statutes § 32-27, which are hereby incorporated by reference as they exist at the date of my execution of this will, except for North Carolina General Statutes § 32-27(29) which is expressly not incorporated herein. These powers are granted to the fiduciaries pursuant to North Carolina General Statutes § 32-26, and shall be in addition to, and not in limitation of, the provisions of North Carolina General Statutes § 28A-13-3 with respect to my Executor and the provisions of North Carolina General Statutes § 36A-136 with respect to the Trustee.

In addition to the powers incorporated above, I grant to my Executor with respect to the property in my estate, regardless of whether title to any real property passing under this will is vested in my Executor,

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and to the Trustee with respect to the property in any trust established under this will, the discretionary powers set forth below to be exercised without court order for any purpose that my Executor or the Trustee may deem advisable:

A. Distributions to or for the Benefit of Beneficiaries. Whenever authorized or directed to distribute property to a beneficiary, whether or not under a legal disability, the power to distribute such property, unless otherwise directed, (i) directly to such beneficiary, including the transfer of property into such beneficiary's name as by depositing cash or registering securities in his or her name, (ii) to the custodian of such beneficiary under a uniform gifts or transfers to minors act, (iii) to the legal or natural guardian of the person or property of such beneficiary, or (iv) to any other person, firm or institution for the benefit of such beneficiary, and the receipt of any of the foregoing shall constitute a full acquittance of the fiduciary to the extent of the distribution so made;

B. Dealing With Estates and Trusts. The power to sell any property to, or to purchase any property from, any trust created by me during life or under this will, or my estate, or the estate of my spouse or any descendant of mine, or any trust created by my spouse or any descendant of mine by will or during life, at the fair market value thereof, or to lend money to any such estate or trust at an adequate rate of interest and with adequate security, as determined by the fiduciary, even though the same person or corporation may be acting as an Executor or Trustee of any such other estate or trust and as the fiduciary hereunder;

C. Credits or Charges to Income and Principal. The power to determine whether items should be charged or credited to income or principal, or be apportioned between income and principal, including without limitation the power to amortize or not to amortize any part or all of any premium or discount, to treat any part or all of any profit resulting from the sale or other disposition of any property, whether purchased at a premium or discount, as income or principal, including the proceeds of the sale of timber, minerals, and other natural resources, to treat any dividend or other distribution on any property as income

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or principal or apportion the same between income and principal, to charge any expenses against income or principal or apportion the same, and to provide or not to provide a reasonable reserve against depreciation, depletion, or obsolescence on any property subject to depreciation, depletion, or obsolescence. The fiduciary shall exercise the fiduciary's discretion in such manner as the fiduciary may reasonably deem equitable and just under all the circumstances and regardless of whether such items are charged or credited to or apportioned between income and principal as provided in Chapter 37 of the General Statutes of North Carolina, provided that income on the property of my estate used to pay debts, taxes, expenses, and other such charges shall be treated as income of my estate and shall not be treated as part of the principal thereof; and

D. Distributions Directly to Trust Beneficiaries. With respect to my Executor, whenever any Trustee acting under any trust to which property passes under this will is authorized or directed to distribute income or principal to a beneficiary, the power to distribute income or principal to which such Trustee is otherwise entitled under this will directly to the beneficiary of such trust during the period of administration of my estate. In making discretionary distributions to any such beneficiary my Executor shall have the power to exercise the discretion granted to such Trustee, except that any individual Executor shall have no power to make such distributions (i) to himself or herself, unless such distributions are limited by an ascertainable standard, or (ii) to any person or institution which has the effect of discharging such Executor's individual legal obligation.

ARTICLE V

PRESUMPTION OF SURVIVORSHIP

If any beneficiary under this will and I should die under such circumstances that there is uncertainty as to which person predeceased the other, it shall be conclusively presumed for the purposes of this will that

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such beneficiary predeceased me.

ARTICLE VI

DEFINITIONS

A. "Executor," "Trustee" and "Fiduciary." The term "Executor" or "Executors" includes any personal representative or representatives of my estate acting under this will such as a successor Executor or Executors and any Administrator with the will annexed. It also includes the term "Executrix" whenever the context requires it. The term "Trustee" or "Trustees" includes any Trustee or Trustees acting under a trust to which property passes pursuant to this will, and the term "Fiduciary" or "Fiduciaries" includes both an Executor and a Trustee.

B. "Death Taxes." The term "death taxes" means inheritance, estate, supplemental estate, generation-skipping, transfer and succession taxes, and any interest and penalties on these taxes, imposed by reason of my death by any jurisdiction with respect to property passing under or outside of the provisions of this will or any codicil to it which is includible in my estate for the purpose of determining such tax, including, but not limited to, any tax on property includible under section 2041 (relating to powers of appointment), section 2042 (relating to life insurance proceeds), or section 2044 (relating to qualified terminable interest property) of the Internal Revenue Code of 1986, as amended, or any comparable provision of state law, but excluding, however, any tax imposed by section 2032A(c) (relating to qualified real property) or chapter 13 (relating to generation-skipping transfers) of the Code, or any comparable provision of state law, for which my estate is not liable.

C. "Child," "Children" and "Descendants." The terms "child" and "children" mean lawful lineal blood descendants in the first degree of the parent designated, and the term "descendants" means lawful lineal blood descendants in any degree of the ancestor designated, but such terms shall include any

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person adopted prior to the time that person reaches the age of eighteen (18).

D. "Per stirpes." Whenever property is to be divided among an individual's then living descendants, "per stirpes," the property shall be divided into as many equal shares as there are children of the individual who are then living or who have died leaving descendants then living. A share allocated to a deceased child of the individual shall be divided further among such deceased child's then living descendants in the same manner.

I, MARK D. RICHARDS, the Testator, sign my name to this instrument this 31 day of August, 2023, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly (or willingly direct another to sign it for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

_____(SEAL)

MARK D. RICHARDS

We, Roderick Willcox and Reyna Perez Gamas the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as the testator's last will in our presence and that the testator signs it willingly (or willingly directs another to sign it for the testator), and that each of us, at the request of the testator, and in the presence and hearing of the testator, and in the presence and hearing of each other, hereby signs this last will as witness to the testator signing, and to the best of our knowledge the testator is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

_____ (Name)

Morganton NC (Residence)

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Reyna Perez Garcia (Name) Morganton NC (Residence)

STATE OF NORTH CAROLINA
COUNTY OF Burke

Subscribed, sworn to and acknowledged before me by MARK D. RICHARDS, the testator, and subscribed and sworn to before me by Roderick H. Willcox, Jr. and Reyna Perez Garcias witnesses, this 31 day of August, 2023.

(SEAL)

B. MEGAN PARLIER
Notary Public - North Carolina
Caldwell County
My Commission Expires Oct 30, 2027

B. Megan Parlier
Notary Public

My Commission Expires: 10/30/2027

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Tennessee Certification of Electronic Document

I, J. BRANDON MILLER do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on **August 5, 2024**.

Affiant Signature

August 8, 2024

State of TENNESSEE

County of DAVIDSON

Sworn to and subscribed before me this 8th day of August, 2024.

CAITLIN MCKEIGHEN
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF DAVIDSON
MY COMM. EXPIRES JULY 7, 2025

Notary's Signature

MY COMMISSION EXPIRES: 7-7-25