This instrument was prepared by:
Sidwell, Barrett, Gore & Reynolds, P.C.
121 First Avenue South, Suite 200
Franklin, TN 37064

Karen Johnson Davidson County
Batch# 1176072 AFFIDAVITH
08/30/2024 03:23:30 PM 9 pgs
Fees: $47.00 Taxes: $0.00
20240830-0067155

GRANTEE(S): Ralph E. Eakes

SEND TAX NOTICES TO: Ralph E. Eakes
5953 S New Hope Road
Hermitage, TN 37076

MAP/PARCEL NUMBER: 098 00 0 024.00

AFFIDAVIT OF HEIRSHIP
HOLD HARMLESS AND INDEMNITY AGREEMENT
Pursuant to T. C. A. § 30-2-712
For the Purpose of Documenting
Title to Property Owned by
Robert Owen Eakes, Mattie L. Eakes and Barbara Ellen Eakes

STATE OF Tennessee)
COUNTY OF Wilson)

I, Wendell Boyd Kirk of Wilson County, Tennessee, being first duly sworn on oath, state that I am of lawful age and that based upon my personal knowledge, and pursuant to Tennessee Code Annotated §§ 30-2-712, et seq., I hereby affirm the following:

Introduction; Knowledge of Deceased

1. Affiant is over the age of eighteen (18) and does not suffer from any type of disability.

2. Affiant presently resides at 226 Brookside Drive, Old Hickory, TN 37138.

3. Affiant is familiar with the estate and heirs of Robert Owen Eakes, deceased, Mattie L. Eakes, deceased, and Barbara Ellen Eakes, deceased, and has had personal knowledge of them and their family in his capacity as a friend of the family for over 30 years.

4. Affiant knows that Robert Owen Eakes, deceased, Mattie L. Eakes, deceased, and Barbara Ellen Eakes, deceased, owned an interest in the real property located at **5953 S New Hope Road, Hermitage, Davidson County, Tennessee**, and more particularly described on **Exhibit "A"** attached hereto and made a part hereof (collectively, the "Property").

Death of Robert Owen Eakes

5. Affiant knows that Robert Owen Eakes and Mattie L. Eakes took ownership of the Property as tenants by the entirety by Quitclaim Deed, dated March 6, 1986, of record in Book 6799, Page 388, in the Register's Office for Davidson County, Tennessee

6. Affiant knows that Robert Owen Eakes died as a resident of Davidson County, on or about November 1987, vesting the Property in his wife, Mattie L. Eakes.

Death of Mattie L. Eakes

7. Affiant knows that Mattie L. Eakes died as a resident of Davidson County, Tennessee on or about September 1992, vesting the Property in her heirs at law.

8. Affiant knows that Mattie L. Eakes had two (2) children, Barbara Ellen Eakes and Ralph E. Eakes.

9. Affiant knows that at the time of her death, Barbara Ellen Eakes and Ralph E. Eakes were the only heirs at law of Mattie L. Eakes.

10. To the best of Affiant's knowledge, Mattie L. Eakes did not have any unpaid debts at the time of her death.

11. Affiant knows that Mattie L. Eakes executed a Last Will and Testament on March 6, 1986, attached hereto as **Exhibit "B"** (the "Will"). Affiant further knows that the Will devised and bequeathed the entire residue of the Estate of Mattie L. Eakes, including the Property, to Barbara Ellen Eakes and Ralph E. Eakes, and that the Will was never probated.

12. Affiant knows that upon the death of Mattie L. Eakes, the Property became vested in Barbara Ellen Eakes and Ralph E. Eakes, the sole heirs at law of Mattie L. Eakes.

Death of Barbara Ellen Eakes

13. Affiant knows that Barbara Ellen Eakes died intestate as a resident of Davidson County, Tennessee, on or about June 18, 2024, vesting her interest in the Property in her heirs at law.

14. To the best of Affiant's knowledge, Barbara Ellen Eakes did not have any unpaid debts at the time of her death.

15. Affiant knows that Barbara Ellen Eakes was unmarried at the time of her death, and that she was survived only by her brother, Ralph E. Eakes.

16. Affiant knows that the Property is now vested in Ralph E. Eakes, an unmarried man.

17. Affiant is aware this affidavit is made for the purpose of establishing the heirs of the above decedent(s) and disposition of the Property and that it will be relied on by all future parties to certify proper transfer and title to this and any other real estate owned by decedent(s).

The undersigned agrees to indemnify and hold harmless Sidwell, Barrett, Gore & Reynolds, P.C., and its title underwriter for liability with either or both of them may incur as a result of issuing policies of title insurance on property located at 5953 S New Hope Road, Hermitage, TN 37076, in reliance on this affidavit.

The Affidavit of Heirship was freely given pursuant to Section 30-2-712, *et seq.*, Tenn. Code Ann., for the purpose of clearing title to the aforementioned Property.

Tennessee Code Annotated § 30-2-712(f) provides that "Whoever willfully, corruptly and falsely swears to any statement in any such affidavit known by the person to be false, or about which the person does not have sufficiently definite knowledge to justify the making of such a sworn statement, and the statement is false, commits a Class E crime."

FURTHER AFFIANT SAITH NOT.

[The remainder of this page has been left blank intentionally.]

Witness my hand this 29 day of August, 2024.

Wendell Boyd Kirk

Wendell Boyd Kirk, Affiant

State of Tennessee)
County of Wilson)

Before me, the undersigned, a Notary Public in and for the State of Tennessee, personally appeared the within named Affiant, Wendell Boyd Kirk, 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.

Witness my hand and official seal this the 29th day of August, 2024.

My Commission expires: 04/04/2028

Crystal Padilla

Notary Public

CRYSTAL JENNIFER PADILLA
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF WILSON
MY COMM. EXPIRES APRIL 4, 2028

EXHIBIT "A"

LEGAL DESCRIPTION

Land in the 4th District of Davidson Co., TN, lying at the S.E. corner of New Hope Rd. and I-40E., and more particularly described as follows:

BEGINNING at a point in the easterly margin of New Hope Rd., said point being the northwesterly corner of the James Wiley land, of record in Bk. 5073, Page 431, RODC; thence North 72° 21' East approx. 710 Ft. to a point, said point being the northeasterly corner of the Wiley land; thence northerly along an old fence approx. 188 Ft. to a point in the southerly margin of an un-named frontage road, said road being a 50 Ft. right of way along the southern margin of I-40 E.; thence westerly along the southerly margin of said un-named frontage road a distance of approx. 500 ft. to a point; thence southwesterly a distance of approx. 200 Ft. to a concrete marker; thence southwesterly 125 ft. (approx.) to another concrete marker in the eastern margin of New Hope Rd.; thence southerly along and with a curve in the easterly margin of New Hope Rd. a distance of approx. 250 Ft. to the point of beginning, containing approx. 4.55 acres, more or less. All distances are approximate, and are subject to an accurate survey of parcel.

Being the same property conveyed to Robert Owen Eakes and Wife, Mattie L. Eakes, by Quitclaim Deed from Houston Hagar, Trustee, of record in Book 6799, Page 388, in the Register's Office of Davidson County, Tennessee, dated March 6, 1986 and recorded on March 7, 1986.

Robert Owen Eakes died on or about November 1987, vesting the property in his wife, Mattie L. Eakes, as the surviving tenant by the entirety. Mattie L. Eakes died on or about September 1992, vesting the property in her heirs at law, Barbara Ellen Eakes and Ralph E. Eakes. Barbara Ellen Eakes died on or about June 18, 2024, vesting her share of the property in her sole heir at law, Ralph E. Eakes.

This is improved real property commonly known as 5953 S. New Hope Road, Hermitage, TN 37076.

EXHIBIT "B"

LAST WILL AND TESTAMENT OF MATTIE L. EAKES

(SEE ATTACHED)

Last Will and Testament

OF

MATTIE L. EAKES

I, Mattie L. Eakes, of Davidson County, Tennessee, being of sound mind and disposing memory, hereby make, publish and declare this my Last Will and Testament, hereby revoking all wills and codicils previously made by me.

I.

I desire that all my just debts and funeral expense and cost of administration be paid as soon as practical after my death.

II.

I hereby give, bequeath and devise my entire estate, real, personal and cash, to my beloved husband, Robert Owen Eakes, to be his in fee simple.

III.

If my said husband, Robert Owen Eakes, shall have pre-deceased me, then I hereby give, bequeath and devise my entire estate, real, personal and cash, to my two children equally, Ralph E. Eakes and Barbara E. Eakes.

IV.

I hereby appoint my husband, Robert Owen Eakes, as Executor of this my will and I direct that no bond shall be required of him. If he has pre-deceased me, or is unwilling or unable to serve as Executor, then I hereby appoint my two children, Ralph E. Eakes and Barbara E. Eakes, as Joint Executors, they likewise to be able to serve without bond. My Executor or Executors shall have full power to sell any or all of my estate, real and personal, and to execute any deeds, contracts, or other instruments in connection therewith. This may be done without Court approval.

In Witness whereof, I have hereunto set my hand and seal this 6 day of [illegible], 1986, at Hermitage, Tennessee.

TESTATRIX.

The foregoing instrument was signed by the above-named Mattie L. Eakes, and declared to be her Last Will and Testament in the sight and presence of us and each of us, who thereupon, at her request, in her sight and presence, and in the sight and presence of each other, have hereunto subscribed our hands as witnesses thereto.

Witness

Witness

STATE OF TENNESSEE:

COUNTY OF DAVIDSON:

AFFIDAVIT OF ATTESTING WITNESSES

We, the undersigned, witnesses to the foregoing Last Will and Testament to which this is attached, being more than eighteen (18) years of age and having no interest in said estate, do depose and make affidavit that Mattie L. Eakes, on the 6 day of March, 1986, produced the said Last Will and Testament and acknowledged it to be her Last Will and Testament and signed the same in our sight and presence and we, at her request, and in her sight and presence, signed said Last Will and Testament in the sight and presence of each other, and at said time, we considered Mattie L. Eakes to be of sound mind and disposing memory and knew her to be eighteen (18) years of age or older.

Donna G. Clayd
Witness:

Address: 5958 New Hope Rd.
Hermitage, Tenn. 37076

Bobby Clayd
Witness:

Address: 5959 New Hope Rd
Hermitage Tenn 37076

Sworn to and subscribed before me this
6 day of March, 1986,
at Hermitage (Davidson Co.,), Tennessee.

D. Houston Hagan
Notary Public.

My Commission expires 1-19-88

202408300067155

Tennessee Certification of Electronic Document

I, Blake Reynolds, 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 8/29/24 (date of document).

Affiant Signature

8/30/24
Date

State of Tennessee

County of Williamson

Sworn to and subscribed before me this 30th day of August, 2024

Notary's Signature

MY COMMISSION EXPIRES: 6/22/26

JILL SWIGEGOOD
NOTARY SEAL
STATE OF TENNESSEE
NOTARY PUBLIC
COUNTY OF WILLIAMSON