STATE OF TENNESSEE

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Karen Johnson
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Fees: $52.00 Taxes: $0.00
Davidson County
WILL
10 pgs
20240913-0070807

IN RE: ***THOMAS ISAAC HANNER***

Docket No: ***24P1297***

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 24, 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 September 4, 2024.

JOSEPH P. DAY CIRCUIT COURT CLERK

JOSEPH P. DAY, Clerk,

By: _____
Deputy Clerk

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STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

FILED
JUL 24 2024
JOSEPH P. DAY, Clerk
By _____ Deputy
24P1297

LAST WILL AND TESTAMENT OF THOMAS ISAAC HANNER

I, THOMAS ISAAC HANNER, of Buncombe 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:

1. I direct my Executor, in its discretion, either to (i) distribute such tangible personal property, or the proceeds of its sale, among my children who survive me in such manner as my Executor may determine or (ii) add any or all of such property, or the proceeds of its sale, to my residuary estate. In making any division of such property among my children who survive me, my Executor shall consider but shall not be bound by their respective wishes.

2. 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.

3. The costs of safeguarding, insuring, packing, storing and delivering my tangible personal property to any beneficiary under this Paragraph shall be paid as expenses of administration.

B. Devise of Real Property. I hereby devise any real property that I may own at the time of my death as follows:

1. If I am not survived by my spouse LINDA MAZINGO HANNER, I devise that real property located at 435 Old Haw Creek Road, Asheville, North Carolina, to my step-daughters DAPHNE DUNCAN WHITTED and DEBORAH DUNCAN BEANE. If either DAPHNE DUNCAN WHITTED or DEBORAH DUNCAN BEANE shall predecease me, her share of such property shall be distributed to her issue, per stirpes. If either DAPHNE DUNCAN WHITTED or DEBORAH DUNCAN BEANE shall predecease me without leaving issue, her share shall be distributed to the survivor of DAPHNE DUNCAN WHITTED and DEBORAH DUNCAN BEANE.

2. Any other real property that I may own in Buncombe County, North Carolina, I hereby devise to my issue, per stirpes.

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3. Any and all real property that I may own at the time of death in Tennessee shall be held and administered by my Trustee named below in accordance with the provisions of the Article hereof entitled "Tennessee Property Trust" for the benefit of my wife LINDA MAZINGO HANNER and my issue.

C. Gift of Residuary Estate. I give my residuary estate, being all my real and personal property, wherever located, not otherwise effectively disposed of, but without exercising any power of appointment over property which I may have, to my wife LINDA MAZINGO HANNER, if she survives me, otherwise to my issue, per stirpes. If I am not survived by issue of mine, I give my residuary estate to the person or persons who would have been entitled to receive my personal property under the laws providing for the distribution of property in case of intestacy had I died intestate, unmarried and domiciled in North Carolina.

ARTICLE II
TENNESSEE PROPERTY TRUST

The assets directed to be held in a separate trust for LINDA MAZINGO HANNER and my issue shall be disposed of as follows:

A. During the lifetime of Linda Mazingo Hanner. During the lifetime of LINDA MAZINGO HANNER,

1. The net income of the trust, after the payment of expenses for maintaining the real properties included in the trust property, shall be distributed to my wife LINDA MAZINGO HANNER in installments made at least quarterly.

2. If any of the real properties included in the trust property are sold, the net proceeds of such sale shall be distributed in five equal shares among my wife LINDA MAZINGO HANNER and my four (4) children. If any of my children shall not be then living, his or her share shall be distributed to his or her issue, per stirpes. My daughter ELIZABETH HANNER PADGETT shall act as the Trustee's agent to sale any such real property if she is willing and able to do so and shall receive a commission in accordance with the standard of the brokerage with whom she works.

B. Upon the death of Linda Mazingo Hanner. Upon the death of LINDA MAZINGO HANNER,

1. The Trustee may pay any inheritance, estate, or other death taxes that may be due as a result of assets passing in accordance with these trust provisions or otherwise, and any expenses related to administration and distribution of the trust estate.

2. After payment of expenses described in subparagraph 1 above, then the remaining trust property shall be distributed to my issue, per stirpes.

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ARTICLE III
TRUST FOR BENEFICIARY UNDER AGE TWENTY-FIVE

If a share of my residuary estate is given outright to a beneficiary who has not reached the age of twenty-five (25) at the time of my death, such share shall not be distributed to the beneficiary but, instead, I give such share to the Trustee named below to be held in trust for the benefit of the beneficiary, together with any other property payable to the Trustee as a result of my death for the benefit of the beneficiary, and disposed of as follows:

A. Distribution Until Beneficiary Reaches Age Twenty-Five or Dies. Until the beneficiary reaches the age of twenty-five (25) or sooner dies,

1. The Trustee may distribute all or any portion of the trust property to the beneficiary in such amounts and at such times as the Trustee, in its discretion, may determine. Any undistributed income may be added to the principal of the trust from time to time as the Trustee, in its discretion, may determine.

2. As a guide to the Trustee and without limiting its discretion, it is my desire that such discretion be exercised for such purposes as the Trustee shall deem reasonable and appropriate for the welfare, enjoyment and education of the beneficiary. The Trustee may take into consideration other financial resources of the beneficiary but is not required to do so.

B. Distribution When Beneficiary Reaches Age Twenty-Five or Dies. When the beneficiary reaches the age of twenty-five (25), the Trustee shall distribute the then remaining trust property to the beneficiary. If the beneficiary dies before reaching such age, then upon the death of the beneficiary, the Trustee shall distribute the then remaining trust property to the estate of the beneficiary.

ARTICLE IV
PAYMENT OF DEBTS, EXPENSES AND DEATH TAXES

A. Payment of Debts and Expenses. All of my debts, health care expenses, cremation expenses and the administration expenses of my estate shall be paid out of my residuary estate.

B. Payment of Death Taxes. All death taxes (other than death taxes which are paid from property passing outside of this will pursuant to the terms of the governing instrument) 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 (i) my Executor shall recover as provided by law any death tax attributable to property (a) over which I have a power of appointment, (b) in which I have a qualifying income interest for life or (c) in which I have a retained interest for life to the extent that any death tax recoverable by law is not otherwise paid out of such property and (ii) so long as other property is available, such amounts shall not be paid from (a) any property which would otherwise be exempt from death taxes imposed by reason of my death and (b) any retirement benefits.

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ARTICLE V
THE FIDUCIARIES

A. Appointment of Executor. I appoint my wife LINDA MAZINGO HANNER to be my Executor. If it becomes necessary for a representative of my estate to qualify in any jurisdiction other than the State of North Carolina in which my Executor shall be unable or unwilling to qualify as Executor, then my Executor shall have the right to appoint an individual or corporate representative of my estate in such jurisdiction.

B. Appointment of Successor Executor. If LINDA MAZINGO HANNER is not reasonably available or is unable or unwilling for any reason to act as my Executor, then I appoint the following persons to serve in such capacity, each to serve independently and successively in the order named: my son MICHAEL THOMAS HANNER, my daughter ELIZABETH HANNER PADGETT, my daughter BELINDA HANNER AL-HAGAL, and my daughter DEBORAH HANNER ASLINGER. The successor Executor designated shall be vested with the same power and duties as if originally named as my Executor.

C. Appointment of Trustee. I appoint my wife LINDA MAZINGO HANNER to be Trustee of any trust established under this will. The Trustee shall have the right to resign without court order at any time in a writing signed by the Trustee, such resignation to be effective upon the acceptance of the trusteeship by a successor Trustee.

D. Appointment of Successor Trustee. If LINDA MAZINGO HANNER is not reasonably available or is unable or unwilling for any reason to act as my Trustee, then I appoint the following persons to serve in such capacity, each to serve independently and successively in the order named: my son MICHAEL THOMAS HANNER, my daughter ELIZABETH HANNER PADGETT, my daughter BELINDA HANNER AL-HAGAL, and my daughter DEBORAH HANNER ASLINGER to serve in that capacity. The successor Trustee designated shall be vested with the same power and duties as if originally named as my Trustee. If the designated successor Trustee is not reasonably available or is unable or unwilling to act as my Trustee, the retiring shall have the right to appoint without court order a successor individual or corporate Trustee in a writing signed by her which states the event or events upon which the successor Trustee shall act.

E. 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 or any trust unless otherwise required by law to do so.

F. Compensation of Fiduciary. A corporate Fiduciary may receive compensation for its services in accordance with its regularly adopted schedule of compensation in effect at the time the services under this will are performed. An individual Fiduciary may receive that compensation for such fiduciary's services that is allowed by law at the time the services under this will are rendered.

ARTICLE VI
ADMINISTRATIVE POWERS OF FIDUCIARIES

It is my intention that in addition to all other powers conferred by law or elsewhere in this will (i) my Executor shall have all the powers and authority conferred upon personal representatives by Article 13 of Chapter 28A of the General Statutes of North Carolina and (ii) the Trustee shall have all the powers and authority conferred upon the Trustee by North Carolina Uniform Trust Code, Chapter 36C of the General Statutes of North Carolina, including, without limitation, the authority to invest subject to the prudent investor rule. To the extent they may not be conferred by law, I grant to my Executor and the Trustee 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. Powers Incorporated by Reference. With respect to my Executor, subject to Section 32-26 of the General Statutes of North Carolina, all of the powers set forth in Section 32-27 of the General Statutes of North Carolina as they exist at the time that I sign this will, and such powers are incorporated by reference with the same effect as though set out verbatim in it.

B. Possession and Disposition of Real Property. With respect to my Executor, the power to take possession, custody and control of real property owned by me at the time of my death even though title to such real property is not devised to my Executor, and to sell, exchange, give options upon, partition, lease, mortgage or otherwise dispose of any such real property.

C. Distributions to or for the Benefit of a Beneficiary. Whenever authorized or directed to distribute property to a beneficiary, whether or not under a legal disability, my Executor and Trustee shall have 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 a custodian or custodial trustee for such beneficiary under a uniform gifts or transfers to minors act or uniform custodial trust act, including a custodian or custodial trustee designated by a fiduciary, which may be the fiduciary, (iii) to the guardian or conservator of such beneficiary's estate 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.

D. Retention and Acquisition of Bank Securities. The power (i) to retain for any period or periods of time securities which are securities of any corporate fiduciary acting under this will or of any corporation owning stock of the corporate fiduciary or of any subsidiary or affiliate of or successor to such corporation and (ii) to acquire such securities by purchase, exchange or otherwise.

ARTICLE VII
PRESUMPTION OF SURVIVORSHIP

For purposes of this will (i) if my wife, LINDA MAZINGO HANNER, and I should die under such circumstances that there is uncertainty as to which person predeceased the other, it shall be conclusively presumed that my wife predeceased me, and (ii) if it is not established by

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clear and convincing evidence that any other beneficiary under this will survived me by at least ninety (90) days, it shall be conclusively presumed that such beneficiary predeceased me.

ARTICLE VIII
DEFINITIONS

For purposes of this will,

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, 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 includable in my estate for the purpose of determining such tax, including, but not limited to, any tax on property includable under section 2036 (relating to transfers with retained life estate), 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), Section 2057(f) (relating to qualified family-owned business interest), or chapter 13 (relating to generation-skipping transfers) of the Code, or any comparable provision of state law.

C. "Child", "Children" and "Issue". The terms "child" and "children" mean lawful lineal blood descendants in the first degree of the parent designated, and the term "issue" means lawful lineal blood descendants in any degree of the ancestor designated, but such terms shall include any person legally adopted prior to the time that person reaches the age of eighteen (18) and the lawful lineal descendants of any such person, whether of the blood or by adoption prior to such age.

D. "Per Stirpes". Whenever a distribution is to be made to, or a division into shares is to be made for, a designated ancestor's issue who are living at a designated time, and such distribution or division is to be made "per stirpes," such distribution or division shall be made by first determining the generation nearest to such ancestor which has a person who represents that generation and who is living at the designated time. The property to be distributed or divided shall be divided into as many equal shares as may be necessary to allocate one share to each then living person of that generation and one share to each deceased person of that generation who left issue who are then living. Each living person of that generation who has not effectively disclaimed his or her share for federal tax purposes shall receive one share, and the share of each deceased person of that generation and of each living person of that generation who has effectively disclaimed his or her share shall be divided among his or her then living issue in the same manner.

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E. "Trust Property". Unless the context indicates otherwise, references to "trust property" mean the net undistributed income and principal of the trust.

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I, THOMAS ISAAC HANNER, the testator, sign my name to this instrument this 6th day of July, 2022, 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.

Thomas Isaac Hanner

Thomas Isaac Hanner, testator

We, MARY JO ADAMS and WENDY A. CRAIG, 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 his last will *in our presence* and that he signs it willingly (or willingly directs another to sign it for him), 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's 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.

Mary Jo Adams

Mary Jo Adams

126 Fairway Drive, Black Mtn, NC 28711

(Residence)

Wendy A. Craig

Wendy A. Craig

PO Box 505, Montreat, NC 28757

(Residence)

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I hereby certify that THOMAS ISAAC HANNER, the testator, appeared before me and swore to me that this instrument is his Last Will and Testament and that he willingly and voluntarily made and executed it as his free act and deed for the purposes expressed therein. Subscribed and sworn to before me by MARY JO ADAMS and WENDY A. CRAIG, witnesses, on this 6th day of July, 2022.

(SEAL)

Suzanne Shields, Notary Public

My commission expires: June 24, 2024

Suzanne Shields Notary Public Henderson County, NC

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STATE OF NORTH CAROLINA
In The General Court Of Justice

BUNCOMBE County

EXEMPLIFICATION

28 U.S.C. 1738

As a Clerk of the Superior Court of this County, State of North Carolina, I certify that the attached copies of the documents described below are true and accurate copies of the originals now on file in this office.

Number And Description Of Attached Documents
Fifteen pages consisting of: Estates Action Cover Sheet, Application for Probate and Letters Testamentary, Certificate of Probate, Last Will and Testament, Oath, Order Authorizing Issuance of Letters and Letters Testamentary for the Estate of Thomas Isaac Hanner, File 24 E 86.

Date
05/24/2024
Clerk Of Superior Court
JEAN MARIE CHRISTY
Name Of Undersigned Clerk (type or print)
TAMMY R. GOSSETT
Signature
☐ Deputy CSC ☒ Assistant CSC ☐ Clerk Of Superior Court

As a Judge of the General Court of Justice, State of North Carolina, I certify that the signature appearing above is that of the Clerk, Assistant Clerk, or Deputy Clerk of Superior Court for this County, who is duly sworn. I further certify that the seal affixed to the certificate appearing above is the seal of this Court and that it has been used here in good form by the proper officer.

Date
05/24/2024
Signature Of Judge
Name Of Judge (type or print)
ALAN Z. THORNBURG

As a Clerk of the Superior Court of this County, State of North Carolina, I certify that the signature appearing above is that of a duly sworn Judge of the General Court of Justice, State of North Carolina.

Date
05/24/2024
Clerk Of Superior Court
JEAN MARIE CHRISTY
Name Of Undersigned Clerk (type or print)
TAMMY R. GOSSETT
Signature
☒ Assistant CSC ☐ Clerk Of Superior Court

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