Karen Johnson
Batch # 1181832
09/16/2024 11:12:02 AM
Fees: $42.00 Taxes: $0.00
Davidson County
WILL
8 pgs
20240916-0071243

# STATE OF TENNESSEE

*I, JOSEPH P. DAY, Clerk of the Circuit Court for Davidson County, do hereby certify that the foregoing is a true and complete copy of the LAST WILL AND TESTAMENT heretofore filed in the Seventh Circuit Court (Probate Division) for Davidson County, Tennessee, on the 4TH day of SEPTEMBER, 2024, in Docket Number 24P1680, IN RE: SHARON L. LAVENDER, 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, the 4TH day of SEPTEMBER in the year 2024 and in the 248 year of American Independence.*

JOSEPH P. DAY CIRCUIT COURT CLERK

*JOSEPH P. DAY, Clerk*

*By:* _____
*Deputy Clerk*

24PW80

FILED
AUG 30 2024
JOSEPH P. DAY, Clerk
By [illegible] Deputy

# LAST WILL AND TESTAMENT

# OF

# SHARON L. LAVENDER

I, **Sharon L. Lavender**, being a resident of and domiciled in Davidson County, Tennessee, and being of sound mind and disposing memory, make, declare, and publish this as my Last Will and Testament and revoke all prior wills and codicils made by me.

## ARTICLE I

**{Personal Matters}**

At the time of my execution of this Will, my spouse is **Virginia Sue Lavender** and my primary intent is to benefit her and provide for her.

## ARTICLE II

**{Appointment of Executrix}**

1. I nominate and appoint my spouse, **Virginia Sue Lavender**, to serve as Executrix of this Will and of my estate. If my spouse shall not survive me or if she shall fail to qualify and serve as Executrix hereunder for any reason, or, having qualified, shall resign or die, then I nominate and appoint **Julie Gail McCalla** to be alternate Executrix of this Will and of my estate. References in this Will to Executrix are references to whichever of the above and their duly appointed successors shall be serving in such capacity.

2. I direct that no bond or surety shall be required of my Executrix or of any successor or alternate fiduciary for the faithful performance of duties in such capacity.

## ARTICLE III

**{Estate Administration}**

1. I direct my Executrix to pay all my just debts, funeral expenses, and expenses of administration, whether or not such expenses shall arise out of the administration of my domiciliary estate or otherwise, as soon as practicable after my death. All such debts and expenses shall be paid from my residuary estate and no bequest shall be charged with any portion of such expenses.

2. I further direct my Executrix to pay from my residuary estate without apportionment or proration all inheritance and estate taxes imposed by any taxing authority by reason of my death, including taxes assessed on account of any property included in my gross estate for such tax purposes which is not included in my estate for any other purposes.

3. In the event that any property or interest in property passing under this Will, by operation of law, or otherwise by reason of my death shall be encumbered by lien or shall be pledged to secure an obligation, whether the property or interest in property so encumbered or pledged shall be owned by me jointly or individually, it is my intention that such indebtedness, to the extent not discharged as a result of payment directly to the owner of such obligation as a named beneficiary under the terms of any policy of life insurance, shall not be charged to or paid from my estate and that such property shall not be exonerated, but, rather, that the devisee, legatee, joint owner taking by survivorship, or beneficiary receiving such property or interest in property shall take such property subject to all encumbrances existing at the time of my death.

4. All real property owned by me at the time of my death shall be a part of my probate estate and shall be subject to administration by and to the control of my Executrix. My Executrix may exercise any and all of the administrative powers and authority granted herein with respect to any such real property, including but not limited to the power and authority to manage, lease, rent, encumber, sell, or otherwise dispose of any part or all of such property on such terms and conditions as my Executrix may determine, all without the approval or joinder of any beneficiary or any other person and without the necessity of any person inquiring into the exercise of such authority or the application of any proceeds therefrom.

5. The reasonable cost of packing, shipping, storing, insuring, and otherwise maintaining, caring for, and delivering any of my property, real and personal, shall be charged as an administrative expense and be paid by my estate.

6. In accordance with and subject to the provisions of Tennessee Code Annotated Sections 30-2-301 and 30-2-601, I expressly relieve my Executrix from any requirement to file an inventory and/or an accounting with the probate court with respect to the administration of this Will and of my estate; provided, however, I do expect that my Executor will prepare and provide an inventory of the assets of my estate to the residuary beneficiaries hereof upon their request and will prepare and provide a reasonable report describing the disposition of the assets of my estate to such residuary beneficiaries as may be necessary in order to obtain their

statements acknowledging that the estate has been properly distributed.

7. I intend that my Executrix shall manage and administer my estate and carry out the duties of such office fairly and honestly in good faith and with both diligence and reasonable care; however, I relieve any individual who serves as my Executrix from any liability resulting from an honest mistake of judgment made while serving in such capacity.

8. No successor Executrix shall have any liability or responsibility for any act or failure of any predecessor nor any duty to examine or investigate the actions and conduct of or to make any claim against any predecessor. Any successor Executrix may accept the accounts rendered and property and assets delivered by a predecessor without any liability for doing so.

## ARTICLE IV

**{Administrative Powers and Authority}**

1. I authorize and empower my Executrix to make distribution in cash or in kind, or partly in each, pro rata and otherwise, to settle, compromise, adjust, release, and discharge all debts and claims which may be presented against my estate or which may be due to me, and to retain or sell at public or private sale or otherwise dispose of in such manner and at such prices and upon such terms and conditions, including credit, all or any part of my real or personal estate without order of any court or other authority and to execute, acknowledge, and deliver deeds or other proper instruments of conveyance or assignment to the purchaser or purchasers thereof, which purchasers shall be under no obligation to see to the proper application of the proceeds of any such disposition, and to do any and all things necessary and/or convenient to the proper and legal management and administration of my estate, all as my Executrix, in the exercise of her sole and absolute discretion, shall deem advisable.

2. I expressly relieve my Executrix of any duty to convert any assets of my estate into cash and I authorize and empower my Executrix to retain any or all of the assets of my estate, real or personal and specifically including, but not limited to, any stock, bonds, or other investment properties which I may own at the time of my death, without incurring any liability by reason of such retention, to borrow money upon the security of any assets of my estate, to invest in all forms of property, including, but not limited to, common and preferred stocks, without restriction as to legal investments for fiduciaries, to purchase investments at a premium or discount, to give proxies, to join in any recapitalization, merger, reorganization, or voting trust or plan affecting investments, to deposit securities under agreements and to pay assessments, to subscribe for stock and bond privileges, and, generally, to exercise all rights of security holders, to carry investments in the name of a nominee or in bearer form, and to continue indefinitely the operation of any business in which I may have an interest at the time of my death, either individually, as a partner, or stockholder, and my Executrix may deliver to the legatees and beneficiaries of my estate any such business or interest therein.

3. Without in any way limiting the scope of any of the powers and authority granted elsewhere, I authorize and empower my Executrix, in the exercise of reasonable discretion with respect to all property, real, personal, and mixed, at any time forming a part of my estate, to exercise the powers set forth in Paragraphs 1 through 33, inclusive, of Tennessee Code Annotated Section 35-50-110, to the extent applicable, all of which provisions and powers are incorporated herein by reference, including the specific incorporation by reference of the "Prudent Man Rule"; provided, however, that the power and authority set out in Paragraph 19 of Tennessee Code Annotated Section 35-50-110 is restricted and limited to such amounts and such periods of time as may be reasonably required in the best interests of the beneficiaries hereof.

4. Subject only to the express provisions and limitations set out in this Will, I authorize my Executrix to make such tax elections, whether for federal or other tax purposes, as my Executrix may determine to be appropriate under the circumstances.

## ARTICLE V

**{Disposition of Property}**

1. If my spouse, **Virginia Sue Lavender**, shall survive me, then I give, devise, and bequeath all of the rest, residue, and remainder of the property which I may own at the time of my death, real, personal, and mixed, tangible and intangible, of whatsoever nature and wheresoever situated, including all property which I may acquire or become entitled to after the execution of this Will, to my spouse, in fee.

2. If my spouse shall not survive me, then my Executrix shall pay and distribute all of the said rest, residue, and remainder of my estate in equal shares to such of my spouse's children who survive me: **Charles Robert Lavender, Shelby Darlene Richardson, Julie Gail McCalla** and **Walter Thomas Lavender.** If any one or more of my spouse's children shall fail to survive me, then his or her share shall instead be paid in equal shares to such of my spouse's children who survive me.

## ARTICLE VI

**{Spendthrift Provision}**

No beneficiary of my estate shall pledge, assign, transfer, sell, or in any manner whatsoever accelerate, anticipate, or encumber any interest in the principal or the income of my estate, nor shall any of such principal or income be or become, in any manner whatsoever, subject or liable for the debts, contracts, or engagements of any beneficiary hereof. In no event

shall any of such principal or income be or become, in any manner whatsoever, subject to any assignment or any other alienation or disposition, whether voluntary or involuntary.

## ARTICLE VII

**{General Provisions}**

1. Whenever any distribution is to be paid to a minor beneficiary, a beneficiary adjudicated incompetent, or a beneficiary not adjudicated incompetent but who, by reason of mental or physical illness or condition, mental or physical disability, or advanced age is, in the opinion of my Executrix, unable properly to administer or manage such funds, then such amounts as are to be paid to or for the benefit of such beneficiary may be distributed in any of the following manners:

a. Directly to the beneficiary;

b. To a legally appointed guardian, custodian, conservator, spouse, or natural parent of such beneficiary;

c. To a custodian for the beneficiary under the Uniform Gifts to Minors Act or the Uniform Transfers to Minors Act, if such custodian is authorized to receive such funds;

d. To a relative or friend of such beneficiary or any adult living in the same household for and on behalf of such beneficiary; or,

e. By using such amounts directly for the benefit of a beneficiary.

The receipt of any such person shall discharge my Executrix from further responsibility with respect to such funds. No recipient shall be required to furnish bond with respect to such funds nor make a report as to the disposition of the same.

2. My Executrix is authorized to retain in trust for any beneficiary for so long as any beneficiary shall live, so much or all of such beneficiary's separate share, trust, or fund as such fiduciary may reasonably determine to be appropriate under the circumstances due to the inability of such beneficiary to properly manage his or her financial affairs should such beneficiary (i) have been adjudicated incompetent, (ii) have acknowledged his or her incompetency in writing, or (iii) otherwise be disabled and such disability, whether due to any physical or mental condition or disorder, including but not limited to drug or alcohol abuse or dependence, has been confirmed in writing by a licensed physician who has examined such beneficiary within the Sixty (60) days next preceding the date of such written confirmation and the date of such confirmation is within the Three (3) years next preceding the time of such determination by such fiduciary. During any interim when any sum is retained hereunder for a beneficiary, such fiduciary shall pay and distribute to such beneficiary or expend on his or her behalf such amount or amounts of the net income and/or principal derived from his or her particular share, trust, or fund, as such fiduciary deems advisable for his or her respective health, maintenance, education, and support. Upon the termination of any such separate share, trust, or fund, the entire remaining principal and undistributed income, if any, of such separate share, trust, or fund shall be paid and distributed to such beneficiary or to the estate of such beneficiary, as the case may be, in fee. Each separate share, trust, or fund shall constitute and be administered and accounted for separately. No beneficiary of any separate share, trust, or fund of this trust shall have any right or interest in any other separate share, trust, or fund of this trust nor in any specific property or asset held hereunder.

3. Notwithstanding any other provision hereof, no trust created herein shall continue beyond ninety (90) years my death. If not sooner terminated under any other provision hereof, upon the expiration of such period, all trusts created herein shall terminate and the assets thereof shall be distributed to the then current income beneficiaries hereof in proportion to their relative interests in such income, outright and free of all restrictions.

4. It is my express intent that my Executrix shall be entitled to compensation for services provided hereunder in an amount up to the level of fees customarily charged by a corporate fiduciary doing business in the community where I am residing at the time of my death. My Executrix shall also be entitled to reimbursement for all reasonable expenses and costs paid or incurred in the performance of its duties hereunder.

5. As used in this Will, words of any gender include the other and the singular or plural form includes the other, as the context may require.

6. As used in this Will, words of inclusion are intended as illustration and are not intended to exclude or omit any other object or subject.

## ARTICLE VIII

**{Simultaneous Death}**

If my partner, **Virginia Sue Lavender**, and I shall die under such circumstances that there is not sufficient evidence to determine the order of our deaths, then it shall be presumed that each of us predeceased the other and my estate shall be administered and distributed in all respects in accordance with this presumption.

IN WITNESS WHEREOF, I acknowledge this to be and I have hereunto

subscribed my name to this as my Last Will and Testament, consisting of this and the six (6) preceding typewritten pages, and, for purposes of identification, I have initialed each such page, all in the presence of the persons witnessing it at my request on this the 26 day of June, 2020.

Sharon L Lavender

**SHARON L. LAVENDER**

THIS DOCUMENT WAS EXECUTED IN COMPLIANCE WITH EXECUTIVE ORDER NO. 26 BY TENNESSEE GOVERNOR BILL LEE DATED APRIL 9, 2020, AND/OR EXECUTIVE ORDER NO. 37 BY TENNESSEE GOVERNOR BILL LEE DATED MAY 12, 2020, AND WAS EXECUTED IN COUNTERPARTS.

The said **Sharon L. Lavender**, being of sound mind and disposing memory, signed the foregoing instrument in our presence as and for her Last Will and Testament and signified and declared to us that same was her Last Will and Testament; and we, the undersigned, at her request and in her presence and sight and in the presence and sight of each other, have subscribed our names hereto as attesting witnesses the day and date above written.

_____

Address: _____

_

_____

_____

Address: _____

_____

THIS DOCUMENT WAS EXECUTED IN COMPLIANCE WITH EXECUTIVE ORDER NO. 26 BY TENNESSEE GOVERNOR BILL LEE DATED APRIL 9, 2020, AND/OR EXECUTIVE ORDER NO. 37 BY TENNESSEE GOVERNOR BILL LEE DATED MAY 12, 2020, AND WAS EXECUTED IN COUNTERPARTS.

AFFIDAVIT PAGE ONE

STATE OF TENNESSEE )

COUNTY OF DAVIDSON )

The undersigned, _____, and

SLL

The said **Sharon L. Lavender**, being of sound mind and disposing memory, signed the foregoing instrument in our presence as and for her Last Will and Testament and signified and declared to us that same was her Last Will and Testament; and we, the undersigned, at her request and in her presence and sight and in the presence and sight of each other, have subscribed our names hereto as attesting witnesses the day and date above written.

J Elrod

Address: 750 Old Hickory Blvd
Brentwood TN 37027

Teresa Bryant

Address: 750 Old Hickory Blvd
Brentwood, TN 37027

THIS DOCUMENT WAS EXECUTED IN COMPLIANCE WITH EXECUTIVE ORDER NO. 26 BY TENNESSEE GOVERNOR BILL LEE DATED APRIL 9, 2020, AND/OR EXECUTIVE ORDER NO. 37 BY TENNESSEE GOVERNOR BILL LEE DATED MAY 12, 2020, AND WAS EXECUTED IN COUNTERPARTS.

AFFIDAVIT PAGE ONE

STATE OF TENNESSEE )

COUNTY OF DAVIDSON )

The undersigned, Amy Elrod, and Teresa Bryant, being first duly sworn, make oath as follows:

The said **Sharon L. Lavender,** being of sound mind and disposing memory, signed the foregoing instrument in our presence as and for her Last Will and Testament and signified and declared to us that same was her Last Will and Testament; and we, the undersigned, at her request and in her presence and sight and in the presence and sight of each other, have subscribed our names thereto as attesting witnesses the day and date written therein.

THIS DOCUMENT WAS EXECUTED IN COMPLIANCE WITH EXECUTIVE ORDER NO. 26 BY TENNESSEE GOVERNOR BILL LEE DATED APRIL 9, 2020, AND/OR EXECUTIVE ORDER NO. 37 BY TENNESSEE GOVERNOR BILL LEE DATED MAY 12, 2020, AND WAS EXECUTED IN COUNTERPARTS.

AFFIDAVIT PAGE TWO

Sworn to and subscribed before me
this 26th day of June, 2020.

Notary Public
My Commission Expires: March 8, 2021

GAIL SMITH BRADFORD
STATE OF TENNESSEE
NOTARY PUBLIC
DAVIDSON COUNTY
My Commission Expires MAR. 8, 2021

THIS DOCUMENT WAS EXECUTED IN COMPLIANCE WITH EXECUTIVE ORDER NO. 26 BY TENNESSEE GOVERNOR BILL LEE DATED APRIL 9, 2020, AND/OR EXECUTIVE ORDER NO. 37 BY TENNESSEE GOVERNOR BILL LEE DATED MAY 12, 2020, AND WAS EXECUTED IN COUNTERPARTS.