Karen Johnson Davidson County
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LAST WILL AND TESTAMENT

OF

ASA DONALD SHIVERS, JR.

Dated: October 30, 2019

Prepared by:

Kelly & Smith Law Office
125 Public Square
Gallatin, Tennessee 37066-2841
615-452-2000

LAST WILL AND TESTAMENT

OF

ASA DONALD SHIVERS, JR.

I, ASA DONALD SHIVERS, JR., a resident of and domiciled in the State of Tennessee, make, publish and declare this to be my Last Will and Testament, revoking all wills and codicils at any time heretofore made by me.

FIRST: I direct that the expenses of my last illness and funeral, the expenses of the administration of my estate, and all estate, inheritance and similar taxes payable with respect to property included in my estate, whether or not passing under this will, and any interest or penalties thereon, shall be paid out of my residuary estate, without apportionment and with no right of reimbursement from any recipient of any such property (including reimbursement under Section 2207B of the Internal Revenue Code).

SECOND: I give all tangible personal property owned by me at the time of my death, including without limitation personal effects, clothing, jewelry, furniture, furnishings, household goods, automobiles and other vehicles, and all rights that I have under any related insurance policies, to my wife, SANDRA FAY SHIVERS, if she survives me, or if she does not survive me, to those of my children, STACEY ANDERSON and SHANNON FAROUGH who survive me, in substantially equal shares, to be divided between them as they shall agree, or if they cannot agree, as my Executor shall determine.

THIRD: I give all the rest, residue and remainder of my property and estate, both real and personal, of whatever kind and wherever located, that I own or to which I shall be in any manner entitled at the time of my death (collectively referred to as my "residuary estate"), as follows:

(a) If my wife, SANDRA FAY SHIVERS, survives me, to my wife outright.

(b) If my wife does not survive me, then to those of my children who survive me and to the issue who survive me of those of my children who predecease me, per stirpes.

(c) If my wife does not survive me and there shall be no issue of mine then living, I give my residuary estate to those who would take from me as if I were then to die without a will, unmarried and the absolute owner of my residuary estate, and a resident of the State of Tennessee.

FOURTH: If any property of my estate vests in absolute ownership in a minor or incompetent, my Executor, at any time and without court authorization, may: distribute the whole or any part of such property to the beneficiary; or use the whole or any part for the health, education,

maintenance and support of the beneficiary; or distribute the whole or any part to a guardian, committee or other legal representative of the beneficiary, or to a custodian for the beneficiary under any gifts to minors or transfers to minors act, or to the person or persons with whom the beneficiary resides. Evidence of any such distribution or the receipt therefor executed by the person to whom the distribution is made shall be a full discharge of my Executor from any liability with respect thereto, even though my Executor may be such person. If such beneficiary is a minor, my Executor may defer the distribution of the whole or any part of such property until the beneficiary attains the age of eighteen (18) years, and may hold the same as a separate fund for the beneficiary with all of the powers described in Article SIXTH hereof. If the beneficiary dies before attaining said age, any balance shall be paid and distributed to the estate of the beneficiary.

FIFTH: I appoint my wife, SANDRA FAY SHIVERS, to be my Executor. If my wife does not survive me, or shall fail to qualify for any reason as my Executor, or having qualified shall die, resign or cease to act for any reason as my Executor, I appoint STACEY ANDERSON as my Executor. If STACEY ANDERSON shall fail to qualify for any reason as my Executor, or having qualified shall die, resign or cease to act for any reason as my Executor, I appoint SHANNON FAROUGH as my Executor. I direct that no Executor shall be required to file or furnish any bond, surety or other security in any jurisdiction. No Executor shall be required to file or furnish any inventory or appraisal or to file or furnish any account of their proceedings or of the property which may come into their possession. Nothing herein, however, shall be construed as limiting the right of my Executor to seek a judicial settlement of any account.

Each Executor shall be deemed to have acted within the authority granted by this will, to have exercised reasonable care, diligence and prudence, and to have acted impartially as to all affected persons unless the contrary is proved by affirmative evidence.

SIXTH: I grant to my Executor all powers conferred on executors under Tennessee Code Annotated Section 35-50-110, as amended, or any successor thereto, and all powers conferred upon executors wherever my Executor may act. I also grant to my Executor power to retain, sell at public or private sale, exchange, grant options on, invest and reinvest, and otherwise deal with any kind of property, real or personal, for cash or on credit; to borrow money and encumber or pledge any property to secure loans; to pay any legacy or distribute, divide or partition property in cash or in kind, or partly in kind, and to allocate different kinds of property, disproportionate amounts of property and undivided interests in property among any parts, funds or shares; to determine the fair valuation of property, with or without regard to tax basis; to exercise all powers of an absolute owner of property; to compromise and release claims with or without consideration; and to employ attorneys, accountants and other persons for services or advice. The term "Executor" wherever used herein shall mean the executors, executor, executrix or administrator in office from time to time. Any real property shall be administered as part of my estate.

SEVENTH: If any beneficiary under this will and I die in a common accident or under circumstances in which it is difficult or impractical to determine who survived the other, such beneficiary shall be deemed to have predeceased me.

The words "per stirpes" or "in equal shares per stirpes" wherever used herein shall mean that property shall first be divided among the members of the oldest generation of descendants who have a member surviving at the time in question, with each living member being allocated one share, and any deceased member's child or children living at the time in question being allocated the share to which the deceased member would have been entitled, and likewise down the generations.

IN WITNESS WHEREOF, I, ASA DONALD SHIVERS, JR., sign, seal, publish and declare this instrument as my last will and testament this 30th day of October, 2019.

Asa Donald Shivers Jr.
ASA DONALD SHIVERS, JR.

The foregoing instrument was signed, sealed, published and declared by ASA DONALD SHIVERS, JR., the above-named Testator, to be his last will and testament in our presence, all being present at the same time, and we, at his request and in his presence and in the presence of each other, have subscribed our names as witnesses on the date above written.

Philip C. Kelly

residing at:
125 Public Square
Gallatin, Tennessee 37066-2841

Joyce Lillard

residing at:
125 Public Square
Gallatin, Tennessee 37066-2841

AFFIDAVIT

STATE OF TENNESSEE, COUNTY OF SUMNER

We, Philip C. Kelly and Joyce Lillard, the undersigned, being first duly sworn, do hereby declare to the undersigned authority that the Testator, ASA DONALD SHIVERS, JR., signed and executed said instrument as his last will and testament in the presence and hearing of the witnesses, and that he stated that said instrument was his last will and testament, and that he had signed willingly, and that he executed it as his free and voluntary act and deed for the purposes therein expressed, and that each of the witnesses at the request of the Testator, in the presence and hearing of the Testator and each other, signed the will as witness, and that to the best of his or her knowledge the Testator was at the time at least eighteen years of age, of sound mind and under no constraint, duress, fraud or undue influence.

Asa Donald Shivers Jr.
ASA DONALD SHIVERS, JR.
Testator

Kelly
Philip C. Kelly
Witness

Joyce Lillard
Joyce Lillard
Witness

Subscribed, sworn to and acknowledged before me by the said ASA DONALD SHIVERS, JR., Testator, and subscribed and sworn to before me by the said Philip C. Kelly and Joyce Lillard as witnesses, this 30th day of October, 2019.

Audra Blair
Notary Public

AUDRA BLAIR
STATE OF TENNESSEE
NOTARY PUBLIC
SUMNER COUNTY
My Commission Expires 04-19-2021

STATE OF TENNESSEE SUMNER COUNTY
THE UNDERSIGNED, CLERK AND MASTER OF THE SAID COUNTY AND STATE HEREBY CERTIFIES THAT THE FOREGOING IS A CORRECT COPY OF THIS INSTRUMENT FILED IN THE FOREGOING CAUSE IN THE CHANCERY COURT OF GALLATIN, TENNESSEE
THIS THE 16th DAY OF Oct 2024
MARK T. SMITH, CLERK AND MASTER
BY: Tammy Smith
DEPUTY CLERK AND MASTER

CHANCERY COURT
AGRICULTURE
SUMNER
GALLATIN, TN

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