Karen Johnson Davidson County
Batch# 1203293 AFFIDAVITH
11/12/2024 01:14:30 PM 14 pgs
Fees: $72.00 Taxes: $0.00
20241112-0087829

This Instrument Prepared By: Walter N. Winchester, Esq.
WINCHESTER, SELLERS, FOSTER & STEELE, P.C.
100 Bluegrass Commons Blvd., Suite 160
Hendersonville, TN 37075
Phone: (865) 637-1980 Fax: (865) 637-4489

AFFIDAVIT OF HEIRSHIP

I, **Sanford Richey Gabrielle,** the undersigned, after being first duly sworn according to law, pursuant to T.C.A. Section 30-2-717, do hereby make oath as follows:

1. That I am a citizen and resident of the State of Tennessee and I am over 18 years of age and have personal knowledge of all matters hereinafter set forth;

2. That the real property that is the subject of this Affidavit is located at 1207 Richmond Drive, Nashville, Davidson County, Tennessee 37216 (hereinafter the "Property");

3. That the Property was acquired by my mother and father, **Sanford H. Gabrielle and Evelyn J. Gabrielle**, as tenants by the entirety pursuant to the Warranty Deed dated September 1, 1953, of record at **Book 2195, Page 211,** in the Register's Office for Davidson County, Tennessee, to which instrument specific reference is hereby made;

4. That **Sanford H. Gabrielle** died on September 27, 1955, and at the time of his death he had been and was married to **Evelyn J. Gabrielle**;

5. That **Evelyn J. Gabrielle** then married James Buford McDowell and my sister, Jayne McDowell Brien, was born of that marriage;

6. That James Buford McDowell died on the December 10, 2000, and he never held any ownership interest in the Property;

7. That my mother **Evelyn J. Gabrielle McDowell** lived on the Property until her death on April 11, 2023;

8. That **Evelyn J. Gabrielle McDowell** had three (3) children, Sanford Richey Gabrielle, Jayne McDowell Brien, and Karl K. Gabrielle:

9. That at the time of the death of **Evelyn J. Gabrielle McDowell,** only Sanford Richey Gabrielle and Jayne McDowell Brien were alive, Karl K. Gabrielle having predeceased his mother, **Evelyn J. Gabrielle McDowell**;

10. That Karl K. Gabrielle had one child, Sanford Chase Gabrielle, who is alive as of the date hereof;

11. That **Evelyn J. Gabrielle McDowell** executed her Last Will and Testament on May 2, 2008, and then she modified that Will by a Codicil dated December 19, 2019 (hereinafter the "Will");

12. That the Will was probated by me by filing a Petition with the Probate Court for Davidson County, Tennessee, on May 9, 2023, bearing Docket No. 23P929 (hereinafter the "Probate Proceeding");

13. That a copy of the Will is attached hereto as Exhibit 1;

14. That the Will provides that the Property was devised to Jayne McDowell Brien and me as Tenants in Common, with the Codicil stating that Sanford Chase Gabrielle, my nephew, had been provided for in by non-probate account and that he would take nothing under her Will;

15. That the Probate Proceeding was closed by Order of the Probate Court entered on August 9, 2024, a copy of which is attached hereto as Exhibit 2;

16. That no claims were filed in the Probate Proceedings against the Estate;

17. That my sister Jayne McDowell Brien and I own the property as Tenants in Common;

19. That tax notices on the Property should be sent to me at 1009 Woodfield Drive, Gallatin, TN 37066; and

20. That the purpose of this Affidavit is to establish the heirship of **Evelyn J. Gabrielle McDowell** and ownership of the Property.

This the 30th day of October, 2024.

FURTHER, AFFIANT SAITH NOT.

AFFIANT:

Sanford Richey Gabrielle

Sanford Richey Gabrielle

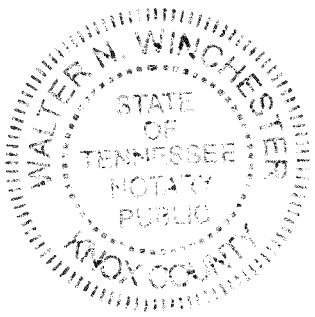
STATE OF TENNESSEE §
§
COUNTY OF SUMNER §

Personally appeared before me, the undersigned, a duly commissioned Notary Public in and for the County and State aforesaid, Sanford Richey Gabrielle, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and seal at office this 30th day of Oct., 2024.

Notary Public

My Commiss- Expires 8-1-26



LAST WILL AND TESTAMENT
OF
EVELYN McDOWELL

I, Evelyn McDowell, of Nashville, Davidson County, Tennessee, do make, publish, and declare this my Last Will and Testament, hereby revoking all former Wills and Codicils. At this time my family consists of my three children, S.H. Richey Gabrielle and his children, Karl K. Gabrielle and his children, and Jayne Brien and her children.

ITEM I

Payment of Expenses, Claims and Taxes

I direct that all of my just debts, including unpaid charitable pledges and the cost of administration of my estate, be paid as soon as may be convenient after my death. My Executor, in his sole and absolute discretion, may use the proceeds of any life insurance payable to my estate for the payment of debts or taxes.

ITEM II

Disposition of Tangible Personal Property

I may leave a written memorandum, listing items of tangible personal property that are to pass to certain persons upon my death. I direct my Executor to distribute the property specified in the memorandum to the individuals identified therein who survive me. Except as otherwise provided in the memorandum, if any such individual does not survive me, then the bequest to that individual shall lapse. I intend to keep the memorandum with this Will.

I direct that my Executor sell at public auction, or by some other fiscally prudent manner, all of my tangible personal property not specifically bequeathed in the memorandum referenced in the foregoing paragraph, including any household furniture and furnishings, automobiles, books, pictures, jewelry, and other articles of household or personal use. The proceeds of such sale shall be added to and disposed of as a part my residuary estate.

E M
(initials)

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ITEM III

Disposition of Real Property

I direct that any real property that I own at the time of my death be part of the estate under the control of my Executor and that my Executor sell any such real property. The proceeds of such sale shall be added to and disposed of as a part of my residuary estate.

ITEM IV

Distribution of Remainder of My Estate

I give, devise, and bequeath all of the rest, residue, and remainder of my property equally to my three children, S.H. Richey Gabrielle, 1009 Woodfield Drive, Gallatin, Tennessee, Karl K. Gabrielle, 103 Sequoyah Drive, Hendersonville, Tennessee, and Jayne Brien, 111 Stanwick Drive, Franklin, Tennessee.

ITEM V

Executor's Powers

In addition to any powers or duties provided by other provisions in this Will or by statute or court decisional law, my Executor shall have the powers enumerated in the provisions of Tennessee Code Annotated Section 35-50-110, including the introductory paragraph and all subparagraphs thereof to the extent applicable. Said provisions (as in force on the date of execution of this Will) are hereby incorporated herein by reference as fully as though copied herein verbatim, notwithstanding that said statute may be amended hereafter or repealed.

ITEM VI

Initial Appointment of Executor

The following provisions govern the initial appointment of my Executor.

A. I appoint S.H. Richey Gabrielle, Gallatin, Tennessee, as Executor of this Will. If he does not survive me, or is unwilling or unable to serve, I appoint Karl K. Gabrielle, Hendersonville, Tennessee, as Executrix of this Will. If Karl K. Gabrielle does not survive me, or is unwilling or unable to serve, I appoint Jayne Brien, Franklin, Tennessee as Executrix of this Will.

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B. I direct that my Executor shall not be required to give any bond for the performance of his duties. Purchasers from, lenders to, and others dealing with him shall not be required to inquire as to the occasion for such sale, loan or other transaction, nor to see to the application of the purchase, loan or other money or property. Written receipts and/or canceled checks retained by my Executor shall be good and sufficient discharges for the sum therein stated to have been received. Transfer agents and other persons dealing with my Executor may deal with him as if he were the sole owner of the property dealt with.

C. I direct that no inventory or other court accountings be required. The Executor's only responsibility for statements and accountings shall be to furnish a complete final accounting to my children as the beneficiaries of my residuary estate.

ITEM VII

Miscellaneous Definitions

As used in this Will, in referring to any person, a word of one gender shall be deemed to include the other, and a reference to the singular shall include the plural, and vice-versa, if the context indicates that such a reading would be appropriate. If a successor or alternate Executor is appointed, then reference to the word "Executor" shall be deemed to refer to such successor or alternate Executor.

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AFFIDAVIT BY WITNESSES TO WILL

Each of the aforesaid witnesses, being Janice L. Jordan and Charlie Dodrill, subscribed to the foregoing Will of Evelyn McDowell, executed on the 2nd day of May, 2008, having been requested by the said Evelyn McDowell to make and sign this Affidavit, and hawing first been duly sworn before the Notary Public whose name appears below, hereby state that the said Evelyn McDowell was over eighteen (18) years of age, was of sound mind, declared the foregoing instrument to be her Last Will and Testament, published and executed it by signing it in the presence of all of us who were all present at the same time and we, in her presence, at her request, and in the presence of each other, subscribed our names as witnesses on the said 2nd day of May, 2008.

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Sworn to and acknowledged before me
This 2nd day of May, 2008 (year)

Tracey L. Luke

NOTARY PUBLIC

TRACEY L. LUKE
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

MY COMMISSION EXPIRES:

MY COMMISSION EXPIRES:
January 3, 2011

IN WITNESS WHEREOF, I have hereunto set my hand to this my last will and testament, this 2nd day of May, 2008

Evelyn McDowell
EVELYN McDOWELL

The foregoing instrument was signed, published and declared by the said Evelyn McDowell as and for her Last Will and Testament on the day and year written above, in our presence and in the presence of each of us who, at her request, in her presence and in the presence of each other, have subscribed our names as witnesses this 2nd day of May, 2008.

_____
WITNESS

3101 Parks Retreat DR. Antioch, TN 37013
ADDRESS

_____
WITNESS

P.O. Box 158633 Nashville, TN 37215
ADDRESS

EM
(initials)

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STATE OF TENNESSEE
COUNTY OF SUMNER

Before me, the undersigned Notary Public, personally appeared the undersigned affiants, whose names are subscribed to the instrument to which this Affidavit is attached and after being duly sworn, declared to me that in their sight and presence EVELYN MCDOWELL signed, declared and published the instrument to which this Affidavit is affixed or annexed as the Testator's Codicil No. 1 to his Will and requested them to act as witnesses to its execution and to execute this Affidavit; that in the Testator's sight and presence and in the sight and presence of each other, each affiant signed the instrument as witnesses; and that the Testator was at that time 18 years of age or over, was of sound mind and disposing memory, was fully capable of making a codicil and was under no duress, compulsion, or constraint.

(J. MIRANDA BELOTE)

(TIMOTHY D. FERGUSON)

Subscribed and sworn to before me this the 19th day of December, 2019.

NOTARY PUBLIC

My Commission Expires:

May 25, 2022

ELIZABETH C MCDANIEL
STATE OF TENNESSEE NOTARY PUBLIC
SUMNER COUNTY
My Commission Expires May 25, 2022

CODICIL NO. 1
TO THE
LAST WILL AND TESTAMENT
OF
EVELYN MCDOWELL

I, EVELYN MCDOWELL, a resident of Davidson County, Tennessee, having heretofore made and published my Last Will and Testament, which bears date of May 2, 2008, make and declare this as a codicil thereto, to wit:

FIRST,

Modify Item IV. of my said Last Will and Testament to read as follows:

I give, devise, and bequeath all of the rest, residue and remainder of my property to my children, S. H. Richey Gabrielle and Jayne Brien in equal shares, share and share alike.

I have made no distribution for the child of my deceased son, KARL K. GABRIELLE, namely SANFORD CHASE GABRIELLE, because he is being provided for as a beneficiary on a non probate account.

I hereby ratify, republish and reaffirm said Last Will and Testament in all respects except as modified by this Codicil thereto.

IN WITNESS WHEREOF, I have hereunto set my hand to this Codicil No. 1 to my Last Will and Testament at Hendersonville, Tennessee, on this the 19 day of December, 2019.

Evelyn O. McDowell
EVELYN MCDOWELL

Signed, sealed, published, and declared by the Testator, EVELYN MCDOWELL, to be Codicil No. 1 to his Last Will and Testament in the presence of all of us at one and the same time, and we at ~~his~~ her request and in his presence, and in the presence of each other, have hereunto subscribed our names as witnesses, and we do hereby attest to the sound and disposing mind of said Testator, and to the performance of the aforesaid act of execution at the place and on the date hereinabove set out.

EFILED 08/09/24 01:14 PM CASE NO. 23P929 Joseph P. Day, Clerk

IN THE PROBATE COURT OF DAVIDSON COUNTY, TENNESSEE AT NASHVILLE

IN RE:	)	
	)	
EVELYN JAYNES MCDOWELL	)	**Docket No. 23P929**
Deceased.	)	
	)	
Sanford "Richey" Gabrielle	)	
Petitioner	)	

ORDER TO CLOSE WITHOUT DETAILED ACCOUNTING

IT APPEARING to this Court that the Executor of this Estate, **Sanford "Richey" Gabrielle**, was appointed as Personal Representative of the Estate, and Mr. Gabrielle was granted Letters by this Court for the administration of this Estate. It is the opinion of this Court as follows:

1. That no claims have been filed against this Estate;
2. That an Affidavit Waiving Tennessee Inheritance Tax Return has been properly filed with the Clerk;
3. That a release from the Bureau of TennCare of Estate Recovery has been properly filed with the Clerk;
4. That the Personal Representative Statement has been filed with the Clerk detailing the completed and proper performance of the duties pertaining to the administration of this estate, as required by statute;
5. That the Distributee Statement has been filed by the residual Distributee, Jayne Brien, confirming her satisfaction regarding the performance of the Executor, waiving her right to a detailed accounting of the Estate and her acknowledgment that she has received her proper distribution from the Executor and releases the Executor from any further liability in connection with this Estate, as well as the surety, if any;
6. That a Notice of Filing has been filed along with the Death Certificate of ~~the remaining Distributee,~~ Karl Keith Gabrielle, in ~~lieu of a Distributee Statement.~~
7. That there are no costs presently owed by the Estate.

8. That no Estate funds are being held by the Clerk.

9. That the Probate Code of the State of Tennessee has been complied with; and,

10. That all administrative costs involved in this Estate have been paid in full.

It is therefore,

ORDERED, ADJUDGED AND DECREED that it is the opinion of this Court that this Estate should be declared closed.

It is so **ORDERED.**

(ELECTRONIC SIGNATURE PAGE TO FOLLOW
JUDGE ANDRA HEDRICK, Seventh Circuit
ELIZABETH A. JOHNSON, Probate Master

Approved for Entry,

s/Bryna Landers Grant
BRYNA LANDERS GRANT (#021196)
Attorney for Petitioner
118 Public Square
Gallatin, Tennessee 37066
Telephone: (615) 630-8499
Bryna.L.Grant@gmail.com

Certificate of Service

I hereby certify that a copy of this Order has been forwarded via USPS to the following:

Jayne Brien
2141 Kirkwall Drive
Nolensville, TN 37135

This August 1, 2024.

s/Bryna Landers Grant
BRYNA LANDERS GRANT

Case Title: GABRIELLE V MCDOWELL

Case Number: 23P929

Type: FINAL ORDER - CLOSING ESTATE W/O DETAILED ACCOUNTING

The foregoing is hereby ORDERED, ADJUDGED AND DECREED:

Judge Andra Hedrick, Seventh Circuit

True Copy Certification

I, **Pamela M. Hopper**, do hereby make oath that I am 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 October 30, 2024.

Pamela M. Hopper
Affiant Signature

November 11, 2024

STATE OF TENNESSEE

COUNTY OF KNOX

Sworn to and subscribed before me this 11th day of November, 2024.

Elly Larkin
Notary's Signature

MY COMMISSION EXPIRES: January 10, 2026

