Karen Johnson Davidson County
Batch # 1212639 DEEDWARR
12/04/2024 02:20:41 PM 11 pgs
Fees: $57.00 Taxes: $0.00
20241204-0094272

This Instrument prepared based on information provided by the parties and not independent verification by:
C. Michael Robinson
2705 Gallatin Pike
Nashville, TN 37216
615-320-9977

ADDRESS NEW OWNER
Michael Edward Swierk
5323 11th Street
Katy, TX 77493

SEND TAX BILLS TO:
New Owner

PARCEL NUMBER:
073 04 0 005.00

ADMINISTRATOR C.T.A.'S DEED

WHEREAS, Deborah Layhew Swierk (hereinafter the "Decedent") died testate on March 21, 2023, as a resident of Davidson County, Tennessee. The Decedent's Last Will and Testament dated September 15, 1995 (the "Will"), was admitted to probate on October 18, 2024, under Docket Number 24P2114 in the Circuit Court of the Twentieth Judicial District of Nashville and Davidson County, Tennessee. Said Order is attached hereto as **Exhibit 1.**

WHEREAS, by entry of the same Order, Michael Edward Swierk was appointed as the Administrator *Cum Testamento Annexo* (*"C.T.A."*) of Decedent's Estate. The Court issued Letters of Administration *C.T.A.* accordingly and the same are attached hereto as **Exhibit 2.**

WHEREAS, the Decedent was predeceased by her husband, Walter J. Swierk, on January 20, 2023.

WHEREAS, pursuant to the Will of Decedent, the Decedent devised the ownership of her real property to Michael Edward Swierk, who survived the Decedent. Said Will is attached hereto as **Exhibit 3.**

WHEREAS, the Decedent held a fee simple interest in the real property located at 2509 Timwood Dr. Nashville, TN 37214 being more specifically described as follows:

> Being Lot No. 6 on the Plan of Sutherland Heights Subdivision, Section 1. as of record in Book 2663. page 18. Register's Office for said County.
>
> Said Lot No. 6 fronts 9 feet on the easterly side of Timwood Drive and extends back between lines. measuring 244.5 feet on the northerly line and 271.6 feet on the southerly line. to a line in the rear. measuring 138.0 feet thereon.

Being the same property conveyed to Walter J. Swierk by Quitclaim Deed from Patricia A. Swierk of record in Book ____ Page ____ Register's Office for Davidson County, Tennessee.

Being the same property conveyed to Walter J. Swierk et ux., Deborah L. Swierk as tenants by the entireties, by quitclaim deed dated March 27, 1991, of record in Book 8318, Page 417, said Register's Office for Davidson County, Tennessee.

This is improved property known as 2509 Timwood Dr. Nashville, TN 37214.

THEREFORE, MICHAEL EDWARD SWIERK, in his capacity as Administrator *C.T.A.* of Decedent's Estate, hereby conveys Decedent's right, title and interest in certain real property located in Davidson County, Tennessee, commonly known as 2509 Timwood Dr. Nashville, TN 37214 to **MICHAEL EDWARD SWIERK.**

TO HAVE AND TO HOLD THE property, with the appurtenances, estate, title and interest with all the rights of the Decedent in fee simple absolute, and the Administrator *C.T.A.* hereby transfers, assigns and sets over all of the Estate's right, title and interest in the said property with full benefit of the Administrator *C.T.A.* 's warranties to the maximum extent that he can or should do as Administrator *C.T.A.,* but not further or otherwise.

IN WITNESS WHEREOF, I have signed my name this the 25 day of November 2024.

MICHAEL EDWARD SWIERK, ADMINISTRATOR *C.T.A.*

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

Before me a Notary Public, duly appointed, commissioned and qualified in and for the State and County aforesaid, personally appeared, **MICHAEL EDWARD SWIERK, ADMINISTRATOR *C.T.A.***, to me known or proved to me on the basis of satisfactory evidence to be the person described in and who executed the foregoing instrument and acknowledged that he or she executed the same as his or her free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal at my office in said County, on this the 25 day of NOVEMBER, 2024.

JOHN AUSTIN POSS
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

NOTARY PUBLIC

My Commission Expires: 01/24/2028

The actual consideration and/or value, *whichever is greater*, for this transfer is Zero Dollars ($0.00).

MICHAEL EDWARD SWIERK, ADMINISTRATOR *C.T.A.*

OATH

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal at my office in said County, on this the 25 day of NOVEMBER 2024.

JOHN AUSTIN POSS
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

NOTARY PUBLIC

My Commission Expires: 01/24/2028

EFILED 10/18/24 04:28 PM CASE NO. 24P2114 Joseph P. Day, Clerk

Exhibit 1

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE AT NASHVILLE; PROBATE DIVISION

In Re Estate of:)
Deborah Layhew Swierk) **Docket Number:** _____

ORDER GRANTING PETITION TO OPEN TESTATE ESTATE AND APPOINT PERSONAL REPRESENTATIVE (WITHOUT A HEARING)

In accordance with Tennessee Code Annotated Section 30-1-117, **Michael Edward Swierk** has filed a petition to open the testate estate of **Deborah Layhew Swierk** and appoint an Administrator, C.T.A. All information required by applicable statute and local rule is in the record. The decedent's original last will and testament is in the possession of the Circuit Court Clerk. Petitioner's attorney has filed a request that the Court review the petition and enter an order without a hearing. The Court concludes upon consideration of the entire record, and without a hearing, that the petition should be granted.

Based on the above findings, as well as the entire record of this cause, it is therefore **ORDERED, ADJUDGED AND DECREED** that:

1. The Estate of Deborah Layhew Swierk is opened as a testate estate.

2. The Last Will and Testament of Deborah Layhew Swierk dated September 15, 1995 is admitted to probate in common form.

3. Michael Edward Swierk is appointed Administrator, C.T.A. of the Estate of Deborah Layhew Swierk.

4. The Clerk shall issue Letters of Administration, C.T.A. to Michael Edward Swierk.

5. Bond is waived pursuant to the written consent or request of the residual beneficiary.

6. The requirement of filing an inventory with this Court is waived upon the written consent

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or request of the residual beneficiary under the Last Will and Testament.

7. The requirement of filing accountings with this Court is waived upon the written consent or request of the residuary beneficiary under the Last Will and Testament.

8. Publication of the Notice to Creditors is waived because the estate is being opened more than one year after the decedent's date of death.

9. The personal representative shall file a status report on the date that is fifteen (15) months from the date of appointment, and annually thereafter so long as the Estate remains open.

10. Court costs are taxed to the Estate.

11. All other matters are reserved pending further orders of the Court.

IT IS SO ORDERED.

[electronic signature page to follow]

APPROVED FOR ENTRY:

ROBINSON LAW, PLLC

/s/ C. Michael Robinson
C. MICHAEL ROBINSON **#35301**
Attorney for the Petitioner
2705 Gallatin Pike
Nashville, TN 37216
Telephone: (615) 320-9977
Facsimile: (615) 320-9929
michael@robinsonlaw.legal

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 14th day of October 2024 a true and exact copy of the foregoing *Order* has been forwarded via US Mail to the following individuals:

Michael Edward Swierk, sole heir-at-law and sole residual beneficiary, 5323 11th Street Katy, TX 77493.

/s/ C. Michael Robinson
C. MICHAEL ROBINSON

EFILED 10/18/24 04:28 PM CASE NO. 24P2114 Joseph P. Day, Clerk

Case Title: SWIERK V SWIERK

Case Number: 24P2114

Type: APPOINTING ORDER - ESTATES

The foregoing is hereby ORDERED, ADJUDGED AND DECREED:

Judge Andra Hedrick, Seventh Circuit

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
(PROBATE DIVISION)

Exhibit 2

LETTERS OF ADMINISTRATION *c.t.a.*

Estate of Deborah Layhew Swierk

DOCKET NO: 24P2114

TO: Michael Edward Swierk

IT APPEARING to the Court that Deborah Layhew Swierk has died leaving a Last Will and Testament which has been duly proven in open Court, and application being made to have Letters of Administration with the Will annexed granted to you on the estate of this decedent and you having qualified according to law, and the Court having ordered that Letters issue;

THEREFORE, you, Michael Edward Swierk, are empowered to enter upon the execution of said Will and take into your possession all the property, and to make to this Court, within sixty (60) days from this date, a perfect Inventory thereof, unless waived, and to make due collection of all debts, and after paying all the just demands against the estate, and settling up the business according to law, you will pay over and deliver the property and effects that may remain in your hand, and to do all other things that may be required, according to the provisions of said Will, and the law of the land. HEREIN FAIL NOT.

WITNESS, JOSEPH P. DAY, Clerk of the Probate Court, at office, this 18th day of October, 2024.

JOSEPH P. DAY, Clerk

_____ D.C.

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

I, JOSEPH P. DAY, Clerk of the Probate Court, do hereby certify that the foregoing is a full, true and perfect copy of the *Letters of Administration with the Will annexed* issued to Michael Edward Swierk in this estate, and I do further certify that this person(s) is still acting as the Personal Representative in this estate, and continues to be entitled to full faith and credit, as it appears from the records in my office at Nashville, Tennessee this 22nd day of October, 2024.

JOSEPH P. DAY, Clerk

_____ D.C.

Exhibit 3

LAST WILL AND TESTAMENT OF DEBORAH LAYHEW SWIERK

I, Deborah Layhew Swierk, of 2509 Timwood Drive, Nashville, TN 37214, revoke my former Wills and Codicils and declare this to be my Last Will and Testament.

ARTICLE I
PAYMENT OF DEBTS AND EXPENSES

A. I direct that my debts, funeral expenses and expenses of last illness be first paid from my estate.

ARTICLE II
DISPOSITION OF PROPERTY

A. Residuary. I direct that my residuary estate be distributed to my spouse, Walter John Swierk. If my spouse does not survive me, my residuary estate shall by distributed to my child(ren), and my step-son, Michael Edward Swierk, in equal shares. If a child of mine, or my step-child, does not survive me, such deceased child's share shall be distributed in equal shares to the children of such deceased child who survive me, by right of representation. If a child of mine, or step-child of mine, does not survive me and has no children who survive me, such deceased child's share shall be distributed in equal shares to my other child(ren) and step-children, if any, or to their respective children by right of representation. If no child of mine, or step-child of mine, survives me, and if none of my deceased child(ren), or step-children, are survived by child(ren), my residuary estate shall be distributed to Lloyd D. Layhew Sr., 504 Linda Lane, Madison, TN 37115 USA. If such beneficiary does not survive me, my residuary estate shall by distributed to my heirs-at-law as determined under the laws of the State of Nashville, TN 37214.

ARTICLE III
NOMINATION OF EXECUTOR

A. I nominate Walter John Swierk, of 2509 Timwood Drive, Nashville, TN 37214, as the Executor, without bond. If such person or entity does not serve for any reason, I nominate Lloyd D. Layhew Sr., of 504 Linda Lane, Madison, TN 37115, to be the Executor, without bond.

ARTICLE IV
EXECUTOR POWERS

A. My Executor, in addition to other powers and authority granted by law or necessary or appropriate for proper administration, shall have the right and power to lease, sell, mortgage, or otherwise encumber any real or personal property that may be included in my estate, without order of court and without notice to anyone.

DL DR

ARTICLE V
MISCELLANEOUS PROVISIONS

A. Paragraph Titles and Gender. The titles given to the paragraphs of this Will are inserted for reference purposes only and are not to be considered as forming a part of this Will in interpreting its provisions. All words used in this Will in any gender shall extend to and include all genders and in numbers when the context or facts require, and any pronouns shall be taken to refer to the person or persons intended regardless of gender or number.

B. Thirty Day Survival Requirement. For the purposes of determining the appropriate distributions under this Will, no person or organization shall be deemed to have survived me, unless such person or entity is also surviving on the thirtieth day after the date of my death.

IN WITNESS THEROF, I have subscribed my name below, this 15th day of September, 1995.

Deborah Layhew Swierk

Deborah Layhew Swierk

We, the undersigned, hereby certify that the above instrument, which consists of 4 pages, including the page(s) which contain the witness signatures, was signed in our sight and presence by Deborah Layhew Swierk (the "Testator"), who declared this instrument to be his/her Last Will and Testament and we, at the Testator's request and in the Testator's sight and presence, and in the sight and presence of each other, do hereby subscribe our names and addresses as witnesses on the date shown above.

Witness Signature: Claudia G. Layhew

Witness Name: Claudia G. Layhew

Witness Address: 1221 Apache Lane
Madison, Tennessee 37115

Witness Signature: Dorothy M. Laythew

Witness Name: Dorothy M. Laythew

Witness Address: 504 Linda Lane
Madison, Tn. 37115

Witness Signature: _____

Witness Name: _____

Witness Address: _____
_____

AFFIDAVIT

STATE OF TENNESSEE,
COUNTY OF DAVIDSON, ss:

Before me, the undersigned, on this day personally appeared Deborah Layhew Swierk, CLAUDIA G. LAYHEW and DOROTHY M. LAYHEW, known to me to be the Testator and the witnesses, respectively, whose names are signed to the foregoing instrument. All of these persons were first duly sworn by me. Deborah Layhew Swierk, the Testator, declared to me and the witnesses, in my presence, that the foregoing instrument is the Testator's Will and that the Testator willingly signed and executed such instrument (or expressly directed another person to sign the instrument for the Testator in the Testator's presence) in the presence of the witnesses, as the Testator's free and voluntary act for the purposes expressed in the instrument. Each of the witnesses declared in the presence and hearing of the Testator that the foregoing instrument was executed and acknowledged by the Testator as the Testator's Will in their presence and that they, in the Testator's presence, hearing and sight and at the Testator's request, and in the presence of each other, did subscribe their names to the instrument as attesting witnesses on the date of the instrument. The Testator, at the time of the execution of such instrument, was of full age, of sound mind, and the witnesses were sixteen years of age or older and otherwise competent to be witnesses.

Deborah L Swierk
Deborah Layhew Swierk, Testator

Claudia G. Layhew, Witness

Dorothy M Layhew, Witness

Subscribed, and sworn to and acknowledged before me by Deborah Layhew Swierk, the Testator, and subscribed and sworn before me by CLAUDIA G. LAYHEW and DOROTHY M. LAYHEW, witnesses, this 15th day of SEPTEMBER, 1995.

John Austin Foss
Notary Public, or other officer authorized to take and certify acknowledgements and administrator oaths

JOHN AUSTIN FOSS
STATE OF TENNESSEE
NOTARY PUBLIC
DAVIDSON COUNTY