STATE OF TENNESSEE

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Karen Johnson Davidson County
Batch # 1223201 WILL
01/06/2025 08:39:59 AM 26 pgs
Fees: $132.00 Taxes: $0.00
20250106-0000815

IN RE: ***HOMER T. MIDDLETON JR***

Docket No: ***24P2009***

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 October 4, 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 December 16, 2024.

JOSEPH P. DAY CIRCUIT COURT CLERK

JOSEPH P. DAY, Clerk,

By: S. J. Valentin
Deputy Clerk

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FILED
OCT - 3 2024
JOSEPH P. DAY, Clerk
By Deputy

LAST WILL AND TESTAMENT

OF

HOMER T. MIDDLETON, JR.

KNOW ALL MEN BY THESE PRESENTS, That I, the undersigned **HOMER T. MIDDLETON, JR.**, being of sound and disposing mind and memory, do hereby declare this my Last Will and Testament, hereby expressly revoking any and all previous Wills and Codicils which may have been made by me.

ITEM I: RESIDENCE AND FAMILY

A. RESIDENCE. At the time of the execution of this Will, I am a resident of the City of Nashville in the County of Davidson, State of Tennessee.

B. SPOUSE. At the time of the execution of this Will, I am married to **JOANNE C. MIDDLETON** (hereinafter in this Will whenever I refer to "my Wife," I am referring to **JOANNE C. MIDDLETON**).

C. CHILDREN. At the time of the execution of this Will, my Wife and I have two (2) children, whose names are **NICOLE D. KELLER** and **KIMBERLY ANNE MIDDLETON**. I do not plan on having any additional children after the date of this Will. Any reference to my "child," "children," "descendants," or the like shall apply to my child named herein, unless specifically indicated otherwise, and the provisions of this Will shall be deemed modified to the extent necessary to effectuate this intention.

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Furthermore, wherever the terms "children" or "descendants" are used or are relevant under this Will and in the disposition of my estate, adopted children or descendants shall be considered and treated in all respects the same as natural children or descendants.

ITEM II: PAYMENTS OF DEBTS, TAXES AND EXPENSES

As soon as practical after my death, I direct that all of my debts, my funeral expenses (including the cost of a cemetery plot and suitable marker or head stone), expenses of administration including all expenses connected with any ancillary administration and expenses of my last illness as well as any unpaid charitable pledges, be paid by my Personal Representative from my Residuary Estate (as defined herein); provided, however, that in the event any property passing under this Will or by operation of law or otherwise by reason of my death shall be encumbered by a mortgage, deed of trust or other lien or shall be pledged to secure any obligation, I direct that such indebtedness shall be paid or retained in the discretion of my Personal Representative and, if retained, the devisee, legatee, joint owner taking by survivorship, or beneficiary thereof shall take such property subject to such retained indebtedness. I further direct that all taxes, including estate and inheritance taxes, as well as any penalties and/or interest that may become due and payable with respect thereto, but not including any tax imposed as a result of any Generation Skipping Transfer under Section 2601 of the Internal Revenue Code of 1986, as amended, or under the Tennessee Generation Skipping Tax Law, taxable against my estate, or against any life insurance on my life, be paid by my Personal Representative from my Residuary Estate

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without apportionment and with no right of reimbursement from any recipient or beneficiary of any such property.

ITEM III: SPECIFIC BEQUESTS AND PERSONALTY

A. **HANDWRITTEN MEMORANDUM.** I may give and bequeath certain items of personal property pursuant to a memorandum signed and dated by me. Furthermore, I may identify in said memorandum a person or persons whom I desire to oversee the allocation, distribution and division of any personal property of mine disposed of pursuant hereto. I request that my wishes as set forth in said memorandum be observed by the Personal Representative of my estate in the distribution of said property. In the event I allocated said property on a percentage or fractional basis, then unless otherwise indicated in said memorandum the Personal Representative of my estate shall have absolute discretion as to which specific article or articles of such personal property shall be included in each share, and as to which share each person shall be entitled to receive. In the event that a person entitled to receive property hereunder shall not have attained the age of eighteen (18) years, then my Personal Representative shall deliver such property to the person having custody of him or her, and the receipt of such person shall constitute complete and final acquittance of my said fiduciary with respect to such property. Any remaining items not addressed by me in a handwritten memorandum shall be distributed in accordance with paragraph B. of this **ITEM III**, which is as follows:

B. **PERSONAL EFFECTS AND PERSONAL PROPERTY.** I give and bequeath to all the remaining tangible personal effects and personal property, including

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any automobiles, books, pictures, jewelry, art objects, hobby equipment and collections, wearing apparel, and other articles of household or personal use or ornament (excluding cash, choses in action, stocks, bonds, or other incorporeal personal property), which I may own at the time of my death (and which is not being distributed in accordance with paragraphs **A** above of this **ITEM**) to my Wife. In the event that my Wife shall not survive me, then I give and bequeath the aforesaid property to my then living children, or, if any child of mine is deceased, to the lineal descendants, **per stirpes**, of such deceased child.

ITEM IV: USE OF LIFE INSURANCE PROCEEDS

Any insurance on my life or other similar insurance payable to my Personal Representative as such, or to my estate, shall be free from the claims of creditors and shall be governed by the provisions of this Will; provided, however, that my said Personal Representative may, in its discretion, pay any or all debts or liabilities of mine or of my estate from the proceeds of such insurance.

ITEM V: DISPOSITION OF RESIDUARY ESTATE

I give, devise and bequeath all the rest, residue and remainder of my estate, of whatsoever kind and wheresoever situated, which I may own or be entitled to at the time of my death (which, however, shall not include any property over which I have a power of appointment), sometimes referred to in this Will as my "Residuary Estate," to my Wife, outright and free of trust.

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ITEM VI: ALTERNATE DISPOSITION OF RESIDUARY ESTATE

A. **ALTERNATE DISPOSITION.** If my Wife fails to survive me then, I give, devise, and bequeath my Residuary Estate to my children in equal shares, outright and free of trust.

However, if **NICOLE D. KELLER** fails to survive me and she has living issue who are less than twenty-one (21) years of age, then the portion of my Residuary Estate that would have been distributed to her had she survived me shall instead be distributed to her estate, outright and free of trust. If **NICOLE D. KELLER** fails to survive me and she has living issue but such living issue are all over twenty-one (21) years of age, then the portion of my Residuary Estate that would have been distributed to her had she survived me shall instead be distributed among her living issue, **per stirpes**. If **NICOLE D. KELLER** fails to survive me and there are no issue of **NICOLE D. KELLER** living at the time of my death, then the portion that would have otherwise been distributed to **NICOLE D. KELLER** had she survived me shall instead be distributed to **KIMBERLY ANNE MIDDLETON** or if she is also deceased, to her living issues, **per stirpes**.

If **KIMBERLY ANNE MIDDLETON** fails to survive me, then the portion of my Residuary Estate that would have been distributed to her had she survived me shall instead be distributed among her living issue, **per stirpes**; provided, however, if there are no issue of **KIMBERLY ANNE MIDDLETON** living at my death, then the portion that would have otherwise been distributed to **KIMBERLY ANNE MIDDLETON** had she survived me shall instead be distributed to **NICOLE D. KELLER** or if **NICOLE D. KELLER** is also deceased to her living issue, **per stirpes** or to her estate (depending

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on the age of **NICOLE D. KELLER**'s living issue) as determined in accordance with the provisions set forth in this **ITEM VI.**

B. **DISPOSITION IF ENTIRE FAMILY DECEASED.** If my Wife shall not survive me and there be no children of mine then living, or who have died theretofore leaving a lineal descendant or lineal descendants who are then surviving, I give, devise, and bequeath my estate as follows:

(1) One-Half (½) thereof shall be distributed in equal shares, outright and free of trust, to my Wife's siblings who are living at the time of my death; provided, however, if my Wife's brother, **FLOYD N. SPOOR**, is living at the time of my death, then the share of my Residuary Estate that is to be distributed to him shall instead be held in trust for his benefit during his lifetime in accordance with the terms of this paragraph. The amount of my Residuary Estate that is to be distributed to **FLOYD N. SPOOR** in accordance with this paragraph shall be held in trust for the benefit of **FLOYD N. SPOOR** during his lifetime and my Wife's sister, **BETTY L. JONES**, shall serve as the Trustee of the trust for the benefit of **FLOYD N. SPOOR**, and as such Trustee shall be authorized, in her sole discretion, to distribute to **FLOYD N. SPOOR** so much of the net income or principal of this trust as the Trustee deems advisable in order to provide for

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FLOYD N. SPOOR's health, maintenance, welfare, comfort and education, whether public, private, or special, even to the extent of exhausting the principal of the Trust. Any undistributed income shall be accumulated, added to trust principal annually, and invested and reinvested thereafter. Upon the death of **FLOYD N. SPOOR** , the balance of the share set aside for **FLOYD N. SPOOR** shall be distributed, in equal shares, to my siblings living at the time of **FLOYD N. SPOOR**'s death, outright and free of trust. In the event that my Wife's sister, **BETTY L. JONES**, is unable or unwilling to serve as Trustee of this trust for any reason, then **MELVIN D. SPOOR** shall serve as successor Trustee of this trust. Irrespective of anything to the contrary contained herein, it is my intention that **FLOYD N. SPOOR**'s interest in any trust created herein shall in no way affect his entitlement to any desirable disability benefits, governmental benefits (including Social Security benefits, Medicare, Tenncare, and/or Medicaid), or benefits from any private agency providing services or benefits to disadvantaged, handicapped or elderly persons (collectively, these desirable benefits shall be referred to herein as the "Benefits"). Rather, it is my intention that the assets of any trust created

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herein be used to supplement any Benefits available to **FLOYD N. SPOOR**. As a result, and despite any other provisions of any trust created herein to the contrary, the Trustee shall consider any income, support, or property available to **FLOYD N. SPOOR** from any Benefits, including but not limited to government assistance, before making any discretionary distributions under any trust created herein. The Trustee shall further consider the applicable resource and income limitations relating to any such Benefits for which **FLOYD N. SPOOR** might be eligible. If **FLOYD N. SPOOR** is receiving any Benefits of any form whatsoever (regardless of whether such Benefits are for a physical or mental condition), the Trustee shall not make any distributions of principal or income of the trust to meet **FLOYD N. SPOOR**'s needs for basic support, including, food, shelter and clothing. In addition, the Trustee shall not make any distributions that would adversely affect **FLOYD N. SPOOR**'s eligibility for such Benefits, and the Trustee shall not reimburse any governmental or private entity for payments made to or for the benefit of **FLOYD N. SPOOR**. During **FLOYD N. SPOOR**'s lifetime, the Trustee shall have sole discretion to distribute to or for the benefit of **FLOYD N.**

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SPOOR those amounts of income or principal which the Trustee considers advisable to meet **FLOYD N. SPOOR**'s supplemental needs which are not met by the Benefits that **FLOYD N. SPOOR** is receiving. Supplemental needs shall include, but not be limited to, the following: health insurance premiums, dental care, unreimbursable medical expenses, supplemental nursing care, rehabilitation services, the excess cost of a private room over a shared room, psychological and social support services, private case management, companion care, telephone, television, reading materials, recreation, exercise equipment, cultural experiences, travel, and/or personal grooming. This is a material purpose of the trusts created herein and therefore this paragraph may not be amended. However, the Trustee shall have no obligation to ascertain **FLOYD N. SPOOR's** qualification for such Benefits or status as a recipient of such Benefits; and

(2) One-Half (½) thereof shall be distributed to a charitable organization or organizations as selected by the Personal Representative of my estate in its sole discretion; provided, however, such charitable organization(s) must (i) have a primary purpose of helping to support, fund, and/or develop

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Glaucoma research; (ii) be organized and operated exclusively for charitable, scientific, educational, or religious purposes; and (iii) qualify at the time of my death as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, or the corresponding provisions of any later federal tax laws.

ITEM VII: GENDER AND NUMBER

All words in this Will referring to the masculine, feminine, or the neuter shall include all genders, and all words used in the singular or the plural shall include the singular or the plural, unless the context therein specifically requires otherwise.

ITEM VIII: APPOINTMENT OF PERSONAL REPRESENTATIVE; SUCCESSOR PERSONAL REPRESENTATIVE

A. APPOINTMENT OF PERSONAL REPRESENTATIVE. I hereby nominate and appoint my Wife as the Personal Representative of this my Last Will and Testament (referred to herein as the "Personal Representative"), and I direct that my said Personal Representative shall not be required to give bond as such Personal Representative or to file an inventory, accounting or appraisal of my estate in any court.

B. SUCCESSOR PERSONAL REPRESENTATIVE. In the event of the death, resignation, disqualification, unwillingness or inability of my Wife to act as a Personal Representative hereunder, then I nominate and appoint my daughter,

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NICOLE D. KELLER, and my daughter, **KIMBERLY ANNE MIDDLETON**, to serve as successor Co-Personal Representatives hereunder, to serve with all the rights, powers, duties, discretion, authority and immunities vested in the original Personal Representative hereunder. In the event of the death, resignation, disqualification, unwillingness or inability of either of **NICOLE D. KELLER** or **KIMBERLY ANNE MIDDLETON** to act as successor Co-Personal Representative hereunder, then my remaining daughter shall serve as successor sole Personal Representative hereunder. The successor fiduciaries or fiduciary may accept the accounts rendered and the assets delivered to him by the withdrawing fiduciary as a full and complete discharge to the withdrawing fiduciary, and shall incur no liability by reason of so doing. I direct that no bond or other security be required of the successor fiduciary for the faithful performance of his duties.

ITEM IX: FIDUCIARIES' RIGHTS, POWERS, DUTIES, AUTHORITY, DISCRETION AND IMMUNITIES

Without diminishing or restricting the powers vested by law or elsewhere in my Will, and subject to all of the provisions of my Will, I authorize and empower my Personal Representative and any other fiduciaries described herein (hereinafter referred to as my "fiduciaries"), without having to obtain any judicial authorization or approval, and in the application of their best judgment and discretion on behalf of the beneficiaries of my Will, to exercise all or any of the following powers:

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A. **INCORPORATION OF STATE LAW POWERS.** Pursuant to Tennessee Code Annotated, Section 35-50-109, I authorize my fiduciaries to exercise the powers specifically enumerated in Tennessee Code Annotated, Section 35-50-110, including the introductory paragraph thereof and all subparagraphs thereof to the extent applicable. These powers, as set out in this statute on the date of the execution of my Will, are granted and incorporated herein by reference, notwithstanding that this statute may have been amended or repealed at the time of my death.

B. **GENERAL POWERS.** During the administration of my estate, I hereby vest in my said Personal Representative full power to sell, convey, exchange, lease for a period beyond the termination of the administration of my estate, or for a lesser period, improve, borrow on the security of, encumber, or otherwise dispose of all or any part of my estate, in such manner and upon such terms and conditions as my Personal Representative may approve, and to invest and reinvest my estate and the proceeds of sale or any portion thereof as he may consider suitable, and to change such investments, and to make such new investments from time to time as to him may seem necessary or desirable. When required to make a distribution or transfer of all or part of the assets of my estate, my Personal Representative may retain therefrom assets sufficient in his judgment to cover any liability which may then or later be imposed upon my estate including, but not limited to, liability for taxes, including any penalties and/or interest that may become due and payable with respect thereto, until such liability shall have been finally determined. My Personal Representative may, in his discretion, cause the securities which he shall acquire from time to time, constituting my estate or

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any part thereof, to be registered in his name as Personal Representative hereunder or to take and keep the same unregistered and retain them, or any part thereof, in such condition that they will pass by delivery. Furthermore, my Personal Representative may freely act under all or any of the powers of this Will given to him in all matters concerning my estate after forming his judgment based upon all circumstances of any particular situation as to the wisest and best course to pursue in the interest of my estate and the beneficiaries thereof, without necessity of obtaining the consent or permission of any persons interested therein, and notwithstanding that he may also be acting individually, or as fiduciary of trusts or estates, or as agent for other persons or corporations interested in the same matters, or may be interested in connection with the same matters as a shareholder, director or otherwise; provided, however, that he shall exercise such powers at all times in a fiduciary capacity primarily in the interest of the beneficiaries of my estate.

C. **TAX ELECTIONS AND CONSENTS.** Generally, I anticipate that my Personal Representative will elect to minimize the federal and state death taxes payable by my estate. The decision of my Personal Representative, or its successor, with respect to the exercise of the election shall be conclusive on all affected persons.

My Personal Representative shall also be authorized, in its sole discretion and without court approval, to allocate any federal exemptions from the federal generation-skipping transfer tax (the "GST Tax") to any property with respect to which I am the transferor for purposes of this tax, regardless of whether such property is included in my probate estate, or to exclude any such property from such allocation.

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D. **DISCLAIMERS.** In the event of my death within the time allowed for the disclaimer of an interest in a transfer of less than value, bequest or devise of any property to me by Section 2046 and Section 2518 of the Code and in the event I have not accepted such interest or any benefits from such interest prior to the time of death, my Personal Representative, in his discretion, is hereby authorized to disclaim all or any part of an interest which I may have in any such property so transferred, bequeathed or devised in accordance with said Sections of the Code.

E. **REAL PROPERTY.** Any real property I own at my death is to be administered as a part of my probate estate subject to the control of the Personal Representative for purposes of administration, as authorized by T.C.A. Section 31-2-103(a). So long as the Personal Representative serves, the Personal Representative shall have the same power over the title to real property as an absolute owner would have, including but not limited to the power to sell, mortgage, lease or otherwise convey any interest in any real estate without the joinder, consent or approval of any heir, legatee, beneficiary, court or other person, provided that in exercising such power the Personal Representative shall be acting in a fiduciary, not an individual, capacity.

F. **ANCILLARY ADMINISTRATION.** In the event it is deemed necessary to have administration upon my estate in any state other than the State of Tennessee, then I direct that the fiduciary of my estate as named in **ITEM VIII** of my Will, shall serve as such ancillary fiduciaries to the extent he or she may be able to qualify as such.

G. **POWER TO ALLOCATE ASSETS.** My fiduciaries shall, in their sole discretion, make reasonable allocations of the property comprising my estate without

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being required to apportion each individual assets in satisfying any bequest made herein in allocating the residue of my estate as herein directed.

H. **EMPLOYMENT OF AGENTS.** My fiduciaries shall be specifically authorized, in their sole discretion, to employ and to pay the compensation of such agents, accountants, custodians, experts and counsel, legal, investment or otherwise, as my fiduciaries shall be advisable, and to delegate discretionary powers to, and rely upon information furnished by, such individuals or entities. Compensation paid for such services, as well as other administrative expenses and compensation paid to my fiduciaries for their services, shall be paid out of estate or trust assets in such manner as my fiduciaries shall deem advisable.

I. **DISTRIBUTIONS TO INCAPACITATED BENEFICIARIES.** If, pursuant to my Will, any property shall be payable outright to a person who is a minor, or is under any legal, mental, or physical disability (hereinafter referred to as an "incapacitated beneficiary"), my fiduciaries shall have the power, exercisable in their absolute discretion and without court approval, either to defer payment of such property, or to pay such property, in whole or in part, to an incapacitated beneficiary, to a parent, guardian, or conservator of an incapacitated beneficiary, to a custodian for an incapacitated beneficiary under a Transfers or Gifts to Minors Act, or to any adult with whom an incapacitated beneficiary may reside. The recipient of such property shall not be required to furnish bond or file any accountings with respect to such property, unless my fiduciaries should direct otherwise; and the receipt of such property by the recipient shall discharge my fiduciaries from any further responsibility or liability with respect to such property. If my fiduciaries shall elect to defer payment of any such property, I

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authorize my fiduciaries to hold such property as a trustee for the benefit of an incapacitated beneficiary, with all the powers given to my fiduciaries in my Will and by law, and to pay or apply so much, all, or none of the income and principal of such property for the benefit of an incapacitated beneficiary as my fiduciaries shall deem advisable for his or her support in reasonable comfort, and his or her health, maintenance and education, whether public, private or special. When an incapacitated beneficiary attains capacity, whether legal, mental, or physical, the balance of such property then remaining shall be distributed to him or her. If an incapacitated beneficiary should die before attaining capacity, the balance of such property remaining at his or her death shall be distributed to his or her estate.

J. ***DISTRIBUTIONS IN KIND.*** Notwithstanding anything contained herein to the contrary, my Personal Representative may, in its discretion, make distributions of securities or any other asset, in kind, without the consent of the beneficiaries.

ITEM X: LAPSED DEVISE OR BEQUEST

Where a devise or bequest is conditioned upon the beneficiary surviving me, or being in existence on the date of my death, and such beneficiary does not survive me or disclaims said devise or bequest, or said devise or bequest is not in existence on the date of my death, the devise or bequest to such beneficiary shall lapse and shall become a part of my Residuary Estate, unless otherwise indicated in this Will.

ITEM XI: GENERAL WILL PROVISIONS

A. ***PRESUMPTION OF SURVIVORSHIP.*** Notwithstanding anything to the contrary contained in any statute or legal presumption, and unless otherwise provided

H.T.M.

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in connection with any specific bequest contained in my Will, should my Wife and I die under such conditions that there is insufficient evidence to determine which of us died first, or that we died other than simultaneously, the person who has the larger "Gross Estate" as defined in Section 2031 of the Code, reduced by deductions allowed by Section 2053 and 2054 of the Code, shall be presumed to have predeceased the other.

B. QUALIFIED DISCLAIMER. Any person entitled to receive property under the terms of my Will may disclaim all or any portion of the property otherwise passing to him or her by complying with the statutory requirements of Section 2518 of the Code, and the federal regulations thereunder, and Tennessee Code Annotated, Section 31-1-103, as these statutory provisions presently exist or may subsequently be amended. Unless otherwise provided in my Will, such disclaimed property shall be distributed pursuant to the terms of my Will as if the disclaiming person had predeceased me.

C. SIMULTANEOUS EXECUTION OF WILL BY SPOUSE. Although my Wife and I may execute Wills at or about the same time, such executions shall not be construed as creating a contract between my Wife and me to make a mutual testamentary disposition of our property. It is my intention that, in the event my Wife survives me, she shall have full power and authority to execute a later Will or Wills, making such disposition of her estate as she may desire in her sole discretion, including any or all of the property passing to her under the provisions of this Will.

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TESTIMONIUM

IN WITNESS WHEREOF, I, **HOMER T. MIDDLETON, JR.**, set my name to this instrument this 10 day of July, 2006, at Nashville, Tennessee, and do hereby declare that I sign and execute this instrument as my Last Will and Testament, and affix my signature on the bottom of each page thereof for better identification, all in the presence of the persons witnessing it at my request, and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Homer T. Middleton, Jr.
HOMER T. MIDDLETON, JR.

PUBLISHED AND DECLARED by the above-named Testator, **HOMER T. MIDDLETON, JR.**, as and for his Last Will and Testament, in the presence of us, who at his request, in his presence, and in the presence of each other, all being present at the same time, have hereunto subscribed our names as witnesses and do hereby certify that we believe the Testator to be of sound and disposing mind and memory.

Thomas R
WITNESS

ADDRESS: 150 4th Ave No - Sh 1850
Nashville TN 37219

Brenda Reynolds
WITNESS

ADDRESS: 150 4th Ave No - St. 1850
Nashville TN 37219

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AFFIDAVIT OF WITNESSES

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Thomas D. Ruth, and Brenda Reynolds after first being duly sworn or affirming, make oath or affirm that the foregoing Last Will and Testament was signed by **HOMER T. MIDDLETON, JR.**, as and for, and at that time acknowledged, published and declared by him to be his Last Will and Testament, in the sight and presence of us, the undersigned, who at his request and in his sight and presence, and in the sight and presence of each other, have subscribed our names as attesting witnesses on the 10 day of July, 2006, and we further make oath or affirm that the Testator was of sound mind and disposing memory, and not acting under the fraud, menace or undue influence of any person, and was more than eighteen (18) years of age; and that each of the attesting witnesses is more than eighteen (18) years of age.

WITNESS

WITNESS

Sworn to and subscribed before me the 10th day of July, 2006.

NOTARY PUBLIC

LINDA GAYLE BARNES STATE OF TENNESSEE NOTARY PUBLIC DAVIDSON COUNTY, TENN.

My Commission Expires JAN. 23, 2010

My Commission expires: _____

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FILED
OCT - 3 2024
JOSEPH P. DAY, Clerk
By _____ Deputy

FIRST CODICIL TO THE

LAST WILL AND TESTAMENT

OF

HOMER T. MIDDLETON, JR.

KNOW ALL MEN BY THESE PRESENTS, That I, **HOMER T. MIDDLETON, JR.**, a resident of the City of Nashville, in the County of Davidson, Tennessee, being of sound and disposing mind and memory, do hereby publish and declare this to be the First Codicil to my Last Will and Testament executed by me on July 10, 2006, as witnessed by **THOMAS D. RUTH** and **BRENDA REYNOLDS**, and notarized by **LINDA GAYLE BARNES**.

FIRST: I hereby amend **ITEM II: PAYMENTS OF DEBTS, TAXES AND EXPENSES** from my Last Will and Testament executed on July 10, 2006, and substitute in lieu thereof the following new language:

ITEM II: PAYMENTS OF DEBTS, TAXES AND EXPENSES

As soon as practical after my death, I direct that all of my debts, my funeral expenses (including the cost of a cemetery plot and suitable marker or head stone), expenses of administration including all expenses connected with any ancillary administration and expenses of my last illness as well as any unpaid charitable pledges, be paid by my Personal Representative from my Residuary Estate (as defined herein). In the event any property passing under this Will or by operation of law or otherwise by reason of my death shall be encumbered by a mortgage, deed of trust or other lien or shall be pledged to secure any obligation, I direct that such indebtedness shall be paid by my Personal Representative.

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SECOND: I hereby amend **ITEM III: SPECIFIC BEQUESTS AND PERSONALTY** from my Last Will and Testament executed on July 10, 2006, and substitute in lieu thereof the following new language:

ITEM III: SPECIFIC BEQUESTS AND PERSONALTY

A. SPECIFIC BEQUESTS:

(1) SPECIFIC BEQUEST REAGARDING RESIDENCE.

As of the date of the execution of this Agreement, I own and reside at **8472 BEAUTIFUL VALLEY DRIVE, NASHVILLE (DAVIDSON COUNTY), TENNESSEE 37221** (the "Residence").

Upon my death, any and all interest that I own in the Residence at the time of my death shall be distributed to my daughter, **KIMBERLY KELLER** and son-in-law, **MICHAEL PERRY KELLER**, as tenancy by the entirety; provided, however, should **KIMBERLY KELLER** or **MICHAEL PERRY KELLER** legally separate, file a divorce petition, or receive a final divorce decree, then, in that instance, upon my death, any and all interest that I own in the Residence at the time of my death shall be distributed solely to my daughter, **KIMBERLY KELLER**, ***per stirpes***.

Further, I direct that any mortgage, deed of trust or other lien secured on the Residence shall be paid off by my Personal Representative, as in accordance with **ITEM II**, above, from my Residuary Estate as it is my intention that this specific bequest not be subject to any encumbrance.

(2) SPECIFIC BEQUEST REGARDING 2015 HYUNDAI SONATA.

Upon my death, I hereby give, devise and bequeath to my grandson, **MAXWELL DAVID KELLER**, my 2015 Hyundai Sonata (VIN: 5NPE34AF1FH163050) for his personal use and enjoyment.

(3) SPECIFIC MONETARY SUM BEQUEST TO SONIA KELLER.

Upon my death, I hereby give, devise and bequeath to my granddaughter, **SONIA JAQUELINE KELLER**, a sum of money equivalent of the 2015 Hyundai Sonata. To derive this specific monetary figure, I hereby direct that my Personal Representative take the average of the then 2015 Hyndai Sonata's Kelley Blue Book value and its Edmund's car value.

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B. **HANDWRITTEN MEMORANDUM.** I may give and bequeath certain items of personal property pursuant to a memorandum signed and dated by me. Furthermore, I may identify in said memorandum a person or persons whom I desire to oversee the allocation, distribution and division of any personal property of mine disposed of pursuant hereto. I request that my wishes as set forth in said memorandum be observed by the Personal Representative of my estate in the distribution of said property. In the event I allocated said property on a percentage or fractional basis, then unless otherwise indicated in said memorandum the Personal Representative of my estate shall have absolute discretion as to which specific article or articles of such personal property shall be included in each share, and as to which share each person shall be entitled to receive. In the event that a person entitled to receive property hereunder shall not have attained the age of eighteen (18) years, then my Personal Representative shall deliver such property to the person having custody of him or her, and the receipt of such person shall constitute complete and final acquittance of my said fiduciary with respect to such property. Any remaining items not addressed by me in a handwritten memorandum or in accordance with Paragraph **A**, above, shall be distributed in accordance with paragraph **C.** of this **ITEM III**, which is as follows:

C. **PERSONAL EFFECTS AND PERSONAL PROPERTY.** I give and bequeath all the remaining tangible personal effects and personal property, including any automobiles, books, pictures, jewelry, art objects, hobby equipment and collections, wearing apparel, and other articles of household or personal use or ornament (excluding cash, choses in action, stocks, bonds, or other incorporeal personal property), which I may own at the time of my death (and which is not being distributed in accordance with paragraphs **A** and **B**, above, of this **ITEM**), to my children, in as equal shares as possible and outright and free of trust. If one of my children fails to survive me, then such deceased child's share of such property shall be distributed to her living issue, ***per stirpes***, or if there are no issue then living of such deceased child of mine, to my remaining child, outright and free of trust.

D. **DIVISION OF PROPERTY.** I direct that, if it becomes necessary to make a division of my personal effects and/or personal property among my beneficiaries pursuant to this **ITEM III**, my Personal Representative shall have absolute discretion as to the amount or value of each share and as to which specific article or articles of property shall be included in each share, and as to which share each person shall be entitled to receive. In the event that a person entitled to receive property hereunder shall not have attained the age of eighteen (18) years, then my said Personal Representative shall deliver such property to the person having custody of him or her, and the receipt of such person shall constitute complete and final acquittance of my said Personal Representative with respect to such property.

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E. EXPENSES. All costs of safeguarding, insuring, packing and storing my personal effects before its distribution and of delivering each item to the place of residence of the beneficiary of that item shall be deemed to be expenses of administration of my estate.

THIRD: I hereby ratify, confirm and republish my Last Will and Testament, dated July 10, 2006; and I declare that that Will and this First Codicil shall constitute my Will, and all other testamentary dispositions heretofore made by me are revoked. I intend by this republication and execution to comply with all of the terms and conditions of Tennessee law relative to execution of wills and codicils, including my right to have the witnesses who witness my signature to this First Codicil, in the presence of a Notary, treated as having witnessed the Will dated July 10, 2006, which is now being ratified, confirmed and republished, as amended by this First Codicil.



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TESTIMONIUM

IN WITNESS WHEREOF, I, HOMER T. MIDDLETON, JR., set my name to this instrument this 13th day of May, 2024, at Brentwood, Tennessee, and do hereby declare that I sign and execute this instrument as the First Codicil to my Last Will and Testament, dated July 10, 2006, and affix my signature on the bottom of each page thereof for better identification, all in the presence of the persons witnessing it at my request, and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

HOMER T. MIDDLETON, JR.

PUBLISHED AND DECLARED by the above-named Testatrix, **HOMER T. MIDDLETON, JR.**, as and for the First Codicil to her Last Will and Testament, in the presence of us, who at her request, in her presence, and in the presence of each other, all being present at the same time, have hereunto subscribed our names as witnesses and do hereby certify that we believe the Testatrix to be of sound and disposing mind and memory.

WITNESS — ADDRESS: 320 Seven Springs Way Ste 110 Brentwood, TN 37027

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AFFIDAVIT OF WITNESSES

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Kaylee Federer, and Linda J. Williams, after first being duly sworn or affirming, make oath or affirm that the foregoing First Codicil to Last Will and Testament was signed by **HOMER T. MIDDLETON, JR.**, as and for, and at that time acknowledged, published and declared by her to be the First Codicil to her Last Will and Testament dated July 10, 2006, in the sight and presence of us, the undersigned, who at her request and in her sight and presence, and in the sight and presence of each other, have subscribed our names as attesting witnesses on the 13th day of May, 2024 and we further make oath or affirm that the Testatrix was of sound mind and disposing memory, and not acting under the fraud, menace or undue influence of any person, and was more than eighteen (18) years of age; and that each of the attesting witnesses is more than eighteen (18) years of age.

Kaylee Federer
WITNESS

Linda J. Williams
WITNESS

Sworn to and subscribed before me
the 13th day of May, 2024.

S. Stanley
NOTARY PUBLIC

My Commission Expires: 5/3, 2027

JOEL SHEPHERD STANLEY
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
MY COMMISSION EXPIRES 5-3-2027

H.T.M.