25P174

EFILED 01/29/25 07:49 AM CASE NO. 25P174 Joseph P. Day, Clerk

Karen Johnson Davidson County
Batch # 1254687 WILL
04/01/2025 09:45:20 AM 7 pgs
Fees: $37.00 Taxes: $0.00
20250401-0024477

Last Will And Testament Of Marlene C. Ferrell

FILED
JAN 28 2025
JOSEPH P. DAY, Clerk
By Deputy

I, **MARLENE C. FERRELL,** a citizen and resident of Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make and publish this, my Last Will and Testament, hereby revoking any and all former wills and codicils by me heretofore made.

ARTICLE ONE
Administrative Directives

I direct that all of my just and enforceable debts (except debts secured by mortgages or other security instruments, which may be paid off or retained in the discretion of my Executor) including funeral and testamentary expenses and expenses of my last illness, be paid as soon as may be convenient after my death. I further direct that all estate, inheritance, and other taxes of the same nature (except any generation-skipping taxes imposed by the Internal Revenue Code or by any state) which are payable because of my death, including any interest or penalties thereon, with respect to the property comprising my estate for such tax purposes, whether or not such property passes under this Will and whether such taxes are payable by my estate or by any recipient or beneficiary of any such property, shall be paid entirely out of my residuary estate as an expense of administration and without apportionment and with no right of reimbursement from any recipient or beneficiary of any such property. No part of said debts, expenses, and taxes shall be charged against or paid out of any part of my estate so as to render taxable any amounts otherwise qualifying for the marital deduction.

Whenever the terms "Executor," "Executrix," "Trustee," or "Co-Trustee" are used herein, they shall be deemed to apply to the party or parties so acting. Any reference to such party or parties in the singular or plural shall be deemed to mean the proper number. Any reference to such party or parties in one gender shall be deemed to mean the proper gender.

My Executor is specifically authorized, in my Executor's discretion, to apply the proceeds from any insurance policies on my life which are payable to my estate in paying debts, expenses of administration, and taxes, notwithstanding the provisions of any state law to the contrary; provided, however, that this provision shall not be construed so as to make the proceeds of any insurance

Marlene C. Ferrell
MARLENE C. FERRELL

Daniel L. Graves, II, Attorney at Law P.O. Box 398 Murfreesboro, TN 37133-0398 (615) 896-4154

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subject to debts, taxes or expenses, or to waive the exemption as provided in Tennessee Code Annotated Section 56-7-201, or successor provisions.

ARTICLE TWO
Devise of Property

I do hereby give and devise all of my property, real and personal, of every kind and character whatsoever and wheresoever situated, which I own or to which I may be entitled at the time of my death to, **TERRI DENISE HUNTER, MICHELLE F. SARGENT and RENEE F. ALEXANDER,** share and share alike, per stirpes and not per capita; with provisions below for **Renee F. Alexander.**

The receiving beneficiary shall have wholly any unclaimed or residual estate from her share of the estate as distributed by the Executor.

ARTICLE THREE
Appointment of Executors and Power of Sale to Executors

I hereby nominate and appoint, **TERRI DENISE HUNTER and MICHELLE F. SARGENT,** as Co-Executors of this, my Last Will and Testament, and I direct that they be permitted to qualify without making bond and be excused from filing an inventory and an itemized final settlement.

I direct, as authorized by Tennessee Code Annotated section 31-2-103, that any interest in real property which I may own at my death be administered as part of my estate and subject to the control of my Executrix, who shall have full power to grant, bargain, sell, convey lease, encumber, manage, and otherwise deal in any lawful manner with said real property at any time during the administration of the estate, in the sole discretion of my Executrix, without approval or joinder of any beneficiary and without the necessity of any person or entity looking to the application of any proceeds that may or might result from any acts of my Executrix in the premises.

ARTICLE FOUR
WAIVER OF FILINGS

I hereby waive the requirement that my Co-Executors file an inventory or accounting of my estate with the court having probate jurisdiction over my estate. This waiver shall include, but not be

Marlene C. Ferrell
MARLENE C. FERRELL

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accounting as required by Tennessee Code Annotated Section 30-2-601, or any amendments or successors to such sections.

ARTICLE FIVE
ADMINISTRATION OF REAL PROPERTY

All real property in which I may have an interest at the time of my death shall be deemed to be part of my probate estate for the purposes of administering my estate, and as such, shall be subject to the control of my Co-Executors during the administration of my estate; provided, however, that the provisions of this Article shall not have the effect of revoking or varying any written agreement entered into during my lifetime as to the ownership, use, descent or rights in or to, any real property.

ARTICLE SIX
CREATION OF FERRELL FAMILY TRUST

1. If distributions are to be made to **Renee F. Alexander**, then, to the extent not otherwise disposed of under this Will, I hereby give, devise and bequeath her share to the Trustee herein named, as Trustee, to be held in a Trust to be known as the FERRELL FAMILY TRUST, and to be held, administered, and distributed according to the terms as set out below.

2. The income from the FERRELL FAMILY TRUST shall be paid over to or for the benefit of this beneficiary. Further, the Trustee shall hold, manage, invest, and reinvest the trust property and shall use such part of the principal thereof in accordance with the applicable provisions of the Trust.

3. My Trustee shall have the power with respect to the FERRELL FAMILY TRUST, to appoint the corpus of the FERRELL FAMILY TRUST, in such interests and proportions and in such interest and estates, whether outright or in lesser estates, or in Trust or otherwise, as my Trustee shall deem appropriate, in accordance with the intent of this Will and for the benefit of the named beneficiary.

4. Upon the creation of the Trust, then the Trust shall be governed by the applicable sections of this Item.

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5. At any time when a distribution would otherwise be made under this Article to the beneficiary, should the Trustee, in the Trustee's discretion, determine such to be necessary or appropriate for the health, education, maintenance and support of such beneficiary, then the Trustee shall have the right to make such distribution on such terms, including in an additional trust, as the Trustee deems in the best interests of such beneficiary for such purposes.

6. Whenever the Trustee makes any distribution of the corpus of this Trust, or a Trust Share, the Trustee shall be authorized to withhold distribution of an amount of property sufficient, in the Trustee's judgment, to cover any liability that may be imposed on the Trustee for estate taxes, for any taxes imposed on any transfer deemed a generation-skipping transfer under the provisions of the Internal Revenue Code of 1986, as amended, or for other taxes, until such liability has been finally determined.

7. In addition to the other powers granted herein, the Trustee of any Trust created hereunder, in such Trustee's discretion, shall have the following rights:

(i) the Trustee may elect to combine such Trust with another trust for the same beneficiaries, having similar terms and provisions, whether such combination is for administrative purposes, investment purposes or in total; and,

(ii) so long as the Trustee is not the then income beneficiary, the Trustee may elect to terminate the Trust, or any separate share thereof, and distribute the remaining corpus and income to the then income beneficiary or beneficiaries should the Trustee determine that continuing to maintain the Trust in existence is no longer economic or appropriate.

8. The powers to distribute or accumulate income, or to encroach, granted under this Will shall not constitute a general power of appointment. No Trustee shall have the right under this or any other Article of this Will to participate in any decision to distribute or accumulate income, or to encroach, for the benefit of such Trustee, the creditors of such Trustee, the estate of such Trustee, the creditors of the estate of such Trustee or to satisfy the legal obligation of such Trustee.

9. Whenever in a Trust or Trust Share created herein income or corpus is required to, or may, be paid to the beneficiary or whenever the Trustee encroaches upon the income or corpus of a Trust for the benefit of a beneficiary, then such income or corpus may be paid to such beneficiary directly or to anyone else for the use or benefit of such beneficiary (including the guardian if such person be a minor), irrespective of the age or mental competency of such beneficiary, as the Trustee deems proper, and the receipt of the person to whom the payments are

Marlene C. Ferrell
MARLENE C. FERRELL

EFILED 01/29/25 07:49 AM CASE NO. 25P174 Joseph P. Day, Clerk

beneficiary, as the Trustee deems proper, and the receipt of the person to whom the payments are made shall be a sufficient acquittance for the Trustee, and such payments made by the Trustee may be made without the intervention of any Guardian or the approval of any Court.

10. I here elect **TERRI DENISE HUNTER and MICHELLE F. SARGENT** to serve as Co-Trustees of this Trust.

TESTIMONIUM

IN WITNESS WHEREOF, I have hereunto set my hand at Murfreesboro, Tennessee, to this, my Last Will and Testament, on this the 30th day of June, 2023.

Marlene C. Ferrell
MARLENE C. FERRELL

The foregoing Last Will and Testament was signed and subscribed by **MARLENE C. FERRELL,** in the sight and presence of the undersigned and all of them were present in the sight of each other at the time, and when in the sight and presence of each other, the Testator to us signified this to be her Last Will and Testament, and each of us thereupon and at the request of the said **MARLENE C. FERRELL**, signed and subscribed our names hereto as attesting witnesses, this the 30th day of June, 2023.

D.L. GRAVES Residing at: 302 N. Spring St.
Murfreesboro, TN 37130

Rachel Cotton Residing at: 302 N. Spring St.
Murfreesboro, TN 37130

AFFIDAVIT

D.L. GRAVES and Rachel Cotton

after being duly sworn according to law, depose and say:

1. That they are adult citizens of Tennessee.

Marlene C. Ferrell
MARLENE C. FERRELL

EFILED 01/29/25 07:49 AM CASE NO. 25P174 Joseph P. Day, Clerk

2. That they witnessed the execution of the Last Will and Testament **MARLENE C. FERRELL**, to which this Affidavit is attached, and that this Affidavit is being made in accordance with Tennessee Code Annotated § 32-2-110.

3. That their signatures are affixed to said Last Will and Testament, that they signed or affixed the same at the instance and at the request of the Testator and in her presence, and in the presence of each other, at the place and on the date recited in the said Last Will and Testament.

4. That the Testator signed said paper writing as and for her Last Will and Testament in their sight and presence.

5. That at the time they witnessed said Will, the Testator was, in their opinion, of sound mind.

STATE OF TENNESSEE)
COUNTY OF RUTHERFORD)

Sworn to and subscribed before me this the 30 day of June, 2023.

STATE OF TENNESSEE NOTARY PUBLIC

My Commission expires: 2-21-2027

ANGELA R PUCKETT
STATE OF TENNESSEE NOTARY PUBLIC
RUTHERFORD COUNTY

MARLENE C. FERREL

STATE OF TENNESSEE

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IN RE: ***MARLENE C. FERRELL***

Docket No: ***25P174***

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 January 29, 2025 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 April 1, 2025.

JOSEPH P. DAY CIRCUIT COURT CLERK

JOSEPH P. DAY, Clerk,

By: _____

Deputy Clerk