STATE OF TENNESSEE

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IN RE: ***MARY D. GILBERT***

Docket No: ***18P54***

Karen Johnson Davidson County
Batch# 1255005 WILL
04/02/2025 09:27:30 AM 7 pgs
Fees: $37.00 Taxes: $0.00
20250402-0024909

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 25, 2018 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 March 21, 2025.

JOSEPH P. DAY CIRCUIT COURT CLERK

JOSEPH P. DAY, Clerk,

By: _____
Deputy Clerk

10p04

FILED

JAN 25 2018

RICHARD R. ROOKER, Clerk
By _____ Deputy

WILL

OF

MARY D. GILBERT

I, **Mary D. Gilbert,** currently residing in Nashville. Davidson County, Tennessee, and a citizen of the United States of America, make and declare this document as my Will. I revoke all former wills and codicils.

ITEM 1
TANGIBLE PERSONAL PROPERTY

I bequeath all tangible personal property owned by me at my death to **Craig M. Gilbert, Joy E. Gilbert and Barbara DeMerritt,** in shares of substantially equal value as they may agree. Notwithstanding the foregoing, so long as **Barbara DeMerritt** remains living at my residence in accordance with Item 2 of this Will below, all basic household furnishings and other items used by or for the benefit of **Barbara DeMerritt** shall remain at the residence. At such time as **Barbara DeMerritt** is no longer living at the residence, such items that are remaining shall be distributed to **Craig M. Gilbert and Joy E. Gilbert,** in shares of substantially equal value as they may agree.

After I sign this Will, I may leave a letter or other written document either in my own handwriting or signed by me or both addressing the distribution of certain items of my tangible personal property. If I prepare this document, I will keep it with my Will. If my Executor finds this document, it is my desire that the wishes expressed in such document be carried out.

All bequests under this Item or any document described above in this Item are contingent upon my owning the item or items bequeathed at my death and upon the recipient surviving me, unless I expressly provide otherwise.

ITEM 2
RESIDENCE

If at my death **Barbara DeMerritt** is living at my residence (whether my current residence located at 595 Hill Creek Drive, Nashville, Tennessee or some other residence that I may acquire in the future) I devise and bequeath all of my right, title and interest in such residence to the trustee, to hold in trust for the benefit of **Barbara DeMerritt** so long as she continues to live at the residence. Beginning at my death and continuing thereafter so long as **Barbara DeMerritt** is living at the residence, **Barbara DeMerritt** shall be pay all expenses of

the residence including but not limited to taxes, insurance, utilities, lawn care, monthly mortgage payments, and necessary upkeep and repairs. The trustee shall sell the residence if Barbara DeMerritt dies while living at the residence or ceases to live at the residence for a period of more than ninety (90) days (regardless of the reason) or gives notice to the trustee that she no longer desires to continue residing at the residence, or fails to pay all the above referenced expenses of the residence whichever such event first occurs. The timing, manner and other terms of sale shall be in the sole and unlimited discretion of the trustee, although I request that the trustee consult with the beneficiaries hereunder as to such matters before making a final decision and inform them as to the decisions made. Upon the sale of the residence, the trustee shall use the proceeds to satisfy all final debts, taxes and expenses of the trust (including any secured debt applicable to the residence), and shall distribute the remaining proceeds from the sale as follows: One half (50%) of the proceeds to Barbara DeMerritt; and the remaining one half (50%) to be divided equally among Craig M. Gilbert and Joy E. Gilbert. If Craig M. Gilbert is not then-living, the trustee shall distribute his share to Joy E. Gilbert. If Joy E. Gilbert is not then-living, the trustee shall distribute her share to Craig M. Gilbert. If Barbara DeMerritt is not then-living, the trustee shall distribute her share to Erica Nicole Murphy. The trust shall terminate when all remaining trust assets have been fully distributed to the beneficiaries as described above.

ITEM 3
RESIDUARY ESTATE

I devise and bequeath all the rest and remainder of my property to Craig M. Gilbert, Joy E. Gilbert and Barbara DeMerritt, in equal shares. If Craig M. Gilbert does not survive me, his share shall be distributed to Joy E. Gilbert. If Joy E. Gilbert does not survive me, her share shall be distributed to Craig M. Gilbert. If Barbara DeMerritt does not survive me, her share shall be distributed to Erica Nicole Murphy.

ITEM 4
FIDUCIARIES

4.A. Executor. I nominate the following persons to serve as the Executrix of this Will, with such persons to act successively, in the order named:

1. Barbara DeMerritt.
2. Judy Simpson.

To the extent permitted by applicable law, no Executor shall be required to furnish bond, file any inventory or file any accountings with respect to the performance of the Executor's duties.

4.B. Trustee. I appoint the following persons to serve as the trustee of the trust created under Item 2 of this Will, with such persons to act successively, in the order named:

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1. **Barbara DeMerritt.**
2. **Judy Simpson.**

I direct that no bond be required of any Trustee.

ITEM 5
ADMINISTRATIVE PROVISIONS

5.A. Payment of Debts, Administration Expenses and Taxes. All of my legally enforceable debts (except secured debts, which may be paid or retained in the discretion of the Executor), my funeral expenses and the expenses of administration of my estate, both domiciliary and ancillary, shall be paid by my Executor as soon as practicable after my death. My Executor shall pay out of my residuary estate all estate, inheritance and other death taxes which shall become payable by reason of my death, whether in respect of property passing under this Will or otherwise, as an expense of administration, without apportionment.

5.B. 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 Executor for purposes of administration, as authorized by Tennessee Code Annotated Section 31-2-103. So long as the Executor serves, the Executor 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 Executor shall be acting in a fiduciary, not an individual, capacity.

5.C. Powers of Executor and Trustee. In addition to any powers and other related administrative provisions granted or contained elsewhere in this Will, if any, the Executor and Trustee, in the exercise of a reasonable discretion with respect to all property, real and personal, at any time forming a part of my estate or any trust hereunder, may exercise any and all of the powers set forth in Tennessee Code Annotated Section 35-50-110, to the extent applicable, all of which provisions and powers are incorporated herein by reference (as set out in this statute on the date I sign this Will), even if this statute is amended or repealed hereafter and even if my estate or any trust hereunder is administered in a state other than Tennessee. Without in any way limiting the foregoing, the Executor shall at all times during the administration of my estate be vested with all the powers, duties and authority of the Trustee herein provided, and shall be authorized to make payments in the same manner and to the same extent as if the Executor were acting as Testamentary Trustee.

5.D. Spendthrift Provision. Neither the income nor principal of any trust herein created, or any share thereof, shall be pledged, assigned, transferred, sold or in any manner whatsoever accelerated, anticipated or encumbered by any beneficiary, nor shall any income or

principal of any trust estate hereunder be in any manner subject to or liable in the hands of the Trustee for the debts, contracts or engagements of any beneficiary or be subject to any assignment or any other voluntary or involuntary alienation or disposition whatsoever; but in all distribution of income or principal, the same shall be paid only to the beneficiary entitled, upon receipt of the beneficiary, or to others for his or her benefit as herein provided.

5.E. References to Fiduciaries. For convenience, the fiduciaries named in this Will (including any alternates or successors) are sometimes referred to in the singular person and masculine gender, regardless of the number or gender of those actually named herein.

5.F. Captions. The captions and headings of this Will are for convenience only and shall not define or limit the provisions contained herein.

IN **WITNESS WHEREOF,** I sign this Will and, for the purpose of identification, I have signed each of five (5) pages of this my Last Will and Testament, including the Affidavit of Attesting Witnesses, all in the presence of the persons witnessing it, at my request, on this the 28th day of August, 2015, at Nashville, Tennessee.

X _____

MARY D. GILBERT

Signed and declared by **Mary D. Gilbert,** to be such person's Will in the presence of all of us at one and the same time, and we, at such person's request and- in such person's presence and in the presence of each other, have subscribed our names as witnesses, and we do hereby attest to the sound and disposing mind of **Mary D. Gilbert** and to the performance of the aforesaid act of execution at the place and on the date hereinabove set out.

WITNESSES:

X _____ KELLEY LYN DAVISON

Signature of Witness Printed Name of Witness

1222 17TH AVE. SOUTH NASHVILLE, TN. 37212

Address of Witness

X _____ Deborah M Little

Signature of Witness Printed Name of Witness

1222 17th Ave South Nashville, TN 37212

Address of Witness

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AFFIDAVIT

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

The undersigned persons, after first being duly sworn according to law, depose and say:

1. They witnessed the execution of the Will of **Mary D. Gilbert,** dated the 28th day of August, 2015, to which this Affidavit is attached, and that this Affidavit is being made at the request of such person and in accordance with the provisions of Tennessee Code Annotated Section 32-2-110.

2. Their signatures are affixed to the Will, they signed the Will at the request of such person, and in the presence of such person, and in the presence of each other witness, at the place and on the date recited in said Will.

3. **Mary D. Gilbert** signed said paper writing as and for a Will in their sight and presence.

4. At the time they witnessed the signing of the Will, **Marv D. Gilbert** was, in their opinion, of sound mind and disposing memory and under no undue influence.

Witness

Witness

Sworn to and subscribed before me by the two (2) persons whose signatures are affixed hereto on this 28th day of August, 2015.

JEFFREY M. GRISSIM
STATE OF TENNESSEE
NOTARY PUBLIC
DAVIDSON COUNTY

My Commission Expires OCT. 18, 2016

Notary Public

My Commission Expires: _____

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Tennessee Certification of Electronic Document

I, **Jami K. Averwater**, do hereby make oath that I am a licensed attorney and/or 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 **08/28/2015** (date of document).

Affiant Signature

04/02/2025

Date

State of Tennessee

County of Rutherford

Sworn to and subscribed before me this **2nd** day of **April**, 2025.

Notary's Signature

MY COMMISSION EXPIRES: 8·19·2028

ORA KELLER NYHUS
TENNESSEE NOTARY PUBLIC
My Comm Exp. 08/19/2028
COUNTY OF RUTHERFORD