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Karen Johnson Davidson County
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LAST WILL AND TESTAMENT

OF

ALEXANDER F. BRANDAU, III

FILED
MAY 15 2025
JOSEPH P. DAY Clerk
By

I, Alexander F. Brandau, III, a citizen and resident of Nashville, Davidson County, residing at 929 South 13th Court, Nashville, TN 37206, do hereby declare this to be my last will and testament hereby revoking any and all wills and codicils to wills heretofore made by me.

ARTICLE I

INITIAL STATEMENT

I have avoided writing this will for many years. One never wants to ponder his death, and I have worked my entire lifetime to leave both my children in a better position than I found myself in in 1971. Please note that I write these words from my heart with the greatest love possible.

My children should know that when your mother and I divorced, I intentionally allowed her to have almost everything we had accumulated. She basically received almost all of the money and all of the property we had. I worked hard for 29 years to build that money tree so most of what I worked for will come to you from her. My most important assets are our family history, the Flag of the 39th infantry regiment, the Williams house, my residence, my possessions in East Nashville and some insurance policies. At the time of the making of this will, I estimate my net worth at about $120,000.00. I leave you both with the best heart and spirit I can give you and great love.

Your grandmother, Mildred Smith Colley, taught me many things most of which I hope have been passed on to you. She told me when you were born, "You don't love one child more than another, you love them differently because they are different."

I cannot divide your heritage. Someone must be in charge of your heritage and continue the plans for the future as I have done. It is my hope that my wishes be accepted and that there will be no discord

between you. The Williams family fought each other in court after people died to the point where there was little left. Dottie, Bud, and I swore to end this fighting, and so far we have. I beg you to honor that accomplishment. It is my greatest desire that our past be preserved into the future - to and for all. That job I give to Lenier. It's not about money - it is about passing love. It is a responsibility that she and I have shared and which she is trying to carry forward. She knows my desires and is prepared to continue my plans. I believe that she will share that knowledge and love to the best of her ability into the future.

I am also giving her the burden of the debt I have created and the burden of keeping our heirlooms into the future. I'm providing an equitable sum of money to Alexander and his decedents. He will not have any debt from me and will be able to continue his life with the small amount I give for his benefit. Know that you both have my greatest love. I hope to see you again in heaven. I leave this life with few regrets. I have loved you with all my heart and still do. Therefore, I bid you goodbye until then.

ARTICLE II

PAYMENT OF DEBTS

I direct that all my lawful debts, including my funeral expenses and the costs of administration of my estate, be paid by my Executrix as soon as practicable after my death out of the property which would otherwise become my residuary estate. To this end, I authorize my Executrix to sell any of my property, real, personal or mixed, and to execute all conveyances necessary to effectuate such sale. I authorize my Executrix, in her discretion, to use insurance proceeds payable to my estate to satisfy my lawful debts or taxes of my estate. Notwithstanding the foregoing, if any of the real property which I own at the time of my death is subject to any deed of trust or mortgage, I direct that the beneficiary taking such real property take it subject to the mortgage or deed of trust. Any beneficiary taking any real property by right of survivorship shall not be entitled to have the obligation secured thereby paid out of my residuary estate.

ARTICLE III

PAYMENT OF DEATH TAXES

I direct that all estate, inheritance, succession, death or similar taxes (except generation skipping transfer taxes) assessed with respect to my estate, or any part thereof, or any bequest or devise contained in this my Last Will and Testament, which term where used herein shall include any codicil hereto, be paid out of my residuary estate and shall not be charged to or against any recipient, beneficiary, transferee or owner of any such property or interest in such property included in my estate for such tax purposes.

ARTICLE IV

LIFE INSURANCE

Any insurance on my life or insurance payable to the executors or administrators of my estate or to my estate shall be free from the claims of creditors and shall be governed by the provisions of this will. However, nothing contained in this article shall prevent my Executrix from exercising the discretionary power given to her in the preceding article to use insurance proceeds to satisfy my lawful debts or taxes of my estate.

ARTICLE V

FAMILY

At the time of the making of this will I am not married. I have two children who are Mildred Lanier Brandau and Alexander Fyffe Brandau, IV. Any references in this will to my children shall refer to these individuals and any children who are later born to me or adopted by me.

ARTICLE VI

SPECIAL BEQUESTS

I give devise and bequeath to my son, Alexander Fyffe Brandau, IV, the sum of $50,000.00. If there are not cash assets of at least $50,000.00 on the date of my death, my Executrix

shall sell such of my assets as may be necessary to raise sufficient cash to pay this bequest. This bequest shall not lapse because there are not $50,000.00 in cash assets at the time of my death. If Alexander Fyffe Brandau, IV should predecease me this bequest shall be distributed to Mildred Lanier Brandau and if Mildred Lanier Brandau also predeceases me then this bequest shall be-come part of my residuary estate.

ARTICLE VII

RESIDUARY ESTATE

I give, devise and bequeath all the rest, residue and remainder of my property whether real, personal or mixed and wherever located to Mildred Lanier Brandau of Nashville, Tennessee. If Mildred Lanier Brandau of Nashville, Tennessee does not survive me then my residuary estate shall be distributed to my son, Alexander Fyffe Brandau, IV. If Alexander Brandau, IV and Mildred Lanier Brandau both predecease me then my residuary estate shall be distributed to those persons who would be my heirs at law if I died intestate.

ARTICLE VIII

INSTRUCTIONS ON CERTAIN ASSETS

I own what I will refer to as "digital assets". For the purposes of this will, "digital assets" shall mean electronic assets that are stored on my computers, and other electronic devices, other information stored in any computer that I own and all online accounts. The "online accounts" include but are not limited to online back-up services, servers, photo and document sharing sites, financial and business accounts, domain names, virtual property, web sites, blogs, and any published or unpublished articles or books that I have written which are stored on my computer. My Executrix or Substitute Executor, shall have the right and power to manage, distribute or terminate my digital assets without order of the court and without notice to anyone. My Executrix or Substitute Executor shall have the following powers: (1) the

power to access, download, and back up digital assets, (2) convert my file formats, (3) access any and all devices necessary to manage the digital assets and (4) delete files.

ARTICLE IX

POWERS OF EXECUTRIX OR SUBSTITUTE EXECUTOR

My Executrix or Substitute Executor are empowered to do all things necessary or convenient for the orderly and efficient administration of my estate and trusts as fully as I might if living do myself with respect to my own property. In addition, my Executrix shall have the following powers, duties and discretions in addition to those now or hereafter conferred by law.

A. I incorporate by reference all of the fiduciary powers contained in T.C.A. §35-50-110 as fully as if set out verbatim herein.

B. When required to make distribution or transfer of all or part of the assets of my estate, my Executrix shall retain therefrom assets sufficient in her judgment to cover any liability which may then or later be imposed upon her, including but not limited to, her liability for estate, income or other taxes, until such liability shall have been finally determined.

C. My Executrix shall be charged with the duty of good faith and reasonable care in the management of the estate but shall not be responsible for losses, if any, resulting from honest mistakes of judgment. My Executrix shall not be limited as to what investments she may make by any statute, rule or other law of the United States, any state, or any local governmental entity.

D. If the Executrix determines that any income or corpus shall be paid to a minor, or to a person under legal disability or to a person not adjudicated incompetent but who by reason of illness or mental or physical disability is, in the opinion of my Executrix, unable to properly administer such funds, then such funds may be paid out by my Executrix in any of the following ways, as she deems best:

1. direct to such beneficiaries;
2. to the legally appointed guardian or conservator of such beneficiaries;
3. by my fiduciaries using such amounts directly for the benefit of such beneficiaries;
4. to some relative or friend for the care, support, education or welfare of such beneficiaries.

The receipt of such funds by any such person shall discharge my Executrix from any further responsibilities with respect to such funds. No recipient shall be required to furnish bond with respect to any such funds nor to make report as to the disposition of the same.

Where the Executrix, for any reason fails to act or serve as the Executrix, the Successor Executror shall have the same powers, duties, and discretions as those set forth above.

ARTICLE X

NOMINATION OF AN EXECUTRIX

I nominate and appoint Mildred Lanier Brandau of Nashville, Tennessee as the Executrix of this my last will and testament. I further direct that she shall be permitted to serve without bond or other security. Further, I waive the filing of any interim or final accounting of any nature and waive any requirement that the Executrix be required to file any inventory of my estate. If for any reason Mildred Lanier Brandau should predecease me or fail to serve as the Executrix of my estate for any reason, I nominate Alexander Fyffe Brandau, IV of Nashville, Tennessee as the Substitute Executor. He shall also be allowed to serve without bond. I further direct that the substitute Executor shall not be required to file any interim or final accounting or any inventory of my estate.

IN WITNESS WHEREOF, I have hereunto set my hand to this my Last Will and Testament on this the 31st day of July, 2013.

Alexander F. Brandau III
TESTATOR

Signed, sealed and declared by the Testator, Alexander F. Brandau, III, to be his Last Will and Testament, in the 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 witnesses, and we do hereby attest to the sound and disposing mind of the said Alexander F. Brandau, III in the performance of the aforesaid act of execution at the place and on the date herein set out.

Megan Reff
WITNESS

Suite 701, 501 Union Street
Nashville, TN 37219
ADDRESS

Angus L. Tillis III
WITNESS

Suite 701, 501 Union Bldg.
NASHVILLE, TN. 37219
ADDRESS

PAGE 7 OF MY LAST WILL AND TESTAMENT: Alexander F. Brandau III

AFFIDAVIT

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned Notary Public in and for said County and State, Megan Reffy and Angus Gillis, with whom I am personally acquainted, and who, after first being duly sworn, depose and say that they on this date executed the attached Last Will and Testament of Alexander F. Brandau, III as attesting witnesses of said will, and that the said Alexander F. Brandau, III executed said Last Will and Testament in their presence and that the said Alexander F. Brandau, III thereupon stated said instrument to be his Last Will and Testament and requested that the said Megan Reffy and Angus Gillis sign the Last Will and Testament in the presence of Alexander F. Brandau, III and in the presence of each other and that all three signatures appearing on the said Last Will and Testament were affixed at one and the same time and in the presence of each other and on the date thereof and that on said date and at the time of the execution of said Last Will and Testament, it is our opinion that the said Alexander F. Brandau, III was of sound mind and disposing memory, did not appear to be under any undue influence, was over eighteen (18) years of age and that they were over eighteen (18) years of age.

Megan Reffy

Angus Gillis III

Sworn to and subscribed before me, this the 31st day of July, 2013.

ERICA MARTIN
STATE OF TENNESSEE
NOTARY PUBLIC
DAVIDSON COUNTY

Notary Public

Commission Expires:
5/8/17

PAGE 8 OF MY LAST WILL AND TESTAMENT: Alexander F. Brandau III

FIRST CODICIL TO THE LAST WILL AND TESTAMENT

OF

ALEXANDER FYFFE BRANDAU, III

FILED
MAY 15 2025
JOSEPH P. DAY, Clerk
By: Deputy

I, ALEXANDER FYFFE BRANDAU, III, a citizen and resident of Nashville, Davidson County, Tennessee, do hereby declare this to be my First Codicil to this my Last Will and Testament dated the 31st day of July, 2013. I hereby ratify and affirm my Last Will and Testament except as contained herein. This document shall be occasioned by my having remarried LINDA HAWKINS BRANDAU and desiring my estate to reflect her status as my spouse.

ARTICLE I

My wife, LINDA HAWKINS BRANDAU, and I have executed Post Nuptial Agreements which designated certain portions of my real and personal property over which she has acknowledged she will have no claim. I likewise have waived my rights to assert a claim against items of real and personal property which she may own. It is my express desire that this agreement be honored in its entirety by my Executrix or any substitute or replacement thereof.

ARTICLE II

I hereby bequeath and devise any property, whether real, personal or mixed which constitutes marital property which has been acquired subsequent to my marriage to LINDA HAWKINS BRANDAU, and not subject to specific identification and designation, either in my Post Nuptial Agreement or my Last Will and Testament creating a specific bequest or devise, shall be deemed marital property and shall be conveyed free and clear of any debts to my wife, LINDA HAWKINS BRANDAU, should she survive me. Should my wife, LINDA HAWKINS BRANDAU, predecease

me, I direct that any such property, whether real, personal or mixed, shall be conveyed as directed in the residuary clause of my Last Will and Testament.

ARTICLE III

All the remaining portions of my Last Will and Testament dated July 31, 2013 are hereby ratified and affirmed except and only as altered or amended by this my First Codicil to my Last Will and Testament or the Post Nuptial Agreement I have executed and referenced herein.

ARTICLE IV

I hereby direct that if any of my heirs or their representatives attempt to contest any provision contained in my Last Will and Testament, my Post Nuptial Agreement, or this my First Codicil to my Last Will and Testament, I direct that they shall forfeit any right to take any sums under either my Last Will and Testament, my First Codicil to my Last Will and Testament, or my Post Nuptial Agreement.

IN WITNESS WHEREOF I have hereunto subscribed my name to this the First Codicil to my Last Will and Testament this 28th day of JUNE, 2018.

ALEXANDER FYFFE BRANDAU, III

The foregoing instrument was subscribed, sealed, published and declared by ALEXANDER FYFFE BRANDAU, III, as and for the First Codicil to his Last Will and Testament in our presence, and in the presence of each other, and we, at the same time at his request, in his presence and in the presence of each other, hereunto subscribed our names as attesting witnesses.

WITNESS

501 Union St, Ste 701, Nashville TN 37219
ADDRESS

WITNESS

501 Union St., Ste 701, Nashville, TN 37219
ADDRESS

Page 3 of the First Codicil to my Last Will and Testament: Alexander Fyffe Brandau III
ALEXANDER FYFFE BRANDAU, III

AFFIDAVIT

Keene W. Brandau, and Emily L. Olay, after being duly sworn according to law, depose and say:

1. That they are adult citizens of Davidson County, Tennessee.

2. That they witnessed the execution of the First Codicil to the Last Will and Testament of ALEXANDER FYFFE BRANDAU, III, dated the 25 day of June, 2018, to which this Affidavit is attached, and that the Affidavit is being made at the request of the Testator, and in accordance with Tennessee Code Annotated § 32-2-110.

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

4. That the Testator signed said paper writing as and for his First Codicil to the Last Will and Testament in their sight and presence.

5. That at the time they witnessed said First Codicil to the Last Will and Testament, the Testator was, in their opinion, of sound mind.

Emily L. Olay

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Sworn to and subscribed before me on this the 28TH day of June, 2018.

Notary Public

CHRISTY WILSON
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

My Commission Expires: 3/3/2020

STATE OF TENNESSEE

****

IN RE: ***ALEXANDER FYFFE BRANDAU III***

Docket No: ***25P841***

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 May 15, 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 May 15, 2025.

JOSEPH P. DAY CIRCUIT COURT CLERK

JOSEPH P. DAY, Clerk,

By: _____ ***Deputy Clerk***

Certificate of Authenticity

I John Cobb Rochford, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith an that this is a true and correct copy of the original document executed and authenticated according to law on May 15th, 2025.

John Cobb Rochford

May 15th, 2025

Date

State of Tennessee

County of Davidson

Personally appeared before me Brooke Sobo, a notary public for this county and state, John Cobb Rochford, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed on May 15th, 2025.

Brooke Sobo

My commission expires: 9/8/25

BROOKE SOBO
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
My Commission Expires 09-08-2025