EFILED 07/03/25 09:34 AM CASE NO. 25P1206 Joseph P. Day, Clerk

IN THE SEVENTH CIRCUIT (PROBATE) COURT FOR DAVIDSON COUNTY, TENNESSEE

Karen Johnson Davidson County
Batch # 1295977 WILL
07/11/2025 09:58:26 AM 7 pgs
Fees: $37.00 Taxes: $0.00
20250711-0054623

FILED
JUL 03 2025
JOSEPH P. DAY, Clerk
By Deputy

IN RE:

IN THE MATTER OF: THE ESTATE OF MARILYN DALE TOY,

Deceased,

LARRY BURTON TOY,

Petitioner.

No.: 25P1206

ORIGINAL
LAST WILL AND TESTAMENT OF MARILYN DALE TOY, DATED APRIL 12, 2022

Respectfully submitted,

/s/ Joe Weyant
By Joe Weyant, Attorney for Petitioner

Joe Weyant, Attorney
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BPR# 022587

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LAST WILL AND TESTAMENT

OF

MARILYN DALE TOY

I, MARILYN DALE TOY, a resident of Tennessee, being of sound mind and disposing memory, hereby make, publish, and declare this to be my Last Will and Testament, hereby revoking all wills and codicils heretofore made by me.

1. APPOINTED FIDUCIARIES: I appoint Keith Kelvin Kirby as Executor of this, my Last Will and Testament. If Keith Kelvin Kirby ceases or fails to serve, I appoint Autumn Whited to serve as Executrix. My appointed fiduciaries are vested with the specifically enumerated powers listed in Tennessee Code Annotated § 35-50-110. I waive all requirements for bond, inventory, and accountings.

2. ADMINISTRATION OF REAL PROPERTY: My real property, if any, is to be administered as a part of my estate, subject to the control of my Executor, and I give to my Executor the authority to sell or otherwise convey of all of my real property without a court order.

3. DISPOSITION OF PERSONAL PROPERTY: I bequeath all personal property I own at the time of my death to my husband Larry Burton Toy. If Larry Burton Toy fails to survive me, then this bequest will pass in equal shares to my daughters Leslie Nicole Kirby and Susan Denise Breeding.

4. DISPOSITION OF REAL PROPERTY: I devise all real property I own at the time of my death to my husband Larry Burton Toy. If Larry Burton Toy fails to survive me, then this devise will pass in equal shares to my daughters Leslie Nicole Kirby and Susan Denise Breeding.

5. RESIDUARY CLAUSE: I direct that all other tangible personal property I own at the time of my death will pass to my husband Larry Burton Toy. If Larry Burton Toy fails to survive me, then this gift will pass in equal shares to my daughters Leslie Nicole Kirby and Susan Denise Breeding.

6. PAYMENT OF DEBTS, ADMINISTRATION EXPENSES, AND TAXES: I direct that all of my enforceable debts (except secured debts, which may be paid or retained in the discretion of my Executor, and if paid will be without the right of contribution from my husband), my

Marilyn Dale Toy

MARILYN DALE TOY

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funeral expenses, and the expenses of administering my estate be paid as soon as practicable after my death. My Executor will pay out of my residuary estate all taxes payable because of my death.

7. SIMULTANEOUS DEATH: If any beneficiary named in this instrument and I die simultaneously, or under circumstances which make it difficult to determine which of us died first, I direct that the beneficiary will be deemed to have predeceased me for the purposes of this Will, and I further direct that the provisions of this Will be construed upon that assumption, irrespective of any provision of law establishing a contrary presumption or requiring survivorship for a fixed period as a condition of taking property by inheritance.

8. FORFEITURE UPON CONTEST: Any beneficiary named in this instrument will forfeit any and all devises and bequests to that beneficiary by pursuing any action to contest this Will or any provision thereof.

9. HANDWRITTEN CODICILS: After I sign this Will, I may leave a document, in my handwriting or signed by me or both, including a list of personal property of a personal and sentimental nature that I wish to leave to any person. If I do leave such a document, my Executor is directed to execute that document as if it is part of this instrument.

IN EXECUTION OF THIS LAST WILL AND TESTAMENT, I have, in the presence and sight of the two attesting witnesses below, set my hand to it on this 12 day of APRIL, 2022, and have subscribed each page of it at the bottom thereof for the purpose of identification.

Marilyn Dale Toy

Marilyn Dale Toy

AARON FLETCHER
STATE OF TENNESSEE
NOTARY PUBLIC
DAVIDSON COUNTY
MY COMMISSION EXPIRES 7-9-2022

Marilyn Dale Toy

MARILYN DALE TOY

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AARON FLETCHER
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
MY COMMISSION EXPIRES 7-9-2022

STATE OF TENNESSEE
COUNTY OF DAVIDSON

This Last Will and Testament of Marilyn Dale Toy was sworn to and subscribed before me on this 12 day of APRIL, 2022.

Aaron Fletcher
NOTARY PUBLIC

07/09/22
Date My Commission Expires

ATTESTING WITNESSES

The Testatrix, Marilyn Dale Toy, signed her name to this document in our sight and presence; therefore, in the sight and presence of each other, we sign our names below as attesting witnesses:

Jeff Shedden
Signature

4205 GALLATIN PIKE
Street Address

JEFF SHEDDEN
Printed Name

NASHVILLE, TN
City and State

Amanda Pedigo
Signature

4205 Gallatin RD
Street Address

Amanda Pedigo
Printed Name

Nashville, TN 37216
City and State

Marilyn Dale Toy
MARILYN DALE TOY

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AFFIDAVIT OF ATTESTING WITNESSES

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared Marilyn Dale Toy and JEFF SHOULDERS and AMANDA PEDIGO (witnesses), each of whom being duly sworn says:

I am personally acquainted with Marilyn Dale Toy, the Testatrix named in the attached document, and with each subscribing witness hereto. On the date shown below, the Testatrix declared the attached document to be her Last Will and Testament and signed her name to it in the sight and presence of each subscribing witness and at her request each witness in the sight and presence of the Testatrix and of each other signed his/her name to it as subscribing witness.

The Testatrix was more than 18 years of age and appeared to be of sound mind and disposing memory.

This Affidavit is made and signed at the request of the Testatrix for the purpose of proving her Last Will and Testament as provided by T.C.A. § 32-2-110, and was attached to her Will before we signed it.

Signed this 12 day of APRIL, 2022.

AARON FLETCHER
STATE OF TENNESSEE
NOTARY PUBLIC
DAVIDSON COUNTY
MY COMMISSION EXPIRES 7-9-2022

ATTESTING WITNESSES:

Witness

Witness

Sworn to and subscribed before me on this 12 day of APRIL, 2022.

NOTARY PUBLIC

07/09/22
Date My Commission Expires

Marilyn Toy

MARILYN DALE TOY

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The foregoing will and affidavit were prepared by:

Aaron Fletcher
Law Office of Aaron Fletcher
4205 Gallatin Road
Nashville, TN 37216
(615) 226-9000
aaron@aaronfletcherlaw.com

MARILYN DALE TOY

STATE OF TENNESSEE

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IN RE: ***MARILYN DALE TOY***

Docket No: ***25P1206***

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 July 3, 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 July 3, 2025.

JOSEPH P. DAY CIRCUIT COURT CLERK

JOSEPH P. DAY, Clerk,

By: _____ ***Deputy Clerk***