Karen Johnson Davidson County
Batch # 1302154 AFFIDAVITH
07/25/2025 02 55 01 PM 13 pgs
Fees $67 00 Taxes $0 00
20250725-0059022

This instrument prepared by:
Chapman & Rosenthal Title, Inc
10 Burton Hills Blvd, Suite 130
Nashville, TN 37215

AFFIDAVIT OF HEIRSHIP IN FURTHERANCE OF TITLE

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Melody Fite Galbierz and James Melody Fite, Jr , **(hereinafter referred to as "Affiants")**, having been duly sworn say as follows

1. That Affiants are over the age of eighteen (18) years of age and are the only children of Mary Willey Fite.

2. That Mary Willey Fite died on March 12th, 2025 in Davidson County, TN. She did have a Will but said Will is not being probated It is attached to this affidavit as "Exhibit A". Affiants are the sole beneficiaries under the Will of Mary Willey Fite.

3 That Mary Willey Fite was widowed at the time of her death

4 That Affiants, Melody Fite Galbierz and James Melody Fite, Jr , were Mary Willey Fite's only children, natural born or adopted and no children predeceased her

5. That this Affidavit of Heirship is being prepared for the purposes established in Tenn Code Ann 30-2-712, and the Affiants acknowledge that their execution of the same is subject to and governed by the penalties set forth in Section (f) of the same statute, and that this Affidavit is not made for any fraudulent purpose

6. That the Affiants acknowledge that this Affidavit of Heirship may be relied upon by third parties in order to establish chain of title by descent and distribution.

[Signature Pages to Follow]

FURTHER AFFIANTS SAYETH NOT

Melody Fite Galbierz, AFFIANT

James Melody Fite, Jr , AFFIANT

SUBSCRIBED AND SWORN TO before me this 22 day of July, 2025

(seal) LORENA ANDRADE
NOTARY PUBLIC
DeKalb County
State of Georgia
My Commission Expires April 25, 2029

NOTARY PUBLIC

My Commission Expires 4-25-2029

STATE OF TENNESSEE
COUNTY OF WILLIAMSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Melody Fite Galbierz and James Melody Fite, Jr , the within named Affiants, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who acknowledged that they executed the within instrument for the purposes therein contained

Witness my hand and official seal at Nashville, Tennessee, this _____ day of July, 2025

(seal)

NOTARY PUBLIC

My Commission Expires _____

FURTHER AFFIANTS SAYETH NOT.

Melody Fite Galbierz, AFFIANT

James Melody Fite, Jr., AFFIANT

SUBSCRIBED AND SWORN TO before me this 22 day of July, 2025.

(seal)

KATIE CESERETTI
STATE OF TENNESSEE NOTARY PUBLIC
WILLIAMSON COUNTY

NOTARY PUBLIC

My Commission Expires: 06/20/2027

STATE OF TENNESSEE
COUNTY OF WILLIAMSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Melody Fite Galbierz and James Melody Fite, Jr., the within named Affiants, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this 22 day of July, 2025.

(seal)

KATIE CESERETTI
STATE OF TENNESSEE NOTARY PUBLIC
WILLIAMSON COUNTY

NOTARY PUBLIC

My Commission Expires: 06/20/2027

Last Will and Testament

OF

MARY LOU FITE

I, MARY LOU FITE, a resident of Davidson County, Tennessee, being of sound mind and disposing memory, do hereby make, publish and declare this as my Last Will and Testament, hereby revoking all Wills and Codicils heretofore made by me.

1. Appointment of Executors and Trustees. I nominate and appoint my spouse James Melody Fite as Executor of this my Last Will and Testament and I direct that he not be required to make bond. In the event my spouse James Melody Fite shall cease or fail to serve as Executor then I nominate and appoint my children, James M. Fite, Jr. and Melody Galbierz to serve as Co-Executors without bond. If either of my children shall cease or fail to serve as Co-Executor the remaining child shall serve as Executor. I nominate and appoint my spouse, James Melody Fite, to serve as Trustee of the Trust herein created without bond. In the event that my spouse shall cease or fail to serve as Trustee, I then appoint my children to serve as Co-Trustees without bond. In the event that either of my children shall cease or fail to serve as Co-Trustee, then the remaining child shall serve above. In the event that both children shall cease or fail to serve as Trustee, then the last child surviving as Trustee shall nominate and appoint a Trustee of their choice in a writing filed with the Probate Court for Davidson County, Tennessee with or without bond as the child chooses.
2. Payment of Debts and Taxes. I direct that all of my just 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 that portion of my residuary estate allocated to the Family Share as an expense of administration and without apportionment, and with no right of reimbursement from any recipient or beneficiary of any such property; provided that my Executor may require the Trustee of the Marital Trust (if one is established under my spouse's Will) to pay any such taxes which result from the inclusion of the Marital Trust in my estate for tax purposes

JACK K. BYRD
ATTORNEY AT LAW
3818 CLEGHORN AVENUE
NASHVILLE, TENNESSEE 37215
TELEPHONE (615) 298-2001

I direct that the proceeds of any life insurance payable to my estate or to my Executor may be used for the payment of debts or taxes.

3. Devise of Personal Property. I may leave a handwritten list of certain items of tangible personal property attached to or in the close proximity of this Last Will and Testament, directing my Executor how to dispose of certain specific items of tangible personal property to my children and or others, and I request my Executor to dispose of such items as therein directed Whatever items of tangible personal property not disposed of in such a list, then I devise to my spouse such household furniture and furnishings, automobiles, personal effects and all other items of tangible personal property as I might own at the time of my death. If my spouse does not survive me, then those properties shall go to my children, equally, with the issue of any deceased child representing her or her parent, per stirpes My Executor may distribute the share of any minor beneficiary to such beneficiary, or to the person with whom such beneficiary is residing. If, in the sole discretion of my Executor, any of such property is not suitable for delivery, the Executor may retain such property in safekeeping for future distribution or may sell such property and add the proceeds to my residuary estate.

4. Division of Residuary Estate Into Marital and Family Shares. I direct my Executor to divide all the rest and residue of my property, real, personal and mixed, of whatever kind and character and wherever situated, including the proceeds of any insurance policies payable to my estate, into two separate shares, which are designated as the Marital Share and the Family Share. Said property shall be allocated between those shares in the following manner:

   (a) First, to the Marital Share, provided my spouse survives me, a portion of my residuary estate in any amount sufficient to increase my spouse's estate to an amount equal to the "Exemption Equivalent" in effect at the time of my death. Such amounts to be calculated as though my spouse had died on the date of my death and that the assets of my spouse's estate were value as of the date on which, and in the same manner in which, my estate is valued for federal estate tax purpose and said amount shall take into consideration those items passing to my spouse outside of my Will such as life insurance proceeds and property held jointly by us. If my spouse does not survive me, then I direct that no allocation be made to the Marital Share and all of my residuary estate be allocated to the Family Share. I devise the Marital Share outright and free of Trust to my spouse.

   (b) Second, to the Family Share, the remainder of my residuary estate. The portion of the residue of my estate allocated to the Family Share and the Marital Share pursuant to subparagraphs (a) and (b) above may be selected by my Executor, but in determining the amount to be allocated to each Share, assets shall be valued at the same amounts as are used in determining the Federal Estate Tax imposed on the transfer of my estate, and the assets allocated to each Share must be fairly representative of the appreciation and depreciation (from the Federal Estate Tax values) in the value of all property (including cash) available for allocation, and there shall be allocated to the

Marital Share only assets which do qualify for the marital deduction for both federal estate tax and any applicable state inheritance, estate or other similar tax purposes (including, without limitation, Section 67-8-315 of the Tennessee Code Annotated) in a manner that minimizes the total of such taxes imposed upon my death.

5. Family Trust Established. I devise the Family Share of my residuary estate to the Trustee hereinabove named, as Trustee, to be held in a trust to be known as the Family Trust and to be held, administered and distributed according to the following terms:

(a) During the life of my spouse, the income from the Family Trust, in the discretion of the Trustee, shall be

(1) Paid over in whole or in part to or for the benefit of my spouse in order to provide for my spouse's support in my spouse's accustomed manner of living and to provide for my spouse's hospital and nursing expenses and expenses of invalidism; or

(2) Paid over in whole or in part to or for the benefit of any or all of my issue; or

(3) Accumulated in whole or in part and added to the corpus of the trust.

In exercising its discretion to distribute income to or for the benefit of my spouse, the Trustee is directed to consider the needs of my spouse in accordance with the standards set forth above (after taking into consideration my spouse's other sources of income or means of financial support) before the needs of any other beneficiary are considered.

(b) My spouse shall have the power with respect to the Family Trust, exercisable only by specific reference to this power in my spouse's Last Will and Testament, to appoint the corpus of the Family Trust, in whole or in part, to or among my issue in such amounts and proportions and in such interests and estates, whether outright or in lesser estates, or in trust or otherwise, as my spouse shall deem appropriate, but my spouse shall not have the power to appoint any portion of the income or corpus of the trust in such way as to directly or indirectly benefit my spouse, my spouse's creditors, my spouse's estate, or the creditors of my spouse's estate.

(c) Upon the death of my spouse, the Family Trust shall (to the extent not appointed by the exercise of any power of appointment herein conferred) be divided equally into as many trusts as I have children surviving me and deceased children with issue surviving. One such trust shall be named for each of my children surviving me or deceased children with issue surviving. A trust named for a deceased child shall be administered and distributed in the same manner as provided below for a trust named for a living child upon the death of such child.

6. Administration and Distribution of Trusts Named for Children. The trusts named for my children shall be held administered and distributed according to the following terms:

(a) As each of my children attains thirty-five (35) years of age, one-half (1/2) of the corpus plus accumulated income of that child's trust shall be paid over to that child and upon the attainment of forty (40) years of age the entire balance of that child's trust shall be paid over to that child and that child's trust shall terminate.

(b) The income of a trust named for a child of mine, in the discretion of the Trustee, shall be

(1) Paid over in whole or in part to or for the benefit of the child of mine for whom the trust is named; or

(2) Paid over in whole or in part to or for the benefit of any or all of such child's issue; or

(3) Accumulated in whole or in part and added to the corpus of such child's trust.

Although the Trustee shall have absolute discretion in making such payments, the Trustee is directed to be liberal in exercising discretion to distribute income to or for the benefit of the child of mine for whom the particular trust is named, it being my primary concern that my children receive adequate support and maintenance before the needs of any other beneficiary are considered.

(c) Each child of mine shall have the power, exercisable only by specific reference to this power in such child's Last Will and Testament, to appoint such child's trust to and among any of my issue (other than such child, but including her or her issue) in such amounts and proportions and in such interests and estates, whether outright or in lesser estates, or in trust or otherwise, as he or he may designate; but such child shall have no power to appoint any part of the trust in such way as to directly or indirectly benefit himself or herself, her or her estate, or her or her creditors, or the creditors of her or her estate.

Nothing in this paragraph shall be construed as authorizing such child to exercise this limited power of appointment for the purpose of discharging any legal obligation of such child (including obligations of support), and the Trustee shall not be authorized to deliver any portion of the trust to an appointee unless the appointee (or the appointee's guardian in the case of a minor) signs and delivers to the Trustee a receipt confirming that the property so received will not be used to provide for the support of the appointee (if such child is obligated to support the appointee) or otherwise to discharge any legal obligation which such child has to such appointee.

(d) If a child of mine dies before receiving distribution of all of such child's trust, then such trust shall (to the extent not appointed by the exercise of any power of appointment herein conferred) vest in such child's issue then living per stirpes, and each beneficiary shall receive distribution of her or her share upon attaining twenty-five (25) years of age. If such child has no issue then living, then such child's trust shall vest in my issue then living, per stirpes, and each beneficiary shall receive

distribution of her or her share upon attaining twenty-five (25) years of age. Prior to the distribution of the trust under this subparagraph, the income from each beneficiary's share shall be paid over in whole or in part to or for the benefit of each such beneficiary, or shall be accumulated in whole or in part and added to such beneficiary's share as may be required, in the sole discretion of the Trustee, to provide for such beneficiary's adequate support, maintenance and education.

7. Encroachments.

(a) For Spouse. I direct that if at any time or times during the life of my spouse the Trustee be of the opinion that it is necessary to encroach upon the corpus of the Family Trust in order to provide adequately and properly for the maintenance, medical care and support of my spouse, then the Trustee is authorized to encroach upon the corpus of the trust to the extent which the Trustee determines necessary or proper, this power to be a continuing one

(b) For Other Beneficiaries. If at any time or times before or after the death of my spouse and prior to the complete distribution of the Family Trust or the separate trusts named for my children, the Trustee in her discretion be of the opinion that it is necessary to encroach upon the corpus of any such trust in order to provide adequately and properly for the maintenance, support, medical care and education of a person who is a permissible recipient of income therefrom at the time the encroachment is to be made, then the Trustee is authorized to encroach upon such trust to the extent which the Trustee deems necessary or proper for such purpose, this power to be a continuing one. Any such encroachment made from the Family Trust prior to the division of the Family Trust into separate trusts named for my children shall not be charged against the share of the beneficiary for whom the encroachment is made. Any encroachments made from a trust named for a child of mine during the life of such child shall be charged against such child's share.

8. Facility of Payment. Whenever in this Will income may be paid to a beneficiary, or whenever the Trustee encroaches upon the corpus of a trust for the benefit of a beneficiary, such income or corpus may be paid directly to such beneficiary or to anyone else for the use or benefit of such beneficiary, 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 made shall be a sufficient acquittance for the Trustee, and such payments may be made without the intervention of any guardian or the approval of any court.

9. Spendthrift Trusts. I direct that no part of any trust herein created, nor the income therefrom, is to be subject to execution or other legal process for any obligation of any beneficiary or subject to the claims of creditors of any beneficiary in any manner, nor shall any beneficiary have the power to sell or mortgage or encumber same, or any part thereof, nor anticipate the same, or any part thereof, by assignment or otherwise; but this

paragraph shall not be construed as conflicting in any way with the exercise of any power of appointment herein conferred.

10. Division of Assets. At any time when it shall become necessary to divide assets among any of the trusts herein created, or within any of said trusts, or to distribute any of said assets, such division or distribution shall be made in such manner as the Trustee deems proper and may be made in cash or in kind, or partly in cash and partly in kind. Also, the judgment of the Trustee on the relative value of assets shall be binding and conclusive on all parties interested; but in allocating properties between the Marital Share and the Family Share, valuations determined for Federal Estate Tax purposes shall be used as hereinabove provided. Further, in making distribution of trust assets, the Trustee shall not be required to distribute a particular asset pro rata to all beneficiaries entitled to receive a distribution, and the Trustee may make division and distribution of trust assets without regard to the basis of such assets for Federal or State income tax purposes.

11. Final Distribution. Notwithstanding anything herein to the contrary, no trust herein created shall continue beyond twenty-one (21) years after the death of the survivor of my spouse and my issue who are living at the time of my death; and at such time any trust created hereunder which is still in existence shall immediately terminate and the properties therein shall be distributed to the beneficiaries thereof irrespective of their ages.

12. Simultaneous Death. In the event my spouse and I shall die simultaneously, or under circumstances which make it difficult to determine which of us died first, I direct that I shall be deemed to have survived for the purposes of this Will, and I direct further that the provisions of this Will shall 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.

13. Successor Trustees. If at any time after the death or inability of my Trustee to serve it becomes desirable in the judgment of a majority of the income beneficiaries (including any minor beneficiaries acting through their natural or legal guardians) of a trust, to change any trustee which may be serving as a trustee hereunder or any successor trustee, then a majority of the income beneficiaries (or their natural or legal guardians) shall have the right to remove a Trustee or Trustees and to appoint a successor Trustee of their choice, including himself or herself, or to designate any bank or trust company (which shall not be required to be a Tennessee corporation or to have an office in Tennessee) as successor Trustee of such trust. Any such bank or trust company shall have a trust department with assets under management in a fiduciary capacity of at least two hundred fifty million dollars ($250,000,000). Such successor or substitute trustee shall not be required to make bond unless same is required by the person or persons making the appointment. Any successor or substitute Trustee shall by virtue of its appointment succeed to all of the rights, powers and duties conferred and imposed upon the Trustee herein named.

14. Powers of Executor and Trustee. My Executor and Trustee shall have all the powers enumerated in Section 35-50-110 Tennessee Code Annotated, and the introductory paragraph and all subparagraphs thereof, to the extent not inconsistent with the express provisions hereof, are hereby incorporated herein by reference as full as though copied herein verbatim, except that subparagraphs 1 through 4 of such Section shall apply only to my Executor and my spouse shall have the power to require the Trustee to convert property which is unproductive of income to income-producing property within a reasonable time In addition to the powers granted to the Trustee by law, the Trustee shall have all powers afforded the Trustee by the state of its situs, as in force on the date of its exercise of a power. The Trustee may purchase real property and may establish a reasonable reserve for the repair, maintenance or improvement of any real property which the Trustee holds in trust. The reserve may be funded from trust income, and any reference to net income in this Will shall mean gross income less expenses charged to income and less the amounts set aside under this paragraph. The Trustee may purchase life insurance on the life or lives of any person or persons in whom any beneficiary of any trust established in this Will has an insurable interest. The Trustee may use the minimum deposit method of purchasing and maintaining such life insurance, may elect the "fifth dividend" type of option on said insurance policies, or may elect any other option deemed appropriate by the Trustee.

I direct that any Trustee or Trustees serving as Trustee of a trust established under this Will shall not be entitled to a termination fee in the event such Trustee is removed under the authority granted to beneficiaries under this Will, unless such a termination fee has been expressly (and not by implication) agreed to in writing by the person or persons who appointed the Trustee. Any Trustee serving shall be entitled to reasonable compensation for services rendered and shall be reimbursed for any reasonable costs and expenses incurred in their duties as Trustee.

Whenever the exercise of discretion or judgment is necessitated in the administration of the trusts herein created, then a majority vote is required of all those Trustees then serving. In the event that a tie vote cannot be avoided, my spouse or any other Trustee then serving shall request the attorney then representing the trust to vote on the point in issue and the majority vote shall govern.

I anticipate that a substantial portion of my estate may consist of stock in closely held corporations or unincorporated business. Without in any way limiting the powers described above with respect to other assets, I expressly authorize my Executor and Trustee, with respect to such entity held by each of them, to retain such entity (without regard to how large a portion of my estate or any trust herein created consists of such entity), to acquire additional interest in such entity, to vote the shares of such stock or other certificate

evidencing ownership and to dispose of such shares of stock or other certificate evidencing ownership, as my Executor and Trustee, in their respective discretion, may deem appropriate.

I hereby expressly excuse my Executor from filing an inventory or an accounting of my estate as would otherwise be required pursuant to applicable law unless such inventory is specifically requested by any beneficiary of my residuary estate.

15. Definition of Issue. Whenever used herein, the term "issue" shall include adopted as well as natural born.

16. Headings. The marginal notes used as headings for the various paragraphs of this Will are used only as a matter of convenience for reference, and are not to be construed as part of this Will or to be used in determining my intent.

IN WITNESS WHEREOF, I have hereunto set my hand on this 29 day of April, 1996, to this my Last Will and Testament, and have subscribed each of the foregoing (8) eight pages at the bottom thereof for the purpose of identification.

Mary Lou Fite

MARY LOU FITE

Signed, signified and declared by the said Mary Lou Fite being of sound mind and disposing memory, as and for her Last Will and Testament, in the presence and sight of us, present at the same time, who, at her request, in her presence and sight, and in the presence and sight of each other, have subscribed our names as attesting witnesses on the day and year last above written.

WITNESSES:

Phyllis Montuori
PHYLLIS MONTUORI _____ ADDRESS: NASHVILLE, TN.

Kenneth E Youngstead
Kenneth E. Youngstead _____ ADDRESS: Nashville, TN

_____ ADDRESS: _____

AFFIDAVIT

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Phyllis Montuori, _____ and Kenneth Youngstead being severally duly sworn, depose and say that:

We are acquainted with Mary Lou Fite, who executed this annexed Last Will and Testament, consisting of (8) eight typewritten pages, dated Apr. 29 TH, 1996, on that date at Nashville, Tennessee, by subscribing her name at the end thereof in the presence and sight of each of us

At the time of subscribing said Will, Mary Lou Fite declared the instrument so subscribed by her to be her Last Will and Testament, and we thereupon signed our names as witnesses at the end of said instrument at her request and in her presence and sight, and in the presence and sight of each other.

At the time of executing said Last Will and Testament, Mary Lou Fite was over the age of eighteen years and in our opinion was of sound mind, memory and understanding and not under any restraint or in any respect incompetent to make a Last Will and Testament.

This affidavit is made at the request of said Mary Lou Fite.

The annexed Last Will and Testament was examined by the undersigned witnesses at the time this affidavit was made.

Phyllis Montuori

Kenneth E Youngstead

SIGNED TO AND SUBSCRIBED before me, this 29 TH day of April, 1996.

NOTARY PUBLIC

My Commission Expires: My Commission Expires NOV. 27, 1999