

TENNESSEE LAST WILL & TESTAMENT

of

I, _____, resident in the City of _____, in the County of _____, in the State of Tennessee, being of sound mind, not acting under duress or undue influence, and fully understanding the nature and extent of all my property and of this disposition thereof, do hereby make, publish, and declare this document to be my Last Will & Testament, and hereby revoke any and all other wills and codicils heretofore made by me.

1. Expenses & Taxes

I direct that all my debts, and expenses of my last illness, funeral, and burial, be paid as soon after my death as may be reasonably convenient, and I hereby authorize my personal representative, herein appointed, to settle and discharge, in his or her absolute discretion, any claims made against my estate.

I further direct that my personal representative shall pay out of my estate any and all estate and inheritance taxes by reason of my death in respect of all items included in the computation of such taxes, whether passing under this Will or otherwise. Said taxes shall be paid by my personal representative as if such taxes were my debts without recovery of any part of such payments from anyone who receives any item included in such computation.

2. Personal Representative

I nominate and appoint _____, of _____, County of _____, State of _____ as personal representative of my estate and I request that he or she be appointed temporary personal representative if he or she applies. If my personal representative fails or ceases to serve, then I nominate _____ of _____, County of _____, State of _____ to serve.

3. Disposition of Property

I devise and bequeath my property, both real and personal, including online accounts, social media, photos, and other electronically stored information, wherever situated as follows:

Beneficiary 1

_____, currently of _____, as my _____
with the following: _____.

Beneficiary 2

_____, currently of _____, as my _____
with the following: _____.

Beneficiary 3

_____, currently of _____, as my _____
with the following: _____.

Beneficiary 4

_____, currently of _____, as my _____
with the following: _____.

Beneficiary 5

_____, currently of _____, as my _____
with the following: _____.

If any of my beneficiaries have pre-deceased me. any property they would have received had they not pre-deceased me shall be distributed: (beneficiary name(s) and distributions in case of catastrophic circumstances) _____

_____.

If any of my property cannot be readily sold and distributed, then it may be donated to any charitable organization or organizations of my personal representative's choice. If any property cannot be readily sold or donated, my personal representative may without liability, dispose of such property as my personal representative may deem appropriate. I authorize my personal representative to pay as an administration expense of my estate the expense of selling, advertising for sale, packing, shipping, insuring and delivering such property.

4. Omission

Except to the extent that I have included them in this Will, I have intentionally, and not as a result of any mistake or advertence, omitted in this Will to provide for any family members and/or issue of mine, if any, however defined by law, presently living or hereafter born or adopted.

5. Bond

No bond shall be required of any fiduciary serving hereunder, whether or not specifically named in this Will, or if a bond is required by law, then no surety will be required on such bond.

6. Discretionary Powers of Personal Representative

My personal representative shall have and may exercise the following discretionary powers in addition to any common law or statutory powers without the necessity of court license or approval:

- A. To retain for whatever period my personal representative deems advisable any property, including property owned by me at my death and to invest and reinvest in any property, both real and personal, regardless of whether any particular investment would be proper for a personal representative and regardless of the extent of diversification of the assets held hereunder.
- B. To sell and to grant options to purchase all or any part of my estate, both real and personal, at any time, at public or private sale, for consideration, whether or not the highest possible consideration, and upon terms, including credit, as my personal representative deems advisable, and to execute, acknowledge, and deliver deeds or other instruments in connection therewith.
- C. To lease any real estate for terms and conditions as my personal representative deems advisable, including the granting of options to renew, options to extend the term or terms, and options to purchase.
- D. To pay, compromise, settle or otherwise adjust any claims, including taxes, asserted in favor of or against me, my estate or my personal representative.
- E. To make any separation into shares in whole or in part in kind and at values determined by my personal representative, with or without regard to tax basis, and to allocate different kinds and disproportionate amounts of property and undivided interests in property among the shares.
- F. To make such elections under the tax laws as my personal representative shall deem appropriate, including elections with respect to qualified terminable interest property, exemptions and the use of deductions as income tax or estate tax deductions, and to determine whether to make any adjustments between income and principal on account of any election so made.
- G. To make any elections permitted under any pension, profit sharing, employee stock ownership and other benefit plan.

- H. To employ others in connection with the administration of my estate, including legal counsel, investment advisors, brokers, accountants and agents and to pay reasonable compensation in addition to my personal representative's compensation.
- I. To vote any shares of stock or other securities in person or by proxy; to assert or waive any stockholder's rights or privilege to subscribe for other otherwise acquire additional stock; to deposit securities in any voting trust or with any committee.
- J. To borrow and to pledge or mortgage any property as collateral, and to make secured or unsecured loans. My personal representative is specifically authorized to make loans without interest to any beneficiary hereunder. No individual or entity loaning property to my personal representative is specifically authorized to make loans without interest to any beneficiary hereunder. No individual or entity loaning property to my personal representative or trustee shall be held to see to the application of such property.
- K. My personal representative shall also in his or her absolute discretion determine the allocation of any GST (generation-skipping trust) exemption available to me at my death to property passing under this Will or otherwise. The determination of my personal representative with respect to any elections or allocation, if made or taken in good faith, shall be binding upon all affected.
- L. To manage, distribute, or terminate digital assets, exercising the judgement and care, under the circumstances then prevailing, that persons of prudence, discretion and intelligence exercise in the management to their own affairs. This includes, but not be limited to, the power to access, download, and backup my digital assets, convert my file formats, access any and all devices necessary to manage digital assets, and clear computer caches and/or delete files.

7. Guardianship

Should it become necessary to appoint a guardian, I nominate and appoint _____, of _____, County of _____, State of _____ as guardian of any minors or person with a disability of my estate and I request that he or she be appointed temporary guardian if he or she applies. The guardian shall be contacted at the earliest convenience by email at _____ or by phone at _____.

If such person is unable to serve as guardian, I nominate and appoint _____, of _____, County of _____, State of _____ as guardian who may be contacted by email at _____ or by phone at _____.

8. Trust

Any property, assets or other distributions from my estate intended for a beneficiary under 18 years of age at the time of distribution is to be made, shall not be paid or distributed outright to such beneficiary, but rather shall be held in trust by _____ in the capacity of a Trustee, upon the following terms and conditions.

The trustee shall hold, manage, invest and reinvest the property of such beneficiary in a separate trust and shall distribute to or for the benefit of the beneficiary so much or all of the net income or principal thereof as the trustee, in the trustee's sole discretion, shall deem necessary to provide for such beneficiary's health, education, maintenance and support, taking into consideration any other resources available to such beneficiary. Any net income not so paid shall be accumulated and added to principal at least annually and thereafter shall be held, administered and disposed of as a part thereof.

When such beneficiary reaches _____ years of age, the trustee shall distribute the entirety of the assets then held in trust to such beneficiary, and the trust shall automatically terminate and the trustee shall distribute all remaining principal and income to such beneficiary. Notwithstanding any provisions herein to the contrary, my trustee may determine it is in the best interests of the beneficiary to terminate the trust prior to such beneficiary reaching _____ years of age and distribute all trust assets directly to such beneficiary or into a custodial account established for such beneficiary, and my Trustee shall have no liability therefore.

Any property, assets or other distributions from my estate intended for a beneficiary who is a person with a disability, shall remain under the auspices of the trustee until a court has determined that said beneficiary is capable of managing their own affairs. Until this time, the trustee shall hold, manage, invest and reinvest the property of such beneficiary in a separate trust and shall distribute to or for the benefit of the beneficiary so much or all of the net income or principal thereof as the trustee, in the trustee's sole discretion, shall deem necessary to provide for such beneficiary's health, education, maintenance and support, taking into consideration any other resources available to such beneficiary. Any net income not so paid shall be accumulated and added to principal at least annually and thereafter shall be held, administered and disposed of as a part thereof.

If a beneficiary of the trust dies prior to receiving all of the assets in his/her trust, the principal and income in such beneficiary's trust shall be paid and distributed to such beneficiary's living descendants, if any; and if none, then to my living descendants, provided, however, that if any such descendant is a beneficiary of another trust under

this Will, such property otherwise distributable to such beneficiary shall be held in accordance with such trust. If I have no living descendants, such property shall be distributed to the beneficiaries of my residuary estate as provided in this Will, or if there are none, to the persons who would be entitled thereto under the laws of descent and distribution of the State of Tennessee if I had died intestate at that time owning such property in fee simple.

Neither principal nor income of any trust nor any beneficiary's interest therein, while undistributed in fact, shall be subject to alienation, assignment, encumbrance, appointment or anticipation by the beneficiary, nor to garnishment, attachment, execution or bankruptcy proceedings, nor to claims for alimony or support or any other claims of any creditor or other person against the beneficiary, nor to any other transfer, voluntary or involuntary, from the beneficiary.

9. Fiduciary Powers

Any personal representative and trustee serving under this Will shall be a fiduciary granted all the powers conferred by Tennessee laws, as amended.

Any successor fiduciary shall have and may exercise all of the powers, privileges, immunities and exemptions conferred upon the predecessor fiduciary as fully and to the same extent as if such successor had originally been named as a fiduciary. Any fiduciary serving hereunder shall keep full accounts and shall make and furnish statements of all receipts and disbursements at least annually to each person then eligible to receive income from my estate or any trust created hereunder and shall at any time, upon reasonable request of such person, provide full information to such person as to the condition of my estate, including amounts received and disbursements made.

Any fiduciary under this Will may resign from their role as fiduciary without the order of any officer or court and without consent of any beneficiary of any provision of this Will by giving such fiduciary's successor and all persons then entitled to receive income hereunder, or the guardians of such persons, thirty (30) days advance written notice of such intent to resign, or at any time resign by instrument in writing signed by such personal representative or trustee and delivered to the persons then entitled to the income from my estate or such trust. In the case of a personal representative, the fiduciary must also give notice to the Court having jurisdiction over the administration of my estate; and upon properly accounting for all estate property received and disbursed, shall be discharged from any and all further liabilities. In the case of a trustee, the fiduciary must deliver the trust property to the successor trustee and upon properly accounting for all trust property received and disbursed, shall be discharged from any and all further liabilities.

10. Gender

Whenever the context permits, the term "Personal Representative" shall include "Executor" and "Administrator", the use of a particular gender shall include any other gender, and references to the singular or the plural shall be interchangeable. All references to estate taxes shall include inheritance and other death taxes.

11. Assignment

The interest of any beneficiary in this Will shall not be alienable, assignable, attachable, transferable nor paid by way of anticipation, nor in compliance with any order, assignment or covenant and shall not be applied to, or held liable for, any of their debts or obligations either in law or equity and shall not in any event pass to his, her, or their assignee under any instrument or under any insolvency or bankruptcy law, and shall not be subject to the interference or control of creditors, spouses or others.

12. Governing Law

This document shall be governed by the laws of the State of Tennessee.

13. Binding Arrangement

Any decision by my personal representative with respect to any discretionary power hereunder shall be final and binding on all persons interested. Unless due to my personal representative's own will default or gross negligence, no personal representative shall be liable for said personal representative's acts or omission or those of any prior personal representative.

12. Additional Instructions

A. _____

B. _____

I the undersigned _____, do hereby declare that I sign and execute this instrument as my Last Will & Testament, that I sign it willingly in the presence of each of the undersigned witnesses and that I execute it as my free and voluntary act for the purposes herein expressed, on this ____ day of _____, 20__.

Testator Signature

Testator (Printed Name)

Testamentary Affidavit

The foregoing instrument was on this ____ day of _____, 20__ subscribed on each page and at the end thereof by _____, the above-named Testator, and by him/her signed, sealed, published and declared to be his/her Last Will & Testament, in the presence of us and each of us, who thereupon, at his/her request, in his/her presence, and in the presence of each other, have hereunto subscribed our names as attesting witnesses thereto.

Witness Signature

Witness (Printed Name)

Address

Witness Signature

Witness (Printed Name)

Address

State of Tennessee
County of _____

Before me, the undersigned authority on this day personally appeared, _____ (Testator), _____ (Witness), and _____ (Witness), known to me to be the Testator and the Witnesses respectively, whose names are signed to the attached or foregoing instrument, and all of these persons being by me duly sworn the Testator's Last Will & Testament and that the Testator executed it as the Testator's free and voluntary act for the purposes therein expressed; and each of the witnesses stated to me, in the presence of the Testator, that they signed the Will as witnesses, and that to the best of their knowledge, the Testator was eighteen (18) years of age or over, of sound mind and under no constraint or undue influence.

Testator Signature

Witness Signature

Initials _____

Witness Signature

Subscribed and sworn to before me by the said testator and the said witnesses, this ___ day of _____, 20__.

Notary Public Signature

My commission expires:

DRAFT