

04-05-2000



101306657

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

William H. McMath

Additional name(s) of conveying party(ies) attached? No

2. Name and address of receiving party(ies)

Name: Katie S. McMath

Street Address: 857 General George Patton Road

City: Nashville ST: Tennessee ZIP 37221

Additional name(s) & address(es) attached?

3. Nature of conveyance:

Last Will and Testament of William H. McMath, Sr.

Execution Date: July 10, 1989

4. Application number(s) or patent number(s):

A. Patent Application No.(s):

B. Patent No.(s): 5034075

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: WADDEY & PATTERSON

Internal Address: BANK OF AMERICA PLAZA
SUITE 2020

Street Address: 414 UNION STREET

City: NASHVILLE State: TN Zip: 37219

Customer No. 23456

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41):..... \$40.00 E

The fee is enclosed

8. Deposit account number:

23-0035

(Attach duplicate copy of this page if paying by deposit account.)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Emily A. Shouse

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 11

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents and Trademarks, Box Assignments
Washington, DC 20231

12-02-1999



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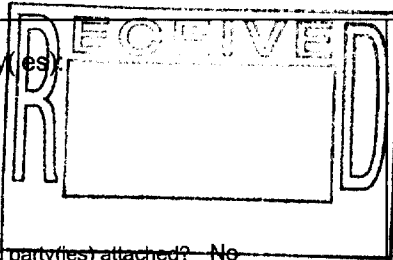
U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

101212314

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40.00 DP

PATENT
REEL: 010648 FRAME: 0077

LAST WILL AND TESTAMENT OF

WILLIAM H. McMATH, SR.

I, WILLIAM H. McMATH, SR., a resident of Nashville, Tennessee, being of sound and disposing mind, memory and understanding, do hereby make, publish and declare this to be my Last Will and Testament and do hereby revoke all other wills, codicils and testamentary instruments heretofore made by me.

FIRST

I direct that all my lawful debts (except debts secured by mortgages or other security instruments, which may be paid or retained in the discretion of my fiduciaries, and if paid shall be without right of contribution from my wife), my funeral expenses, the expenses of administration of my estate, and inheritance, estate or other death taxes that may be imposed upon my estate, including interest and penalties thereon, be paid by my Executor as soon as possible after my death.

I direct that my Executor pay out of the property which would otherwise become part of my residuary estate, without apportionment, all estate, inheritance or other death taxes, including interest and penalties thereon, which may be lawfully assessed by reason of my death.

All realty is part of my probate estate and all be treated as personalty for administration purposes.

SECOND

I give and bequeath to my wife, KATIE SUE McMATH, all of my effects of a strictly personal nature for household use, jewelry, automobiles and the like (and all policies of insurance on such property) which I own at the time of my death. If my wife does not survive me, renounces this bequest or dissents from my Will, I give and bequeath one-half (1/2) of all of the aforementioned items to my children and one-half (1/2) of the aforementioned

items to my wife's children. My children at the time of the execution of this Will are: WILLIAM HAYES McMATH, JR. and JOHN COLLINS McMATH. My wife's children at the time of the execution of this Will are: EARL BENNETT VAN DYKE, JR., HARRY WILLIAM VAN DYKE, SUZANNE VAN DYKE SHELTON and AMY NELL MOORE.

I direct that if it becomes necessary to make the required division of my personal effects and household and similar items among my children and my wife's children, my Executor shall have absolute discretion as to what specific article or articles shall be included in that property, and as to what items thereof each beneficiary shall receive. If any beneficiary be too young to need or otherwise be unable to use the property passing to such beneficiary under this Article, or any part thereof, my Executor may in its absolute discretion:

(1) hold all or any part of such property for the beneficiary until he shall have need or use of it, or

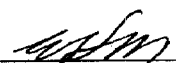
(2) deliver all or part to the beneficiary thereof, or to the guardian of such beneficiary, or to any person with whom such beneficiary is residing, for the use of said beneficiary, without further responsibility to the Executor, or

(3) sell all or any part and give the proceeds to such beneficiary, or to his guardian or guardians, or to the person with whom such beneficiary is residing, or add the proceeds to any trust created hereunder for the beneficiary.

The decision of my Executor on these matters shall be binding and conclusive on all beneficiaries.

THIRD

I give, devise, and bequeath all the rest, residue, and remainder of my estate, of every kind and description to my wife, KATIE SUE McMATH, outright and free of trust if my said wife survives me by thirty (30) days. In the event my wife does not survive me by thirty (30) days, I give, devise and bequeath

_____

one-half (1/2) of the remainder of any estate to my children equally, share and share alike, and one-half (1/2) of the remainder of my estate to my wife's children, share and share alike, or if any of my children or my wife's children are deceased to their issue per stirpes.

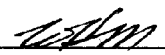
FOURTH

A. I appoint my wife, KATIE SUE McMATH, as the Executrix (hereinafter Executor) of my Last Will and Testament. I direct that my Executor shall not be required to furnish a bond for the faithful performance of his duties in any jurisdiction, any provision of the law to the contrary notwithstanding. If any bond is required by law, no surety shall be required on such bond. If my wife is unable or unwilling to serve as Executor, I appoint my sister, BETTY SHORES, as successor Executor without bond. In the event it is deemed necessary or appropriate to name a Co-Executor who is a resident of Tennessee, then in such event I direct that my named Executor shall make such appointment, and no bond shall be required unless so required by the person making the appointment.

B. My Executor shall be excused from the statutory requirement of making and filing an inventory of my estate with the court exercising probate jurisdiction unless such filing is demanded by any of the residuary distributees or legatees of my estate. Further, my Executor shall also be excused from the statutory requirement of making and filing an accounting of the administration of my estate to such court.

FIFTH

My Executor 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 section 35-50-110, Tennessee Code Annotated as fully as if set out verbatim herein.

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

C. My Executor 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 mistake or judgment.

D. If my Executor determines that any distribution shall be paid to a minor, or to a person under a legal disability, or to a person not adjudicated incompetent, but who, by reason of illness or mental physical disability is, in the opinion of my Executor, unable to properly administer such funds, then such funds may be paid out by my Executor in any of the following ways as he deems best: (1) directly to such beneficiary; (2) to the legally appointed guardian or conservator of such beneficiary; (3) by my Executor using such amounts directly for the benefit of such beneficiary; or (4) to some relative or friend for the care, support, education and welfare of such beneficiary. The receipt of any such person shall discharge my Executor from any further responsibility with respect to such funds.

E. My Executor may begin making payments to the beneficiaries of my estate after the beginning of the administration of my estate. My Executor shall be given credit on his settlement for all disbursements made to the beneficiaries under the provisions of this power.

F. Any insurance on my life or other similar insurance payable to the Executor or Administrator of my estate, or to my estate, shall be free from the claims of creditors and shall be

governed by the provisions of my Will; provided, however, that my Executor may in its sole discretion pay my personal debts from the proceeds of such policies, but my Executor shall, in its sole discretion, determine which, if any, of my debts shall be so paid.

SIXTH

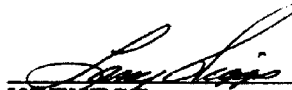
Except where otherwise specifically stated, this Will is to be administered, construed and governed in all respects by the laws of the State of Tennessee.

IN WITNESS WHEREOF, I have hereunto subscribed my name to this the fifth (5th) page of my Last Will and Testament, consisting of six (6) typewritten pages, and for the purpose of identification, I have initialed each such page, all in the presence of the persons witnessing it at my request on this the 10TH day of JULY, 1989, at Nashville, Tennessee.



WILLIAM H. MCMATH, SR.



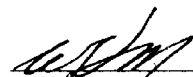
SIGNED, PUBLISHED AND DECLARED by the above-named Testator,
WILLIAM H. McMATH, SR., as and for his Last Will and Testament,
in the presence of us, who at his request, in his presence, and
in the presence of each other, all being present at the same
time, have hereunto subscribed our names as witnesses and do
hereby certify that we believe the Testator to be of sound and
disposing mind and memory.


WITNESS

Address 709 E. FOX DEN
KNOXVILLE, TN 37922


WITNESS

Address 728 GREYMONT DR
NASHVILLE, TN 37217



AFFIDAVIT BY WITNESSES TO WILL

LARRY WIGGS
WITNESS

and WILLIAM H. DEDR
WITNESS

after first being duly sworn or affirming, make oath or affirm that the foregoing Last Will and Testament was signed by WILLIAM H. McMATH, SR. as and for, and at that time acknowledged, published and declared by him to be his Last Will and Testament, in the sight and 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 attesting witnesses on the 10 day of July, 1989; and we further make oath or affirm that the Testator was of sound mind and disposing memory, and not acting under the fraud, menace or undue influence of any person, and was more than eighteen (18) years of age; and that each of the attesting witnesses is more than eighteen (18) years of age.

Wm H. DEDR
WITNESS

Larry Wiggs
WITNESS

Sworn to and subscribed to before me, Lynn Elliott,
this 10th day of July, 1989.

Lynn Elliott
Notary Public

My Commission Expires: 01/12/93

FILED

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
PROBATE DIVISION

1999 SEP 10 AM 9:50

IN RE:

ESTATE OF WILLIAM H. MCMATH, SR.

Deceased.

RICHARD R. ROOKER, CLERK

No. 98P-1492 D.C.

COPY

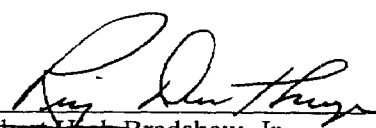
ORDER TO CLOSE WITHOUT DETAILED ACCOUNTING

IT APPEARING to this Court that the Executor of this estate was granted Letters Testamentary by this Court for the administration of this estate, and it is the finding of this Court as follows:

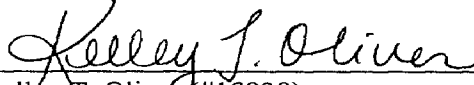
1. This estate is declared to be solvent;
2. All claims filed against this estate have been either paid or adjudicated;
3. The affidavit submitted pursuant to Tennessee Code Annotated Section 67-8-409(g) has been properly filed with the Clerk;
4. If applicable, all receipts for specific bequests under the Will have been properly filed with the Clerk;
5. A Personal Representative Statement has been filed with the Clerk detailing the completed and proper performance of their duties pertaining to the administration of this estate, as required by statute;
6. Distributee Statements have been filed by each distributee confirming their satisfaction regarding the performance of the personal representative, waiving their right to a detailed accounting of the estate and their acknowledgment that they have received their proper distribution from the personal representative and release the personal representative from any further liability in connection with this estate, as well as the surety, if any;
7. The Probate Code of the State of Tennessee has been complied with;
8. All administrative costs involved in this estate have been paid in full;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, that it is the opinion of this Court that this estate should be declared closed.

ENTER, this 10th day of September 1999.


Robert High Bradshaw, Jr.
Probate Master, *Special*

APPROVED FOR ENTRY:


Kelley T. Oliver (#18920)
Baker, Donelson, Bearman & Caldwell
Suite 1700, 511 Union Street
Nashville, Tennessee 37219
(615) 726-5621

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
PROBATE DIVISION

FILED
1999 SEP 10 AM 9:48
RICHARD R. ROOKER, CLERK

IN RE:

ESTATE OF WILLIAM H. MCMATH, SR.
Deceased.

No. 98P-1492

D.C.

COPY

PERSONAL REPRESENTATIVE STATEMENT

I, **Katie Sue McMath**, personal representative of this estate, pursuant to Tennessee Code Annotated 30-2-601, do hereby state to the Court that this estate is solvent, that notice of the requirement to file claims has been either mailed or delivered to the creditors of the decedent who were either known or reasonably ascertainable, that the estate has been properly administered, that all claims which were lawfully presented have been paid or settled, that all expense of administration have been paid, that the receipt and release from the Tennessee Department of Revenue has been filed with the Clerk, that the estate has been properly distributed according to the Will of the decedent or the laws of intestate succession, that, if applicable, receipts for any specific bequests have been filed with the Clerk, and that all distributees of the residuary estate acknowledge that the estate has been properly distributed to them as evidenced by the filing of their statement with the Clerk.

This 7th day of September, 1999.

Katie Sue McMath
Katie Sue McMath

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
PROBATE DIVISION

FILED

1999 SEP 10 AM 9:48
RICHARD R. ROOKER, CLERK

D.C.

IN RE:

ESTATE OF WILLIAM H. MCMATH, SR.

Deceased.

No. 98P-1492

COPY

DISTRIBUTE STATEMENT

I, **Katie Sue McMath**, a residuary distributee of this estate, pursuant to Tennessee Code Annotated 30-2-601, do hereby acknowledge and state to this Court that I am a distributee of this estate pursuant to the duly probated Will of the decedent, and that I waive any and all requirements that the personal representative make any accounting to the Court. I further acknowledge and state that the estate has been properly distributed and I acknowledge final receipt of any and all interest I may have in this estate and do hereby fully release the personal representative from any and all liability in connection with this estate this 7th day of September, 1999.

Katie Sue McMath
Katie Sue McMath