

Analysis

On October 10, 2021, the estate of the late Francis Faye Mashburn was admitted to probate court in Davidson County. Several years before her death, Ms. Mashburn executed a handwritten, notarized will (“the Will.”) According to the Will, proceeds from the sale of Ms. Mashburn’s real property were to be distributed by Mark Green, a named beneficiary, to “useful animal shelters, a bit to Nashville General Hospital,” and other named family and friends. The Will also provided that “everything else should be sold [and] go to the animals.” No instructions were given about the amounts to distribute to “useful animal shelters” how the shelters should be identified, or the animals to which Ms. Mashburn referred.

On September 21, 2022, Magnolia Mashburn, the deceased’s niece and the executrix of the estate, filed a Motion to Interpret the Will. The Department of Law filed a motion to intervene seeking to have Metro Animal Care and Control (“MACC”) recognized as a potential beneficiary of the Will. MACC was not specifically named in the Will, but the animal shelter was the largest and only open admission shelter in Davidson County. Ms. Mashburn also adopted a dog from MACC during her lifetime. The probate court granted the Metropolitan Government’s motion to intervene.

All parties with an interest in the estate attended a mediation in March 2024. Ms. Mashburn’s real property was sold, and assets of the estate totaled \$497,000. After the payment of specific bequests and fees and expenses, about \$313,000 in estate assets remained. Ms. Mashburn’s nieces and Nashville General Hospital also asserted claims to the estate. Mark Green identified five animal shelters that he believed fulfilled Ms. Mashburn’s intent and agreed to add MACC as a sixth animal shelter to receive assets from the estate. The parties agreed for Nashville General Hospital to receive \$25,000, Ms. Mashburn’s nieces to receive \$40,000 each, and for each animal shelter chosen by Mark Green to receive about \$35,000 each.

The Department of Law recommends settlement of MACC’s claim and accept \$35,000 to be paid into the Animal Control Donations Fund.

Fiscal Note: Metro Animal Care and Control (MACC) would receive \$35,000 as settlement claim against the Estate Francis Faye Mashburn to be paid into the Animal Control Donations Fund.