File #: RS2024-505, **Version:** 1

A resolution authorizing the Metropolitan Department of Law to compromise and settle the Metropolitan Government of Nashville and Davidson County's claim against the Estate of Francis Faye Mashburn in the amount of $35,000.00, and that said amount be paid into the Animal Control Donations Fund.

WHEREAS, on September 21, 2022, a petition was filed in Davidson County Circuit Court to construe the handwritten will of Francis Faye Mashburn, which designated her friend, Mark Green, to identify and distribute a portion of the assets of her estate to "useful animal shelters." The Metropolitan Government was granted permission to intervene on behalf of Metro Animal Care and Control ("MACC") and assert a claim on MACC's behalf to the assets of the estate. Parties with an interest in the estate attended a mediation and agreed to distribute $35,000 each to six different animal shelters designated by Mr. Green, one of which is MACC.

WHEREAS, after investigation, the Metropolitan Department of Law believes that the settlement listed in Section 1 is fair and reasonable and in the best interests of the Metropolitan Government, and recommends that any and all claims or causes of action that the Metropolitan Government brought or could have brought related to the events detailed above be compromised and settled for $35,000.00, and that this amount be deposited into the Animal Control Donations Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1: The Metropolitan Department of Law is authorized to compromise and settle the Metropolitan Government's claim against the Estate of Francis Faye Mashburn for the sum of $35,000.00, with said amount to be paid into the Animal Control Donations Fund.

Section 2: This resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

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.

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