

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

FILED

2010 FEB 25 PM 3:34

IN THE MATTER OF:)
ESTATE OF STEVEN L. McNAIR,)
Deceased.)

RICHARD R. ROOKER, CLERK
No. 09P1084
McNair D.C.

MOTION TO ENCROACH

Comes now Jonula Mechelle McNair, as Administratrix for the Estate of Steven L. McNair (hereinafter "Estate"), by and through counsel, pursuant to the Agreed Order entered by this Court on November 25, 2009, and moves this Court to permit an encroachment upon the funds held by SEI Private Trust Company.

The Estate has continuing and necessary expenses which have depleted the Estate's available cash reserves held with Regions Bank. The Freeze Agreement between the Estate and SEI Private Trust Company permitted monthly encroachments of Ten Thousand Dollars (\$10,000) without prior approval of this Court. Such provision was designed to permit the Estate to cover ordinary and necessary ongoing expenses without the expense of Court approval. The Estate, in an effort to maximize the benefits for the ultimate beneficiaries of the Estate, elected to forego such monthly encroachments for all available months except January and February of 2010. Therefore the Estate has a present need to encroach upon the funds held under a freeze agreement with SEI Private Trust Company. The Estate is actively working to reduce and/or eliminate many of the ongoing expenses associated with the business assets held within the estate, namely McNair Farms, Inc., Air McNair, Inc. and Gridiron 9, LLC. Until such assets can be

liquidated the Estate will continue to have necessary maintenance expenses as part of the administration of the Estate.

The Estate is requesting that the Court permit a withdrawal from SEI Trust Company into the Estate Checking Account maintained with Regions Bank in the amount of One Hundred Twenty Thousand Dollars (\$120,000). This amount will replenish the Estate checking account to the balance used to set bond for the Administratrix in the Order Establishing Bond of this Court on September 25, 2009.

WHEREFORE, PREMISES CONSIDERED, the Administratrix requests that the Court approve an encroachment in the amount of One Hundred Twenty Thousand Dollars (\$120,000) from SEI Private Trust Company.

Respectfully submitted,

Adams and Reese, LLP



David J. Callahan, III (#026224)
Attorney for Administratrix
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Nashville, TN 37219
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**THIS MOTION IS EXPECTED TO BE HEARD IN THE SEVENTH CIRCUIT
COURT ON THE 12th DAY OF MARCH, 2010, AT 10:00.**

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been forwarded via United States mail, first class postage prepaid to:

Rose T. Palermo, Esq.
Cheatham, Palermo & Garrett
43 Music Square West
PO Box 121857
Nashville, TN 37212-1857

John Hicks, Esq.
Carolyn Schott, Esq.
Baker, Donelson, Bearman,
Caldwell & Berkowitz
Suite 1000, 211 Commerce Street
Nashville, TN 37201

On this 25th day of February, 2010.



David J. Callahan, III