BOOK 3879 PAGE 762

Mail Tax Statement to 2701 Elm Hill Pike
N. Nashville, Tennessee

MAP 108
PAR 36

3D 30690

FOR AND IN CONSIDERATION of the sum of $1.00, cash in hand paid to me by my two sons, HUBERT MASSEY and MELVIN M. MASSEY, and for the further consideration of love and affection I have for them, and also for the further considerations hereinafter expressed, but reserving unto myself a life estate in and to the hereinafter described real property, reserving unto myself the life use thereof, I, JAMES EARLY MASSEY, unmarried, do hereby bargain and sell and by these presents do transfer and convey to my said son, HUBERT MASSEY and his wife, NELLIE MASSEY, and MELVIN M. MASSEY and his wife, GRETTA MASSEY, their heirs and assigns, the following tract or parcel of land located, lying and being in Davidson County, Tennessee, described as follows, to-wit:

> A tract of land in the 3rd formerly 2d Civil District of Davidson County, Tennessee, being Lot No. 6 on the Map of S. T. Johnson's Lots described according to a survey made by John Wilkes, Civil Engineer, November 16, 1937, as follows:
>
> Beginning at a point in the center of Elm Hill Pike 1318 feet East of the intersection of said Elm Hill Pike and a County road thence South 20° West 723 feet to a point in the Southerly margin of said S. T. Johnson Tract being the Southwest corner of Lot No. 6; thence South 85° 25' East 389 feet to a stone, being the Southeast corner of Lot No. 6; thence North 20° East 554 feet to the center of Elm Hill Pike, thence with the same North 60° West 339 feet to the point of beginning containing 5.22 acres.

Being the same property conveyed to James Early Massey by deed from Harry McEwen, Trustee, of record in Book 2442, Page 141, Register's Office of Davidson County, Tennessee. Thereafter there was conveyed an interest by the entirety in said property by deed from James Early Massey to Anna Gardner Massey, of record in Book 2909, page 451, Register's Office for said County. Said Anna Gardner Massey has since died.

I heretofore conveyed this property to Ethel Pemberton, by deed of record in Book 3618, Page 563, Register's Office of Davidson County, Tennessee, but thereafter I instituted an action in the Chancery Court of Davidson County, Tennessee, for the purpose of having said deed set aside and declared void, and on December 4, 1964, the Court of Appeals of Tennessee in the cause of James Early Massey v Ethel Pem-

berton, declared the said deed to be void and entered a decree setting the same aside, a certified copy of which said decree of the Court of Appeals has been recorded in the office of the Register for Davidson County, Tennessee, and is of record in Book 3879, Page 638, of said Register's Office, and therefore I have been declared by the decision of said Court to be the owner of said property, said cause in the Chancery Court bearing Rule No. 86057.

This said property is encumbered by a mortgage indebtedness now held by the Nashville Bank & Trust Company Office of the Third National Bank in Nashville, which is secured by deed of trust to Albert H. Thomas, Trustee, of record in Book 2427, Page 37, Register's Office of Davidson County, Tennessee, and in accepting this deed my said sons, HUBERT MASSEY and MELVIN M. MASSEY, and their said wives, do hereby agree to assume and discharge the said obligation. They also have agreed to pay the Court costs of the said litigation in the Chancery Court and in the Court of Appeals, heretofore mentioned, and to pay all costs and expenses and attorney's fees for my attorney in connection with the said litigation, and this conveyance is made to my said sons and their said wives in further consideration of their assumption and agreement to pay said mortgage indebtedness, and to pay the Court costs of said litigation and to pay the said attorney's fee for my attorney, Richard Marshall, and also to pay any outstanding taxes on said property and also the expense of making this conveyance, all of which are hereby assumed by my said sons and their said wives, and also that this conveyance is subject to my life estate for and during my natural lifetime in said property.

TO HAVE AND TO HOLD the said property together with the appurtenances, estate, title and interest thereto belonging, to the said HUBERT MASSEY and wife, NELLIE MASSEY, and the said MELVIN M. MASSEY

and wife, GRETTA MASSEY, my said son HUBERT MASSEY and his said wife, NELLIE MASSEY, to hold, together, as tenants by the entirety, a one-half undivided interest in and to said property and my said son, MELVIN M. MASSEY and his said wife, GRETTA MASSEY, to hold, together, as tenants by the entirety, the remaining one-half undivided interest in said property, their heirs and assigns forever.

And I do hereby covenant that I am lawfully seized and possessed of said real property in fee simple, have a good right to convey the same and that the same is unencumbered except as heretofore mentioned.

I further covenant and bind myself, my heirs and representatives, to warrant and forever defend the title to said real estate to said HUBERT MASSEY and wife, NELLIE MASSEY and MELVIN M. MASSEY and wife, GRETTA MASSEY, their heirs and assigns, against the lawful claims of all persons.

IN WITNESS WHEREOF, I have hereunto set my hand at Nashville, Davidson County, Tennessee, this 9th day of April, 1965.

James Early Massey
JAMES EARLY MASSEY

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, Jessie W Hargis, a Notary Public in and for said County and State, the within named James Early Massey, the bargainor, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this 9th day of April, 1965.

Jessie W Hargis
Notary Public at Large, State of Tenn.
My Commission Expires: Feb. 6-1968

DOCUMENTARY 55 CENTS 55

DO NOT PUBLISH

James Early Massey

To

Hubert Massey, et ux et al

7-6375

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY
STATE OF TENN

APR 13 1 27 PM '65

NOTES BOOK 111 PAGE 380
RECORDING FEE $ 2.00
DEP. REG. ✓

2.50

P. Marshall Allen Attorney

STATE TAX $ 1.50
PROBATE $ .50
TOTAL $ 2.00

APR 13 1965

R. E. WORRALL
COUNTY COURT CLERK
DAVIDSON COUNTY, TENN.
PAID APR 13 1965