THE UNIVERSITY OF TENNESSEE

vs. No. A-734

ALLEN MANUFACTURING COMPANY, INC.

IN THE CIRCUIT COURT OF

DAVIDSON COUNTY, TENNESSEE

MAP 93-5
PAR. 132, 133, 134, 135, 136, 137, 138, 139, 140

ORDER

Came the parties by their attorneys on this 16th day of December, 1966, before the Honorable Sam L. Felts, Jr., Judge of the Fifth Circuit Court of Davidson County, Tennessee, upon the petition of the petitioner, The University of Tennessee, the answer thereto of the defendant, Allen Manufacturing Company, Inc., the report of the jury of view, the motion of The University of Tennessee to confirm the report of the jury of view, and upon the entire record, from all of which it appears to the Court that the jury of view regularly and duly appointed, has proceeded to examine the ground described in the record, heard testimony and set apart by metes and bounds land for the purposes intended and assessed the damages occasioned to the owner thereby, from which finding of the jury as to damages the defendant has appealed and has given security for costs to have a trial anew before a jury in the regular way, upon which trial the sole question shall be the damages to which the defendant shall be entitled.

IT IS, THEREFORE, ORDERED, CONSIDERED AND ADJUDGED by the Court that:

1. The report of the jury of view be, and the same is hereby sustained in all things excepting only as to the amount of the damages awarded for the value of the land taken.

2. The condemnation of the property hereinafter described by and for The University of Tennessee in fee simple is hereby confirmed and, under the report of the jury of view filed in this cause on October 18, 1966, and by this order title to the property is hereby vested in fee simple in The University of Tennessee for the purposes for which The University of Tennessee was created as a

corporation by the State of Tennessee, the following described tracts or parcels of real estate:

Land in Davidson County, Tennessee, being Lots 11 to 30, inclusive, of Frank McGavock's Plan of Lots in Free Territory, as of record in Book 57, page 8, Register's Office for said County; and part of Lot 12 on the 2nd Plan of Davidson Academy, called Out Lots, not of record, and part of Olive Street, formerly Pope Street, closed; and a 10 foot alley as shown on the plan of record in Book 57, page 8, and also shown on the Plan of the Thompson Property, as of record in Book 161, page 63, and also shown on the Plan of Andrew Hamilton and N. E. Alloway's Property, as of record in Book 42, page 775, Register's Office, and being Parcel "0" on the Plan of the Resubdivision of Parcel "0" of Capitol Hill Redevelopment Project, as of record in Book 3500, page 19, Register's Office for said County, described according to a survey made by Barge, Waggoner and Sumner, Engineers, dated Nov. 23, 1966, as follows:

BEGINNING at an iron pin in the east margin of 10th Avenue North, 30 feet south of the south margin of Charlotte Avenue, said point also being the southwest corner of a parcel of land owned by the Louisville & Nashville Terminal Company; thence north 62° 15' east 130 feet with the south line of said Terminal Company parcel to an iron pin; thence north 27° 19' west 20.83 feet with the east line of said Terminal Company parcel to the south margin of Charlotte Avenue; thence north 62° 15' east 129.60 feet with said south margin of Charlotte Avenue to a point which is the northwest corner of property owned by Otis Elevator Company; thence south 27° 18' 18" east 112.30 feet with the west line of said Otis property to a point; thence north 62° 5' east 84.27 feet with the south line of said Otis property to a point in the west margin of McLemore Street; thence south 27° 18' east 390.90 feet with said west margin of McLemore Street to a point in the north margin of Union Street; thence south 62° 03' west 345.00 feet with said north margin of Union Street to the east margin of 10th Avenue North; thence north 27° 10' west 483.33 feet with said east margin of 10th Avenue North to the point of beginning, containing 161,263 square feet or 3.70 Acres.

Being property conveyed to Allen Manufacturing Company, Inc., formerly Cargile-Hoffman Branham Company, Inc., as of record in Book 1291, page 660, by deed from Cargile-Hoffman Branham Company, and by deed from Allen Manufacturing Co., a partnership, as of record in Book 1357, page 125, and by deed from The Nashville Housing Authority, as of record in Book 3940, page 209, said Register's Office.

3. Upon payment to the defendant of the sum of Six Hundred Eighty Thousand Dollars ($680,000), or upon payment into the hands of the Clerk of the Circuit Court of Davidson County, Tennessee, of the sum of Six Hundred Eighty Thousand Dollars ($680,000), or upon the execution of bond with good security, approved by the Clerk of

the Circuit Court, in double the amount of such assessment by the jury of view, payable to the defendant and conditioned to abide by and perform the final judgment in the premises, the petitioner may enter upon the premises condemned for the purpose of making surveys or measurements and general inspection purposes, and after the 1st day of February, 1967, may take possession of the property hereinabove described, together with any improvements thereon, after which date if the petitioner shall have complied with the terms and provisions of this order but the defendant shall not have surrendered possession, the petitioner may, upon application to the Court, have a writ of possession.

4. Upon the deposit by the petitioner with the Circuit Court Clerk of the sum equal to the amount awarded by the jury of view, the defendant, if it so desires, may make written request to the Clerk to pay to it, without prejudice to the rights of either party, the sum so deposited, and the Clerk shall pay said sum to the defendant, provided defendant agrees to refund the difference between said sum and the final award in the case, if the final award be less than the sum so paid to it, or that a judgment may be entered against it in said case for the difference.

5. This cause will be set for trial upon the regular jury docket for a trial anew before a jury in the usual way for the purpose of assessment of damages.

All other matters are reserved until the trial of the cause by a jury for the assessment of damages as hereinabove directed.

Sam L. Felts Jr.
Circuit Judge

APPROVED FOR ENTRY:

Attorney for The University of Tennessee

Attorney for Allen Manufacturing Company, Inc.

Minute Book 12, Page 37 December 16, 1966

STATE OF TENNESSEE

I, ALF RUTHERFORD, Clerk of the Circuit Court for the County of Davidson, in the State aforesaid, do certify that the foregoing is a correct transcript of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between The University of Tennessee *Plaintiff, and* Allen Manufacturing Company, Inc. *Defendant, as same remain of record in said Court.*

IN TESTIMONY WHEREOF, *I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the* 19th *day of* December *in the year one thousand nine hundred and* Sixty-six *and in the* 191st *year of American Independence.*

ALF RUTHERFORD, Clerk.

By Lelia McMahon *, D. C.*

55369

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY
STATE OF TENN.

DEC 27 12 26 PM '66
NOTED: BOOK 115 PAGE 523
RECORDING FEE $ 2.50
DEP. REG. m

G 190541

Certified Copy of Order

THE UNIVERSITY OF TENN.
VS.
ALLEN MANUFACTURING CO., INC.

REGISTERS OFFICE
PLEASE PUT IN TENN. TITLE CO. BOX

NO STATE TAX DUE

DEC 27 1966

R. E. WORRALL
COUNTY COURT CLERK
DAVIDSON COUNTY, TENN.