DECREE OF MARCH 25, 1969--MIN. BOOK 80, pAGE 395

BOOK 4584 PAGE 548

IN THE CHANCERY COURT OF DAVIDSON COUNTY,

TENNESSEE

ATA

Disp. 3-2-6 Pub. 19

HATTIE E. BIRSE, et al)
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)
)
vs.) NO. 90248 ~~91618~~
)
)
)
MAMIE LEE BIRSE, et al)
)
MAR 17 '69 MISC) A* 8.00 * 8.00

D E C R E E

This cause came on to be heard on the 3rd day of February, 1969, before the Honorable Alfred T. Adams, Chancellor, upon the original bill, the answer of the guardian ad litem of the defendant Cynthian Birse, the order pro confesso heretofore taken and entered against the defendants Mamie Lee Birse and William Birse, the proof and statement of counsel. At the close of the proof in this cause, the court directed counsel to submit briefs and took the cause under advisement. After having had the cause under advisement, the court now finds as follows:

William Birse died testate in Davidson County, Tennessee, on the 28 day of May, 1964, seized and possessed of the following described real estate:

> Land in Davidson County, Tennessee and being lot No. 24 on the map of George I. Waddey's subdivision of Blocks 16 and 26 of midway, as of record in Book 421, page 55, Registers Office for said County.
>
> Said lots fronts 50 feet on the east side of 31st Avenue North and runs back between parallel lines along the south margin of an alley, 150 feet to another alley in the rear.

The will of William Birse was probated October 8, 1964, in the Probate Court of Davidson County, Tennessee and is

recorded in Minute Book 185, page 426 of said Court. The will provides in part as follows:

> **"Item 2.** That both my real and personal belongings, of whatsoever kind and nature, and wheresoever the same may be situated, of which I shall be seized or possessed, or to which I may in any way be entitled at the time of my death, I give, devise and bequeath to my wife, Hattie E. Birse.
>
> **"Item 3.** I now nominate and appoint as Administrator of this instrument, my Last Will and Testament, my wife, Hattie E. Birse, of the City of Nashville, State of Tennessee to act without bond or security.
>
> **"Item 4.** After the decease of both, the property and belongings are to be sold, debts to be paid in ninety (90) days and the remainder money divided equally between the following persons: MRS. MAMIE LEE BIRSE (Daughter), MR. WILLIAM BIRSE, (Grandson), CYNTHIAN BIRSE (Great Granddaughter), MISS ANNIE LAURA DEMENT (Sister), MR. CLARENCE D. LASTER (Nephew). In the event that any one of the above named persons should predecease the others, the remainder money be divided equally between the named persons who remain."

The Court further finds, by applying the proper rules of construction, that it was the intention of the testator, William Birse to devise and bequeath all of his "property and belongings" to the complainant, Hattie E. Birse. The effect of the provisions of said will is to create a fee simple estate in said land in the complainant, Hattie E. Birse.

It is, therefore, ordered, adjudged and decreed by the Court that the complainant be, and she is hereby, declared to be the fee simple absolute owner of the land heretofore described in this decree.

It is further ordered that Leon Ruben be allowed a fee in the sum of $ 100.00, which shall be taxed as part of the costs in this cause. The costs of the cause are assessed against the complainant, Hattie E. Birse.

Enter this ____ day of March, 1969.

CHANCELLOR

APPROVED FOR ENTRY:

SOLICITOR FOR THE COMPLAINANTS

GUARDIAN AD LITEM

CERTIFICATE OF THE CLERK AND MASTER

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

I, RAYMOND L. BARRETT, Clerk and Master of the Chancery Court of Davidson County, Tennessee, do hereby certify that the foregoing is a full, true and correct copy of the decree entered the 25th day of March, 1969, in Minute Book 80, Page 395, in the cause wherein HATTIE E. BIRSE, ET AL, are the Complainants, and MAMIE LEE BIRSE, ET AL, are the Defendants, Rule Number 90248, as the same appears of record and now on file in my office.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the official seal of said Court at my office in the Courthouse at Nashville, Tennessee, this the 8th day of March, 1971, and 195th year of American Independence.

RAYMOND L. BARRETT, CLERK & MASTER

BY Doris Lynn Willi
Deputy Clerk and Master

TO WHOM IT MAY CONCERN
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REGISTER
DAVIDSON COUNTY, TENN.
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