Decree Entered August 10, 1973--M.B. 87, Page 746

IN THE CHANCERY COURT, PART II, FOR DAVIDSON COUNTY, TENNESSEE

AT NASHVILLE BOOK 4745 PAGE 247

81-16
550 pw

ROGER MCCANDLESS, SR., ROGER MCCANDLESS, JR., AND LORETTA Y. MCCANDLESS

COMPLAINANTS

VS.

CIVIL ACTION NO. A-2552

UNKNOWN HEIRS OF SAMUEL DISMUKES, DECEASED

DEFENDANTS

SEP 11 MISC ..... A* 10.00 * 10.00

D E C R E E

This cause came on to be finally heard on the 7th day of August, 1973 before the Honorable Frank Drowota, Chancellor, Part II, for Davidson County, Tennessee, at Nashville, upon the original complaint, answer of the Guardian ad Litem, testimony of the parties and witnesses in open Court, statement of counsel and Guardian ad Litem, from all of which the Court finds that Samuel Dismukes and Della Dismukes took title to a certain tract of land hereinafter described located in Davidson County, Tennessee, on April 1, 1916, by deed from the Bransford Realty Company of record in Book 499, page 250, Register's Office for Davidson County, Tennessee. The Court further finds that the names appearing in the deed of Samuel Bismukes and wife Della Bismukes are one and the same persons as Samuel Dismukes and wife Della Dismukes. The Court further finds that the said Samuel Dismukes died intestate more than forty (40) years ago without issue based upon an affidavit marked Exhibit "1" of Meredith G. Ferguson and the testimony of Reverend Samuel White, a witness, the deceased being survived only by his wife, Della Dismukes. The Court further finds from all of the testimony that there are no

unknown heirs of the said deceased, Samuel Dismukes, and were none on the date of his death and that under the provisions of Tennessee Code Annotated, Section 31-103, the surviving wife, Della Dismukes, inherited the title to the subject real estate in fee simple.

It was further made to appear to the Court that the said Della Dismukes died on September 9, 1971, leaving a will which was duly filed for probate and recorded in Will Book 101, page 681, Office of the County Court Clerk for Davidson County, Tennessee, and by the provisions of said will, title was devised to one Della Ann McCandless of Nashville, Davidson County, Tennessee. It was further made to appear to the Court that the said Della Ann McCandless was validly married during her lifetime to the complainant, Roger McCandless, Sr. and that two children were born of the marriage, those being the complainants, Roger McCandless, Jr. and Loretta Y. McCandless. The said Della Ann McCandless died intestate on January 15, 1972, survived by her husband, Roger McCandless, Sr. and her two children, Roger McCandless, Jr. and Loretta Y. McCandless.

The Court further finds that the title to said real estate now vests in Roger McCandless, Jr. and Loretta Y. McCandless in fee simple subject to the life estate in the surviving husband, Roger McCandless, Sr.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Samuel Dismukes and wife, Della Dismukes being one and the same persons as Samuel Bismukes and wife, Della Bismukes owned certain land in Davidson County, Tennessee, being described as follows:

> Being parts of Lots No. 10, 11, 12 and 13 on the Plan of Rowan Place, which Plan is registered in Book 161, Page 79, of the Register's Office for Davidson County, Tennessee.

Beginning in the north line of Jackson Street 40 feet east of the easterly line from Rowan Place, running northerly on a line parallel with Rowan Place, 104 feet; thence, at right angles easterly 50 feet more or less, to the east line of Lot No. 10; thence, southwesterly with the east line of said Lots No. 10, 11, 12 and 13, 104 feet, more or less to Jackson Street; thence westwardly with Jackson Street; thence westwardly with Jackson Street 40 feet to the beginning.

Being a part of the same property conveyed to the Bransford Realty Company by deed from J. W. Hale, et ux, of record in Book 346, Page 355, of the Register's Office for Davidson County, Tennessee.

Said deed is of record in Book 449, Page 250, Register's Office for Davidson County, Tennessee. Samuel Dismukes died more than forty (40) years ago and that on the date of his death, there were no unknown heirs, and that the said Samuel Dismukes died without heirs. The said Samuel Dismukes was survived only by his wife, Della Dismukes, there being no children born of the marriage. The said Della Dismukes died September 9, 1971 and by will of record in Will Book 101, Page 681, Office of the County Court Clerk's Office for Davidson County, Tennessee title was devised to Della Ann McCandless of Nashville, Davidson County, Tennessee. Della Ann McCandless died on January 15, 1972, intestate, survived by her husband, Roger McCandless, Sr., and two children, Roger McCandless, Jr. and Loretta Y. McCandless. The title to said herein described property in Davidson County, Tennessee vests therefore in fee simple in Roger McCandless Jr. and Loretta Y. McCandless as tenants in common, subject to a life estate in their father, Roger McCandless, Sr.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Guardian ad Litem, the Honorable Stafford Hagewood, an attorney at the Nashville Bar, has performed valuable services in this cause in searching for unknown heirs of Samuel Dismukes and has spent many hours in talking to persons in the neighborhood who knew or might have known the said

Samuel Dismukes and tracing leads obtained therefrom. For said services, the said Stafford Hagewood is entitled to a fee in the sum of $_____, which sum shall be taxed as a part of the costs.

The costs of this cause are taxed against the complainants, for which let execution issue, if necessary.

Enter this _____ day of August, 1973.

_____
CHANCELLOR

APPROVED FOR ENTRY:

ORTALE, KELLEY, HERBERT & CRAWFORD

_____
DAVID B. HERBERT
Attorney For Complainants

_____
STAFFORD HAGEWOOD
Guardian ad Litem for the Unknown
Heirs of Samuel Dismukes

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 10th day of August, 1973, in Minute Book 87, Page 746, in the cause wherein ROGER MCCANDLESS, SR., ET AL, are the Plaintiffs, Vs. UNKNOWN HEIRS OF SAMUEL DISMUKES, DECEASED are the Defendants, Rule Number A-2552, 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 11th day of September, 1973, and 198th year of American Independence.

RAYMOND L. BARRETT, CLERK & MASTER

BY E. Covington Johnston
Deputy Clerk and Master

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IDENTIF. REFERENCE

SEP 11 3 21 PM '73

FELIX Z. WILSON II, REGISTER
DAVIDSON COUNTY, TENN.