Map 81-7-2/6
parcel 18.2-16 thru 20

BOOK 4941 PAGE 369

W.B. 236-137

IN THE PROBATE COURT OF DAVIDSON COUNTY, TENNESSEE

1975 APR -9 AM 9:54
R.E. NORRELL, COUNTY CLERK
DAVIDSON CO. PROBATE CT.

FILED

J. F. McCLELLAN, EXECUTOR,
of the ESTATE OF FANNIE
BROWN, DECEASED

VS. RULE NO. 60493

MRS. DAISY LEE WEST, ET AL

RECORDER'S MEMO
Legibility of Writing, Typing or Printing in This
Document Unsatisfactory When Received.

D E C R E E

This cause comes on to be heard before the Honorable Shelton Luton, Judge, upon the entire record and especially upon the report and supplemental report of the Probate Master, which report is is words and figures as follows:

(Here copy entire report and supplemental report)

And said report and supplemental report, being on file for more than five days, the time required by law, and unaccepted to, are in all things confirmed by the Court.

And it appearing to the Court that the personal assets of the estate of Fannie Brown, deceased, which the petitioner, J. F. McClellan, her Executor, has received amounted to the sum of $830.00, that the whole of said amount, will not pay the debts and charges against said estate. That the debts outstanding against said estate amounts to One Thousand Five Hundred and Ninety Seven and Seventy Five Cents ($1,597.75), and this does not include cost and fees.

And it further appearing to the Court that the said Fannie Brown, died seized and possessed of real estate fully described in the original bill, and said report, which is subject and liable to the payment of said debts, cost and charges of this proceeding.

It further appearing that Charles E. Binkley, through Mid-State and J. F. McClellan Realty Company, has offered Five Thousands Dollars ($5,000.00), for said real estate, which offer is fair.

Burger + Tarkington
mail // Charles E. Binkley
1711 9th Ave. N.

BOOK 4941 PAGE 370

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, by the Court, that the offer by Charles E. Binkley for said real estate herein involved be ratified, approved and confirmed upon the said Charles E. Binkley, paying into the Clerk of this Court the sum of Five Thousand Dollars ($5,000.00), and that all rights, titles, interest and estate of Daisy Lee West, Robert Rouse, Edward Rouse, and Luther T. Perry, in said real Estate be divested out of them and vested in Charles E. Binkley, pursuant to the terms of said offer, and that he be given a copy of this decree or a deed, which ever he prefers, for registration as a muniment of title.

It is further ordered and J. F. McClellan, Executor, is hereby directed to pay the funds he has on hand into the Clerks office, after which he will file his report with the Clerk of this Court.

All other matters in this cause will be retained in Court, for further orders of the Court.

JUDGE

APPROVED FOR ENTRY:

J. F. McCLELLAN, EXECUTOR & PETITIONER

STATE OF TENNESSEE
COUNTY OF DAVIDSON
THE ACTUAL CONSIDERATION OR TRUE VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS $ 5000.00

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 13th DAY OF August 19 72

Deputy Register

IDENTIF. REFERENCE

AUG 13 1 16 PM '72

FELIX Z. WILSON II REGISTER DAVIDSON COUNTY, TENN.

D 11023

AUG 13 75	CONV	*5,000.00			
AUG 13 75 S TAX			A*	13.00	
AUG 13 75 PR FEE			A*	.50	
AUG 13 75	W DEED		A*	14.00	* 27.50

IN THE PROBATE COURT OF DAVIDSON COUNTY, TENNESSEE

J. F. McClellan, Executor of the Estate
of FANNIE BROWN, DECEASED
VS
Mrs. Daisy Lee West, et al

FILE NUMBER 60493

TO THE HONORABLE SHELTON LUTON, JUDGE:

REPORT OF PROBATE MASTER

Pursuant to an Order of Reference of record in Minute Book 233, Page 405, in relation to the necessity of selling the land of Plaintiff's testate to pay debts, the Master respectfully reports, as follows:

I

The personal assets of the estate of Fannie Brown, deceased, which came, or ought by due diligence to have come, to the hands of the Executor, are as follows:

1. Cash found in house	$400.00
2. Sale of furniture	255.00
3. Net rent from house	175.00
(P. 1 , Pet. for sale; Aff. of McClellan)	
Total personal assets	830.00

II

The Executor has paid the following bona fide debts and charges against said estate, all of which debts and charges have been verified by checks, receipts and vouchers as required by law:

1. R. E. Worrall, Clerk . . qualification	$24.00
2. Tenn. Inheritance Tax	126.71
3. Nashville Electric Service	19.31
4. Dept. of Water & Sewerage	18.41
5. South Central Bell	16.32
6. Tenn. Dept Public Health	2.00
7. Hall & Benedict Fire Ins.	51.00
(Aff. of McClellan)	
Total bona fide debts & charges	$257.75

III

While the personal assets of said estate have not been duly exhausted in the payment of the bona fide debts and charges above named, there are insufficient assets to pay the hereinafter stated debts and charges.

FILED March 20 1915
R. E. WORRALL, CLERK
By C. Parrish D. C.

The following bona fide debts and charges against said estate remain outstanding and unpaid:

1. Holmes Funeral Home . .	(claim for funeral bill)	$1,574.30
2. Nashville Record	(claim for legal notice)	7.50
3. South Central Bell	(claim filed)	4.01
4. Nashville Gas Co.	(claim filed)	11.94
(Claim Book 34, P. 31; Aff. of McClellan)		
5. Amount due the Executor for services rendered estate, not yet fixed		
Total outstanding liabilities, not including amount due Executor, not yet fixed		$1,597.75

V

(A) The only real estate of which Fannie Brown, deceased, died seized and possessed, is:

Being Lot No. 34 on the Plan of W. M. Butler's Subdivision of record in Book 57, Page 98, Register's Office for said County.
Said Lot No. 34 fronts 45 feet on the westerly side of 16th Avenue, North, formerly Butler Street, and runs back between parallel lines with the southerly margin of an alley 145.6 feet to an alley in the rear.
Being property devised to above, as devisees under the Will of Mrs. Fannie R. Brown, deceased, of record in Will Book 111, Page 386, said Register's Office.
(Aff. of J. F. McClellan, Ex. B, Pet. for Sale)

VI

It will be necessary to sell said realty to pay said outstanding debts and liabilities, the amounts due the Executor, and the costs of this proceeding.

VII

Said real property is encumbered with the following:

1975 Metro Taxes, Tax Books not ready
1974 Metro Taxes listed to Fannie R. Brown in the amount of $67.02 plus penalty & interest of $3.69 for a total of $70.71

VIII

As for the question, "Who are the devisees in Fannie Brown's will, and party owners of said land to be sold, the Master finds:

(A) By the terms of said testate's will, said property was devised, as follows:

1. Daisy Lee West . . . . . One Fourth (1/4) Int.
2. Robert Rouse . . . . . One Fourth (1/4) Int.
3. Edward Rouse . . . . . One Fourth (1/4) Int.
4. Luther T. Perry . . . . . One Fourth (1/4) Int.

(Will Book 111, Page 386: Ex "A", Pet. for Sale)

(B) All of said devisees are party owners. (Record)

IX

As for the question, "What interest does each party have in said land," the Master finds that the question was answered in part VIII, this report.

X

As for the question, "Whether the offer of $5,000.00 by Charles B. Binkley through Mid State and J. F. McClellan Realty Company is a fair and adequate price for said real estate they offered to buy," the Master finds:

(A) An offer has been submitted by Charles E. Binkley to purchase property located at 1827 16th Avenue, North, the realty sought to be sold, for $5,000.00 cash less a standard commission to Mid-State and McClellan Realty Company with taxes to be pro-rated for current year, 1975, and all back taxes to be paid by the party owners of the land. (offer of Chas. E. Binkley)

(B) Both appraisals, made by experienced real estate appraisers who had no interest in the outcome of the sale of said realty, valued said property from $4,850.00 to $4,950.00, amounts less than the offer. (Dep. of H. E. Dixon and Jos. G. Williams) Said offer would be recommended to the court if the Master would ascertain what the offeror meant in his offer when he made same subject to a "standard" commission. (Said offer) No proof was introduced as to what said offeror meant by stating a "commission of $ standard."

Respectfully Submitted,

F. Spiller Campbell Jr.
Probate Master

FILED
1975 MAR 31 P 11:32
R. E. [illegible] COUNTY CLERK

IN THE PROBATE COURT OF DAVIDSON COUNTY, TENNESSEE

J. F. McCLELLAN, Executor of the Estate
of FANNIE BROWN, Deceased
VS
MRS. DIASY LEE WEST, et al

File Number 60493 C. Carey

TO THE HONORABLE SHELTON LUTON, JUDGE

SUPPLEMENTAL REPORT OF PROBATE MASTER

Pursuant to an order of reference of record in Minute Book 233, Page 405, in relation to the necessity of selling the land of Complaintant's testate to pay debts, the Master respectfully reports, as follows:

I

(A) In Section X paragraph (B) of the report filed March 20, 1975, the Master reported as to what the offeror meant in his offer by a "standard" commission.

(B) By a letter submitted by Charles E. Binkley and filed on March 25, 1975, said offeror explained the condition of said offer to include a "standard" commission of six per cent to be paid to the agents.

(C) Said commission of six per cent is within reason and therefore the Master recommends acceptance of said offer to the Court.

II

The Clerk & Probate Master requests additional compensation for making this report and the previous report in the amount of $10.00 under the provisions of Sec. 8-2115, Subsec (A) VI (4). T. C. A.

Respectfully submitted,

T. Spiller Campbell
Probate Master

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STATE OF TENNESSEE, DAVIDSON COUNTY

I, ROBERT E. WORRALL, Clerk of the County Court of Davidson County, State aforesaid, do certify that the foregoing is a full, true and complete copy of Decree confirming Probate Master's report of sale in re; Estate of Fannie Brown, filed April 9, 1975 and recorded in Minute Book 236, Page 137 *which remains of record on file in said office.*

Given under my hand and official seal, at office, in Nashville, this 18th *day of* July *19* 75

DAVIDSON COUNTY COURT SEAL TENNESSEE

R E Worrall
Clerk of the County Court.

By Mary L Knight
Deputy Clerk.