17th June

12-17-75
170/2078

IN THE SIXTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

map 34-5
Par. 75
map 34-5
174

CLARENCE D. WITT, et al,	:	
Plaintiffs	:	
vs	:	NO. B-17044
HAROLD D. GREGORY and JOSEPH KOTT,	:	
Defendants	:	

O R D E R

This cause came on for hearing on the first day of December, 1975, and further, on the 12th day of December, 1975, before the Honorable James Swiggart, Judge of the Sixth Circuit Court of Davidson County, Tennessee, pursuant to the Court Order of October 28th, 1975, and the Defendants stated to the Court that they had obtained a contract for the sale of the subject property for a total purchase price of Twenty-Five Thousand Dollars ($25,000.00) of which Twenty-Five Hundred Dollars ($2,500.00) would be paid in agent's commission and that, after the deduction of said commission, a net amount of Twenty-Two Thousand Five Hundred Dollars ($22,500.00) would be paid over in cash to the Plaintiffs to be applied against the deficiency in this matter. The Plaintiffs thereupon stated through their counsel that they had a contract for the purchase of the subject property for a total purchase price of Twenty-Two Thousand Six Hundred Dollars ($22,600.00), and it appearing to the Court that the Plaintiff's contract would permit a larger sum to be applied against the deficiency, the Plaintiff's contract for the sale of the property for the total amount of Twenty-Two Thousand Six Hundred Dollars ($22,600.00) was and is approved. The full proceeds from said sale are to be applied against the deficiency on the note entered into between the parties on May 30, 1972. It is, therefore,

Burgess & Tax Bills
Steve Nichols
1126 Louisville Highway
Goodlettsville, Tenn.

ORDERED, ADJUDGED and DECREED that the sale of the subject property to Steve Nichols for the purchase price of Twenty-Two Thousand Six Hundred Dollars ($22,600.00) be and hereby is approved; and it is further

ORDERED, ADJUDGED and DECREED that title to the following described property is hereby divested out of the Defendants, Harold D. Gregory and Joseph Kott, and the Plaintiffs, Clarence D. Witt and wife, Eva P. Witt, and James H. Witt and wife, Ruth S. Witt, and vested in the said Steve Nichols by Order of this Court, to-wit:

All that tract or parcel of land lying and being in Davidson County, Tennessee; more particularly described as follows:

TRACT NO. 1: Being the Northerly 215 feet of Lot No. 22 on the Map of Alta Loma Subdivision and a part of a 30-foot reserved strip lying in the rear of the same, as shown on plan of record in Book 421, Page 44, Register's Office for said County.

Said part of said Lot and part of reserved strip fronts 215 feet on the Westerly side of Crestview Avenue and runs back between lines, as measured from the center line of Crestview Avenue, 593 feet on the Northerly line and 597-2/3 feet, more or less, on the Southerly line, to the Easterly line of the railroad right-of-way, measuring 215 feet thereon. Being the same real property conveyed to Clester Elwood Huffine and wife, Elma Huffine, by deed from Thomas H. Roberson and wife, of record in Book 2294, Page 321, said Register's Office;

TRACT NO. 2: Being the Southerly 85 feet of Lot No. 22 and part of a reserved strip lying South and West of Lot No. 22, as shown on the plan of Alta Loma Subdivision, as of record in Book 421 Page 44, Register's Office for said County.

Said part of said reserved strip and said Lot front 115 feet on the Westerly side of Crestview Avenue and run back between lines, as measured from the center line of said Avenue, 597-2/3 feet, more or less, on the Northerly line and 600 feet on the Southerly line to the Easterly line of the railroad right-of-way, measuring 115 feet thereon. Being the same real property conveyed to C. E. Huffine and wife, Elma Huffine, by deed from Johnnie George Hicks and wife, of record in Book 3920, Page 801, said Register's Office.

Being part of the property conveyed to James H. and Clarence D. Witt, as recorded in Book 4267, Page 732, R.O.D.C., Tennessee.

The Court further finds that after the application of the aforementioned Twenty-Two Thousand Six Hundred Dollars ($22,600.00) against the note due from the Defendants to the Plaintiffs, that the principal deficiency on said note is Twelve Thousand Four Hundred Dollars ($12,400.00), and that interest is owing on said note in the total amount of Four Thousand Six Hundred Thirty Four and 58/100 Dollars ($4,634.58). In addition, the Court has previously found that the attorneys for the Plaintiffs are entitled to an attorneys fee in the amount of Two Thousand Seven Hundred Fifty Dollars ($2,750.00) and that said amount should be incorporated into the final judgment herein. It is, therefore,

ORDERED, ADJUDGED and DECREED by the Court that the Plaintiffs have and recover a judgment against the Defendants, Harold Gregory and Joseph Kott, in the total amount of Nineteen Thousand Seven Hundred Eighty-Four and 58/100 Dollars ($19,784.58). The action is dismissed as to all other matters.

The costs of the cause are taxed to the Defendants, for which execution may issue if necessary.

ENTER this 17th day of Dec., 1975.

JAMES SWIGGART, JUDGE
SIXTH CIRCUIT COURT
DAVIDSON COUNTY, TENNESSEE

APPROVED FOR ENTRY:

Thomas C. Binkley

Hugh C. Howser, Jr.

Attorneys for the Plaintiffs

STATE OF TENNESSEE
COUNTY OF DAVIDSON
THE ACTUAL CONSIDERATION OR TRUE VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS
$ 22,600.58

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 19th DAY OF December, 1975.

Deputy Register

D 29100

BOOK 4981 PAGE 352

TAX REFERENCE

DEC 19 1 46 PM '75

REGISTER
DAVIDSON COUNTY, TENN.

INGRAHAM, YOUNG & CORBETT

By: s/ W. Lee Corbett
W. Lee Corbett

Attorneys for the Defendants

DEC 19 75	CONV	27,600.00			
DEC 19 75	S'TAX		B*	58.76	
DEC 19 75	PR'FEE		B*	.50	
DEC 19 75	W'DEED		B*	8.00	* 67.26

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has this day mailed a true and correct copy of the within and foregoing Order to Thomas C. Binkley, Esq., and Hugh C. Howser, Jr., Esq., at Third Floor, Court Square Building, 300 James Robertson Parkway, Nashville, Tennessee 37219, by depositing the same in the U. S. mail with adequate prepaid postage affixed thereon.

This 16th day of December, 1975.

s/ W. Lee Corbett
W. Lee Corbett

B-17044 17C/2078

STATE OF TENNESSEE

I, GEORGE L. ROOKER, Clerk of the Circuit Court for the County of Davidson, in the State aforesaid, do certify that the foregoing is a correct transcript true copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Clarence D. Witt, et al *Plaintiff, and* Harold D. Gregory and Josep Kott *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* Seventy-Five *and in the* 200 *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Barbara Eddings *D. C.*