MAP 88 PARCEL #7

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DECREE ENTERED DECEMBER 2, 1976--M.B. 100, PAGE 122

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE

LEO BILBREY, et al	)	
	)	
v.	)	
	)	
HELEN BILBREY SULLIVAN, et al	)	NO. A-2622
	)	
v.	)	
	)	
HORACE DEMOSS	)	

DECREE

This cause came on to be heard before the Honorable C. Allen High, Chancellor, on November 5, 1976 upon plaintiffs' and defendant Sullivan's motion to sell real property and on November 19, 1976 upon defendant DeMoss's motion to rehear.

After hearing and carefully considering the oral testimony of witnesses in open Court, exhibits, statements of counsel for the respective parties, statement of counsel on behalf of Austin Powder Company offering to purchase the hereinafter described property for Nine Thousand One Hundred ($9,100.00) Dollars subject to all other terms and conditions of its contract to purchase, argument, and careful consideration of the entire record in this cause, the Court finds that while another offer of purchase equalled the price offered by Austin Powder Company it is manifestly not in the best interest of the parties and would exacerbate hard feelings among the litigants and perpetuate this litigation indeterminably.

The Court further finds that the offer of purchase made by Austin Powder Company is substantially in excess of what could reasonably be expected through a judicial sale of the property and that Austin Powder Company's offer is a fair and just price for the land.

It is accordingly ORDERED and DECREED as follows:

1. That all right, title and interest in and to the hereinafter described real property is vested in Leo Bilbrey, Helen Bilbrey Sullivan (now

Helen Bilbrey Stubbs), Horace DeMoss (he having acquired the interest of Joe Bilbrey), and W. Keith Crawford, Trustee.

Land located in the Eighth Civil District of Davidson County, Tennessee, to-wit:

Located and being in the Eighth Civil District of State and County aforesaid, and being on the waters of East fork of Pond Creek and bounded as follows:

Beginning on an iron pin at the Junction of East fork of Pond Creek and Nashville hollow branches. Thence up said East fork as follows: South 32-1/4 degrees West 13 poles South 21-1/2 degrees West 12 poles South 12 degrees West 21 poles South 22-1/2 degrees West 22 poles to a stake in A. N. Greer's line thence leaving the branch South 84-3/4 degrees East 1 pole to a stake with Red Oak pointers and White Oak pointers; thence South 6-3/4 degrees West 24 poles to a Beech with Hickory and Red Oak pointers; thence South 84-3/4 degrees East 91-1/2 poles to a Stone with Red Oak pointer; thence North 3 degrees East 37 poles to a stone in A. N. Greer's line, said stone is South 54-1/2 degrees West 3-21/25 poles from a small Beech marked as a pointer; thence North 43 degrees 23-1/2 poles to a stake in Nashville Hollow Branch; thence down said branch as follows: North 84-1/2 degrees West 9-1/2 poles North 62-3/4 degrees West 15-2/5 poles North 25 degrees West 20 poles North 47 degrees West 16-8/25 poles to the beginning. Containing 31.5 acres, be the same more or less. Including and excluding a graveyard and right-of-way to same. The graveyard on the hill known as the Garland Family Graveyard is to be One Hundred (100) Feet long up and down the hill and Seventy-Five (75) Feet wide across the hill and the right-of-way is to be up the point as the road now runs. This graveyard and right-of-way is reserved for L.F. Garland and any of his relatives that want to use it as a burying ground.

Being the same property depicted as Parcel 7 on Map 88 on the 1976 Metropolitan Property Maps of the Assessor of Property of Davidson County, Tennessee, containing 34.16 acres, more or less, and being the same property deeded to Walter Bilbrey (who died testate) by Deed of record in Book 24, page 30, Register's Office of Davidson County, Tennessee.

2. For and in consideration of Nine Thousand One Hundred ($9,100.00) Dollars, all right, title and interest in and to the aforesaid property hereby is divested out of Leo Bilbrey, Helen Bilbrey Sullivan (now Helen Bilbrey Stubbs), Horace DeMoss, and W. Keith Crawford, Trustee, and is vested in Austin Powder Company as an indefeasible inheritance fee simple forever, and the parties' equity of redemption is barred.

3. Upon receiving from Austin Powder Company the amount of Nine Thousand Forty-Eight and Thirteen One Hundredths ($9,048.13) Dollars ($9,100.00 less $51.87 taxes as prorated) or, in the alternative, upon receiving written receipt from the attorneys for the respective parties that the amount of Nine Thousand Forty-Eight and Thirteen One Hundredths ($9,048.13) Dollars has been received by them from Austin Powder Company, the Clerk and Master will tender to Austin Powder Company or its representatives, a duly certified copy of this Decree as a muniment of title.

4. Upon the proceeds of the sale being paid to the attorneys of record for the parties, Stephen W. Ramp, J. Murray Milliken, and Richard Hedgepath, they shall deposit the proceeds into an interest-bearing account to be established at a bank of their choice.

5. From the proceeds of the sale, whether paid to the Clerk and Master or to the attorneys for the respective parties, there shall be paid all property taxes, penalties and interest for 1975 and all prior years to the appropriate agencies of the Metropolitan Government of Nashville and Davidson County, Tennessee, or other governmental entities. The balance of said proceeds shall be retained pending further orders of this Court.

6. The Court having fully considered this matter on several occasions, it is of the opinion that further hearings will serve no useful benefit and that this matter should be finally decided.

All other matters are reserved.

Enter this 2 day of ~~November~~ December, 1976.

CHANCELLOR

APPROVED FOR ENTRY:

Stephen W. Ramp, Attorney for Leo Bilbrey and W. Keith Crawford, Trustee

J. Murray Milliken, Attorney for Helen Bilbrey Sullivan Stubbs

CONSENTED TO ON BEHALF OF AUSTIN POWDER COMPANY

Thomas I. Carlton, Jr., Attorney for Austin Powder Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Decree has been mailed to Mr. Richard Hedgepath, attorney for Horace DeMoss at 802 51st Avenue, North, Nashville, Tennessee, this 26th day of November, 1976.

Stephen W. Ramp

I hereby certify that this is a true copy of original instrument filed in my office this 10 day of January 1977
RAYMOND L. BARRETT Clerk & Master
By Emily Lovell
Deputy Clerk

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 2nd day of December, 1976, in Minute Book 100, Page 122 in the cause wherein LEO BILBREY, ET AL are the Complainant s, and HELEN BILBREY SULLIVAN, ET AL are the Defendant s, Rule Number A-2622, 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 14th day of February, 1977, and 201st year of American Independence.

RAYMOND L. BARRETT, Clerk and Master

By: Patricia G. Bowie
Deputy Clerk and Master

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STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

The actual consideration or value, whichever is greater, for this transfer is Nine Thousand One Hundred Dollars ($9,100.00).

Thomas I. Carlton, Jr.
Attorney for Austin Powder Company

Sworn to and subscribed before me, this 11th day of March, 1977.

Martha W. Brandon
Notary Public

My Commission Expires:

July 29, 1979

NOTARY PUBLIC AT LARGE STATE OF TENNESSEE MARTHA W. BRANDON

SEND TAX BILLS TO: Austin Powder Company
3735 Green Road
Cleveland, Ohio 44122

FELIX P. ... REGISTER
DAVIDSON COUNTY, TENN.

MAR 11 3 18 PM '77

IDENTIF. REFERENCE

D 9 3 2 7 2

MAR 11 77	CONV	*9,100.00	B*	23.66	
MAR 11 77	S TAX		B*	.50	
MAR 11 77	PR FEE		B*	12.00	* 36.16
MAR 11 77	MISC				