File Bat 4 MAP 80-8 PAR 42

Decree entered April 5,1979--M.B. 109 Page 24

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

3792

BOOK 5415 PAGE 949

04/05 8.00- CASH

ROBERT SANFORD,
Plaintiff,

VS.

Civil Action No. 79-267-II

J. J. FOLEY, JR., ESTATE OF CLAUDE S. JACKSON, G. L. WAYNICK, CHARLES E. BINKLEY AND JOSEPH H. MANGUM,
Defendants.

ORDER

It appearing to the Court as evidenced by the signatures of the respective counsels and/or parties below, that the parties have agreed to a judgment in the above referenced matter as follows:

1. That the property which is the subject of this cause is certain real property located in Davidson County, Tennessee and being more fully described as; Land in Davidson County, Tennessee, being Lot No. 316 on the Plan of Bordeaux Gardens, Section 1, of record in Book 3300, page 91, Register's Office for Davidson County, Tennessee. SAID Lot No. 316 fronts 55.0 feet on the westerly side of Crowe Drive and extends back 112.7 feet on the northerly line and 112.0 feet on the southerly line to a dead line in the rear, measuring 54.94 feet thereon.

BEING the same property conveyed to Robert Sanford by deed from Willie P. Whitsey and wife, Ethel M. Whitsey of record in Book 5004, page 405, Register's Office for Davidson County, Tennessee.

2. That due to certain misunderstandings and discrepancies in the payment schedule of a deed of trust note which was an underlying cause for this suit; the calling of the note by Claude S. Jackson and the resulting foreclosure sale resulting therefrom, shall be null and void, ab initio, the parties agreeing that the priorities of all liens affected by the said act of foreclosure shall be restored in their original priority and order, VIZ:

A. Second Mortgage - Lien retained in the deed of trust from Robert Sanford to J. J. Foley, Jr., Trustee of record in Book 5004, page 407, Register's Office for Davidson County, Tennessee, to secure the payment of one note payable to the order of Claude S. Jackson in the original principal amount of $4,100.00, reference being made to said note for complete terms and conditions.

B. Third Mortgage - Lien retained in a deed of trust from Robert Sanford to Robert Orr, Jr., Trustee, of record in Book 5173, page 383, Register's Office for Davidson County, Tennessee, to secure the payment of one note payable to the order of Charles E. Winfree in the original principal sum of $600.00, reference being made to said note for complete terms and conditions.

C. Fourth Mortgage - Lien retained in deed of trust from Robert Sanford to Robert E. Lillard, Trustee of record in Book 5211, page 135, Register's Office for Davidson County, Tennessee, to secure the payment of one note in the original principal amount of $960.00, reference being made to said note for complete terms and conditions.

D. Fifth Mortgage - Lien retained in Deed of Trust from Robert Sanford to James C. Dale, III, Trustee of record in Book 5294, page 737, Register's Office for Davidson County, Tennessee, to secure the payment of one note in the principal amount of $500.00 reference being made to said note for complete terms and conditions.

3. That Robert Sanford agrees and acknowledges that as of the date of this order the outstanding principal balance of the said note secured by the deed of trust to J. J. Foley, Jr., Trustee referred to in Item I above is $3,994.73. The said Robert Sanford further understands and agrees that the said principal balance on said note shall bear interest at the rate of 9½% according to its terms from the date of September 1, 1978 until date the said note is paid in full.

4. That the undersigned Charles E. Binkley and Joseph H. Mangum, for and in consideration of the sum, Seven Thousand Five Hundred Dollars, plus interest and expenses paid to them, said sum representing the amount paid at the foreclosure sale which has heretofore been determined as null and void, ab initio, agree to and shall release the said Robert Sanford, J. J. Foley, Jr., Trustee,G. L. Waynick and the estate of Claude S. Jackson from any further liabilities and obligations as result of the filing of this suit.

5. That the firm of Foley & Weiss, Attorneys, shall be awarded reasonable attorney's fees in the amount of $ 500.00 , said fee to be paid by the Plaintiff, Robert Sanford.

6. That the Plaintiff, Robert Sanford, has agreed to pay the costs of this cause.

It is therefore, ORDERED, ADJUDGED and DECREED that:

1. The calling of the deed of trust note by Claude S. Jackson and the resulting foreclosure sale resulting therefrom, shall be null and void, ab initio, and the priorities of all liens affected by the said act of foreclosure shall be restored in their original priority and order, VIZ:

A. Second Mortgage - Lien retained in the deed of trust from Robert Sanford to J. J. Foley, Jr., Trustee of record in Book 5004, page 407, Register's Office for Davidson County, Tennessee, to secure the payment of one note payable to the order of Claude S. Jackson in the original principal amount of $4,100.00, reference being made to said note for complete terms and conditions.

B. Third Mortgage - Lien retained in a deed of trust from Robert Sanford to Robert Orr, Jr., Trustee, of record in Booc 5173, page 383, Register's Office for Davidson County, Tennessee, to secure the payment of one note payable to the order of Charles E. Winfree in the original principal sum of $600.00, reference being made to said note for complete terms and conditions.

C. Fourth Mortgage - Lien retained in deed of trust from Robert Sanford to Robert E. Lillard, Trustee of record an Book 5211, page 135, Register's Office for Davidson County, Tennessee, to secure the payment of one note in the original principal amount of $960.00, reference being made to said note for complete terms and conditions.

D. Fifth Mortgage - Lien retained in deed of trust from Robert Sanford to James C. Dale, III, Trustee of record in Book 5294, page 737, Register's Office for Davidson County, Tennessee, to secure the payment of one note in the principal amount of $500.00 reference being made to said note for complete terms and conditions.

2. That as of the date of this order the outstanding principal balance of the said note secured by the deed of trust to J. J. Foley, Jr., Trustee referred to in Item I above is $3,994.73. The said Robert Sanford is ordered to continue payments on said note according to its terms and conditions with interest calculated from the date of September 1, 1978 until the date the said note is paid in full.

3. That Charles E. Binkley and Joseph H. Mangum, shall be paid the sum, Seven Thousand Five Hundred Dollars, plus interest and expenses. Upon payment of the same the said Robert Sanford, J. J. Foley, Jr., Trustee, G. L. Waynick and the estate of Claude S. Jackson shall be released from any further liabilities and obligations to Charles E. Binkley and Joseph H. Mangum as result of the filing of this suit.

4. That the firm of Foley & Weiss, Attorneys is awarded reasonable attorney's fees in the amount of $500.00 to be paid by the Plaintiff, Robert Sanford.

5. That costs in this cause are taxed against the Plaintiff, Robert Sanford, for which execution may issue if necessary.

This the 4TH. day of April, 1979.

C. Allen Hight
JUDGE

APPROVED FOR ENTRY:

D. B. E.
Daniel B. Eisenstein, Attorney for Plaintiff, Robert Sanford

Peter Weiss
Peter Weiss, Attorney for Defendants, G. L. Waynick and the estate of Claude S. Jackson

J. J. FOLEY, JR., TRUSTEE

Charles E. Binkley

Joseph H. Mangum
JOSEPH H. MANGUM

BOOK 5415 PAGE 952

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 5th day of April, 19 79, in Minute Book 109, Page 24, in the cause wherein Robert Sanford, Complainant and J. J. Foley, Jr. et al, Defendant File Number 79-267-II, 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 5th day of April, 19 79, and 203rd rd year of American Independence.

RAYMOND L. BARRETT
CLERK AND MASTER

BY: Dana Heuss

DEPUTY CLERK AND MASTER

F. 2 2 3 5 1.

IDENTIF. REFERENCE

APR 5 2 20 PM '79

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.