DECREE ENTERED AUGUST 29, 1979, M.B. 8-P, PAGE 268

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

OAKLAND FREE WILL BAPTIST CHURCH)
)
vs.)
)
THE UNKNOWN HEIRS OF MOSES WOODARD)

BOOK 5497 PAGE 574

No. 78-1278-P

SEP 12 1 56 PM '79
FELIX Z. NIXON II REGISTER
DAVIDSON COUNTY, TENN.

IDENTIF. REFERENCE

F 5 1 5 3 2

ORDER

This cause came to be heard on the 14th day of August, 1979, before the Honorable John T. Nixon, Special Judge for the Chancery Court, Probate Division, pursuant to a petition filed on August 30, 1978 by the Oakland Free Will Baptist Church against the unknown heirs of Moses Woodard, the answer of the guardian ad litem, David Rizor, for the unknown heirs of Moses Woodard; and upon statements of counsel, it appears to the Court that:

The Petitioner, Oakland Free Will Baptist Church, as a result of a fire many years ago, lost its records concerning ownership of the property upon which the church is built, and therefore filed this Petition against the unknown heirs of Moses Woodard in order to establish ownership of said property. The Petition was filed against the unknown heirs of Moses Woodard because Moses Woodard's deed to John V. Lohrum, of record in Book 265, page 233, Register's Office for Davidson County, Tennessee was the first deed describing the church property as being in existence. Based on discovery proceedings by counsel for the Petitioner and the guardian ad litem, David Rizor, it was learned that a previous lawsuit in the Chancery Court for Davidson County had been filed by the Petitioner in order to establish boundaries for its property. After a search of the records of the Chancery Court, said lawsuit was found, it being listed as the Oakland Free Will Baptist Church, et al vs. Luther Carney, Docket No. 29886. The Final Decree in said cause of action dated January 28, 1916 recited that the Court, pursuant to a jury verdict, found

that the Oakland Free Will Baptist Church owned property more particularly described as follows:

> Beginning at a point in the center of Oakland County Road (it being 32 ft. wide) at a point five hundred ninety-nine (599) feet northeastwardly from J. L. Carney's eastern boundary line; running 71 1/2° with the center of said road 217 1/2 ft. to a point in said road; thence south at right angles 18 1/2° east 200 3/10 ft.; thence at right angles south 71 1/2° west 217 1/2 ft., parallel with the aforesaid road; thence north 18 1/2° west 200 3/10 ft. to the beginning corner and containing one acre.

The decree further recited that the church owned said property since at least September 1869 and referred to a deed of record in Book 472, page 1, Register's Office for Davidson County, Tennessee which is a conveyance of one acre of land from E. M. H. Carney to T. C. Cofer and J. E. Carney as Trustees for the Oakland Free Will Baptist Church. Said deed is dated September 15, 1869 and was recorded on April 26, 1915.

It further appearing to the Court that this previous decree of the Chancery Court and previously recorded deed to the Trustees of the Oakland Free Will Baptist Church should be ratified and confirmed and that said property as described above should be vested in the Oakland Free Will Baptist Church, a Tennessee non-profit corporation, with a charter filed on August 10, 1979 and recorded in Book 5483, page 918, Register's Office for Davidson County, Tennessee;

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, that the previous decree of the Chancery Court of Davidson County in the cause of action styled, the Oakland Free Will Baptist Church, et al vs. Luther Carney, Docket No. 29886, dated January 28, 1916, and the deed from E. M. H. Carney to T. C. Cofer and J. E. Carney, as Trustees of the Oakland Free Will Baptist Church, recorded in Book 472, page 1, Register's Office for Davidson County, Tennessee, are hereby confirmed and adopted by this Court;

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the boundaries of the property of Oakland Free Will Baptist Church as defined by said decree shall be confirmed and adopted by this Court as follows:

Beginning at a point in the center of Oakland County Road (it being 32 ft. wide) at a point five hundred ninety-nine (599) feet northeastwardly from J. L. Carney's eastern boundary line; running 71 1/2° with the center of said road 217 1/2 ft. to a point in said road; thence south at right angles 18 1/2° east 200 3/10 ft.; thence at right angles south 71 1/2° west 217 1/2 ft., parallel with the aforesaid road; thence north 18 1/2° west 200 3/10 ft. to the beginning corner and containing one acre.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that said property, as described, is hereby vested in the Oakland Free Will Baptist Church, a Tennessee non-profit corporation whose charter was filed on August 10, 1979 with the Secretary of State of Tennessee and further recorded in Book 5483, page 923, Register's Office for Davidson County, Tennessee;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the court appointed guardian ad litem, David Rizor, submit a statement of his expenses and proposed fee to the Court for approval and that the Petitioner, Oakland Free Will Baptist Church be assessed the court costs including the guardian ad litem fee in this cause.

This the 29 day of August, 1979.

JUDGE

APPROVED FOR ENTRY:

Mark J. Mathiesen
Attorney for Petitioner,
Oakland Free Will Baptist Church

cc: David Rizor, guardian ad litem
Nashville City Bank and
Trust Building
Nashville, Tennessee

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 29th day of August, 19 79, in Minute Book 8-P, Page 268, in the cause wherein OAKLAND FREE WILL BAPTIST CHURCH, Complainant and THE UNKNOWN HEIRS OF MOSES WOODARD, Defendant File Number 78-1278-P, 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 12th day of September, 19 79, and 204th year of American Independence.

RAYMOND L. BARRETT
CLERK AND MASTER

BY: _____

DEPUTY CLERK AND MASTER

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