DECREE ENTERED FEBRUARY 21, 1980, M.B. 8-P, PAGE 597

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
PROBATE DIVISION

JAMES BOZARTH, ET AL | BOOK 5659 PAGE 429

VS. | NO. 78-1709-P

WILLIAM PATRICK BOZARTH, ET AL. |

O R D E R

This cause came on to be heard on this the ~~18th day of May, 1979~~ 21st day of February, 1980 before the Honorable Shelton Luton, Judge of the Probate Division of the Chancery Court for Davidson County, Tennessee on a motion to confirm the report of the Master filed in this cause and that the property be sold by the Master for the appraised price and that the debts of the decedant be paid, namely the taxes, the repayment of advances for funeral expenses, the title policy and attorney's fees, and the cost and fee of the Master.

Upon the pleadings and proof, and the report of the Master, which report is as follows:

" IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE

James Bozarth, et al

vs. NO. 78-1709-P

William Patrick Bozarth, et al

REPORT OF THE MASTER

To the Judge:

Pursuant to an Order of reference entered in Minute Book 7-P, page 550, I respectfully report as follows:

1. Who are the owners of the premises sought to be sold, and the respective rights, titles and interest, of the parties herein, and what share or part belong to each.

The owners of the property are the heirs of John Burton Bozarth, who died November 30th, 1977. The heirs, who own the property as tenants in common, and their respective shares are as follows:

James Bozarth 1/6
John B. Bozarth, Jr. 1/6
Ruby Warren 1/6

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Lewis Bozarth	1/6
Monroe Bozarth	1/6
Mary Lee Dempsey	1/42
Wilma Sue Puckett	1/42
Debra J. Scruggs	1/42
Sue Ann Garrett	1/42
Charles Bozarth	1/42
William Patrick Bozarth	1/42
Robert Allen Bozarth	1/42

(all of the heirs are sui juris except William Patrick Bozarth and Robert Allen Bozarth)

(See Exibit 1, letter 253217, Pioneer National Title Insurance, September 26, 1978; Exibit 2, affidavit of James E. Bozarth, March 30, 1979; collective exibit 3, letters of Debra J. Scruggs, July 15th, 1978, and Mrs. Vivian Bozarth, January 5, 1979; oral testimony of James Bozarth, March 13, 1979.

> 2. Whether the premises are so situated that partition thereof cannot be equitably made, or whether they are of such description that it would be manifesly for the advantage of the parties that thesame should be sold, instead of partitioned.

Partition of the property cannot be equitably made, due in part to the mumber of tenants in common and the size of the lot. It would be manifestly for the advantage of the parties that the property be sold instead of partitioned.

> 3. Whether there are any encumbrances on the premises not disclosed in the pleadings; and if so, what, and to whom belonging.

The following taxes are due and payable on the property:

Field Book No. 12DZ 49305, Map and Parcel No 71-3 5

1977	$43.92 plus penalty and interest
1978	$43.92 plus penalty and interest
1979	a lien, not yet due and payable

Based on the evidence presented, no other encumbrances exist on the premises (See Exibit 1, letter 253217, Pioneer National Title Insurance, September 26, 1978; Exibit 4, tax reference, April 25th, 1979)

> 4. What would a reasonable minimum price for the premises.

Mr. Harold L. Shelton, a real estate agent who was, at the time, associated with Dobson & Johnson, Inc., testified that the value of the property was $7,000.00. He arrived at that figure after viewing the property and making a market analysis of its

value. The Structure located on the property is an old house with no modern facilities, in need of much repair, and of little value; hence the $7,000.00 figure refers only to the lot.(Oral testimony of Harold L. Shelton, March 13th, 1979.)

Respectfully submitted,

RAYMOND L. BARRETT, C&M

By: Elizabeth J. Smith
Elizabeth J. Smith
Deputy Clerk & Master

May 4, 1979

CC: Mr. Edward C. White
Mr. Richard Hedgepath

The Court being satisfied that the acts are as set out in said report, the respective rights and interest of the parties are adjudged and settled accordingly, the share of each party being as reported by the Master. It further appearing to the Court that an offer has been made for the purchase price of $7,000.00, the amount determined by the appraiser by Willie C. Taylor through Mr. Harold L. Shelton with Dodson & Johnson Real Estate Company on a real estate contract. It further appearing that the funeral expense were paid for by advances from the heirs at law as Collective exibit 3 of the Masters report. It further appeared that a Title insuracne report has been Ordered.

IT IS, THEREFORE ORDERED that the property be sold to Willie C. Taylor for the appraised price of $7,000.00 and that from the $7,000.00 the following expenses be paid:

1. Dobson & Johnson realty company
Real estate commission $420.00

2. Glenn Ferguson, Trustee,
Taxes for 1977 &1978 $116.09

3. Pioneer Title Company
Title Insurance $82.00

4. Re-inbursement of Funeral expenses
James & Nancy Bozarth $1017.90
Louis Bozarth $ 393.26
Monroe Bozarth $ 457.40
Mrs. Ruby Warren $ 457.40

Total $2325.96

Attorney's fees to Edward C. White in the amount of $700.00

Guardian ad litem fee to Richard Hedgepath in the amount of $300.00.

Fee to the Master in the amount of $70.00.

The cost of the cause to be paid and the remainder to be divided and distributed as follows:

James Bozarth	1/6
John B. Bozarth	1/6
Ruby Warren	1/6
Lewis Bozarth	1/6
Monroe Bozarth	1/6
Mary Lee Dempsey	1/42
Wilma Sue Puckett	1/42
Debra J. Scruggs	1/42
Sue Ann Garrett	1/42
Charles Bozarth	1/42
William Patrick Bozarth	1/42
Robert Allen Bozarth	1/42

That the Title be divested out of James Bozarth, John B. Bozarth, Ruby Warren, Lewis Bozarth, Monroe Bozarth, Mary Lee Dempsey, Wilma Sue Puckett, Debra J. Scruggs, Sue Ann Garrett, Charles Bozarth, William Patrick Bozarth and Robert Allen Bozarth as tenants in common in the following described property:

> Land in Davidson County, Tennessee, being the northerly 50 feet of the southerly 100 feet of Lot No. 35 on the Plan of Jones and Hart's Subdivision as of Record in Book 332, page 43, Register's Office for Davidson County, tennessee.
>
> Said part of Lot No. 35 fronts 50 feet on the easterly side of Hart street and runs back between parallel lines 218 feet to an alley.
>
> Being the same property conveyed to John B. Bozarth by deed of record from William L. Bozarth and wife, Vivian Roase Bozarth in Book 4598, page 469 Register's office for Davidson County, Tennessee.

and vest in Willie C. Taylor.

Entered this February 21, 1980.

CHANCELLOR

Approved for entry:

Edward C. White

Attorney for the plaintiffs

Richard Hedgepath

Attorney for the defendants

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 February 21, 1980, M.B. 8-P, Page 597

of said Court, in the cause wherein James Bozarth, Et Al, Plaintiff (s) VS. William Patrick Bozarth, Et Al, Defendant (s), FILE NO. 78-1709-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 1st day of October, 19 80, and 205th year of American Independence.

RAYMOND L. BARRETT, CLERK AND MASTER

BY Carol F Reynolds
DEPUTY CLERK AND MASTER

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IDENTIF. REFERENCE

OCT 2 1 57 PM '80

FELIX Z. WILSON JR. REGISTER
DAVIDSON COUNTY, TENN.

STATE OF TENNESSEE
COUNTY OF DAVIDSON
THE ACTUAL CONSIDERATION OR TRUE VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS
$ -0-

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 2nd DAY OF October 1980

Deputy Register

OFFICIAL RECEIPT

FELIX Z. WILSON, II

REGISTER OF DAVIDSON COUNTY
NASHVILLE, TENNESSEE

RECEIVED OF _____ BOOK 5659 PAGE 434

FOR _____

CO - CONVEYANCE	CC - CERTIFIED COPY	MISC - MISCELLANEOUS
MO - MORTGAGE	REL - RELEASE	CO TX - STATE TAX CONVEY
WD - WARRANTY DEED	UCC - UNIFORM COMMERCIAL CODE	MO TX - STATE TAX MORT
TD - TRUST DEED		PRFEE - PROBATE FEE

DATE	SYMBOL	VALUATION	TAX AND FEES	TOTAL PAID
			7000.00- CO	
			18.20 CO TX	
			.50 PRFEE	
			15.00 WDEED	
			CHECK	33.70-
5990A	10/02/80	BAL		.00

RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK

G.I.0746

IDENTIF. REFERENCE

OCT 2 1 57 PM '80

FELIX Z. WILSON REGISTER
DAVIDSON COUNTY, TENN.

No. 783723