MAP 58
Parcel 151

DECREE ENTERED SEPTEMBER 18, 1980, M.B. 233, PAGE 468

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

MAMIE LEE JOHNSON

VS.

JAMES W. MITCHELL, METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE

BOOK 5669 PAGE 44

NO. 78-77-I

FINAL DECREE

This cause came on to be heard on the 26th day of August, 1980, before the Honorable Ben Cantrell, Chancellor for Davidson County, Part I. Through the pleadings, testimony of the witnesses, argument of counsel, and the entire record, it was made to appear to the Court as follows: That plaintiffs' motion to amend the complaint by striking Henry Johnson as party plaintiff should be granted, all of his right, title and interest in and to the real property located at 4450 (formerly 5000) Clarksville Highway having vested in plaintiff, Mamie Lee Johnson; that a judgment should be rendered for plaintiff, Mamie Lee Johnson, declaring void defendant, James W. Mitchell's, tax deed from defendant, Metropolitan Government of Nashville and Davidson County, Tennessee, of record in Book 5118, Page 846, Register's Office for Davidson County, Tennessee, ordering the same removed as a cloud upon the title to plaintiff's property, and ordering defendant, James W. Mitchell, to execute a deed reconveying all of his right, title and interest in and to the real property located at 4450 Clarksville Highway to plaintiff, Mamie Lee Johnson; that the judgment in favor of defendant, Metropolitan Government of Nashville and Davidson County, Tennessee, against plaintiffs, Henry Johnson and wife, Mamie Lee Johnson, rendered by the Davidson County Chancery Court, Part I, Rule No. 88675, should be set aside; that the proof showed that plaintiff had not been served with original process in the tax action, Rule No. 88675, and that she had overcome the presumption of service of

10/28/80 15.00- CHECK

358

process attaching to the Deputy's return in the earlier tax action; that the proof showed that the notices of subsequent proceedings in the tax action, Rule No. 88675, were insufficient; that the proceeds from the sale of the property should be returned to defendant, James W. Mitchell, pursuant to T.C.A. §67-2024, the exact amount of such return to be determined by the attorneys for plaintiff and for defendant, James W. Mitchell; and that the costs of this cause be taxed to defendants.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that plaintiff shall be, and the same hereby is, allowed to amend the complaint by deleting the name of Henry Johnson as party plaintiff, all of his right, title and interest in and to the real property located at 4450 (formerly 5000) Clarksville Highway, having vested in plaintiff, Mamie Lee Johnson.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff shall have and recover a judgment in this action against defendants, James W. Mitchell, Metropolitan Government of Nashville and Davidson County, Tennessee;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the tax deed from defendant, Metropolitan Government of Nashville and Davidson County, Tennessee, to defendant, James W. Mitchell, of record in Book 5118, Page 846, Register's Office for Davidson County, Tennessee, shall be, and the same hereby is, declared to be void;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the tax deed from defendant, Metropolitan Government of Nashville and Davidson County, Tennessee, of record in Book 5118, Page 846, Register's Office for Davidson County, Tennessee, shall be and the same hereby is removed as a cloud upon the title to plaintiff's property located at 4450 Clarksville Highway;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendant, James W. Mitchell, shall execute a deed reconveying all of his right, title and interest in and to the real property located at 4450 Clarksville Highway to plaintiff, Mamie Lee Johnson.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the judgment in the earlier tax action, Rule No. 88675, in favor of defendant, Metropolitan Government of Nashville and Davidson County, Tennessee, against Henry Lee Johnson and wife, Mamie Lee Johnson, shall be and the same hereby is, set aside;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendant, James W. Mitchell, shall be paid the following sums: $2700.00, the amount of Mitchell's bid for the real property in question on January 16, 1975, plus interest at six percent from January 16, 1975, until August 26, 1980; the payments for real estate taxes paid by defendant, James W. Mitchell, plus interest at the rate of six percent from the date of payment until August 26, 1980; and the costs of the recordation of defendant, James W. Mitchell's tax deed of record in Book 5118, Page 846, Register's Office for Davidson County, Tennessee;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the sums due defendant, James W. Mitchell, shall be paid first from the following funds: The $2,382.01 remaining from defendant James W. Mitchell's oiginal $2700.00 bill in the tax action, Rule No. 88675, on January 16, 1975, after the deduction of $317.99 for costs and tax in the earlier tax action; the $900.00 paid by plaintiff, Mamie Lee Johnson, into Court - and that the remainder owing to defendant, James W. Mitchell, if any, shall be paid into the Clerk and Master's Office of Davidson County, Tennessee, by plaintiff, Mamie Lee Johnson;

IT IS FINALLY ORDERED, ADJUDGED AND DECREED that the costs of this cause are taxed to defendants, for which execution may issue, if necessary.

Enter this the ____ day of _____, 1980.

Ben H. Cantrell
CHANCELLOR

Approved for Entry:

HAYNES AND SMITH

BY: _____
Raymond G. Prince
Attorney for Plaintiff

CERTIFICATE

I certify that a copy of the foregoing has been mailed to Richard Manson, Attorney for Defendant Mitchell and Sara Sedgwich, Attorney for Metropolitan Government, this the ____ day of September, 1980.

Raymond G. Prince

CERTIFICATE OF THE CLERK AND MASTER

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

BOOK 5669 PAGE 48

I, JOHN MITCHELL GRISSIM, JR., Clerk and Master pro tem 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 SEPTEMBER 18, 1980, M.B. 233, PAGE 468, IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TN.

of said Court, in the cause wherein MAMIE LEE JOHNSON,

Plaintiff ( ) VS. JAMES W. MITCHELL, METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE,

Defendant ( ), FILE NO. 78-77-1, 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 22nd day of OCTOBER, 19 80, and 205th year of American Independence.

JOHN MITCHELL GRISSIM, JR. CLERK AND MASTER
pro tem

BY Pat Bond
DEPUTY CLERK AND MASTER

IDENTIF. REFERENCE
OCT 24 9 14 AM '80
G.1.41.81