DECREE ENTERED JANUARY 12,1981, TAX M.B. 19, PAGE 555

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
PART I

BOOK 5700 PAGE 293

THE STATE OF TENNESSEE IN ITS OWN BEHALF AND FOR THE USE AND BENEFIT OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE AND FOUR STAR REALTY AND INVESTMENT COMPANY,

Plaintiffs

vs.

DELINQUENT TAXPAYERS AS SHOWN ON THE 1972 REAL PROPERTY TAX RECORDS OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE, GEORGE HENDERSON, BOBBY SMITH (WILLIAM J. JOHNSON),

Defendants

and

TIMOTHY P. LENDMAN AND WIFE, CARMEN B. LENDMAN AND FIDELITY FEDERAL SAVINGS & LOAN ASSOCIATION,

Intervening Defendants

vs.

A. C. SLOAN AND VIRGINIA SLOAN,

Third-Party Defendants

TAX CIVIL ACTION
NO. A-3479
CONTROL NO. 3158-1800

RUSH

IDENTIF. REFERENCE

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

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ORDER

Upon appeal of the Order of this Court, the Court of Appeals of Tennessee, Middle Section at Nashville, by an Order entered April 25, 1980, reversed in part and affirmed in part the Order of this Court, and on appeal to the Supreme Court of Tennessee at Nashville of the Order of the Court of Appeals, the Supreme Court, by an Order entered November 10, 1980 affirmed the Order of the Court of Appeals.

Upon the mandate issued to this Court, the judgment and Order of the Court of Appeals of Tennessee, Middle Section at Nashville, entered April 25, 1980, and the Order of the Supreme Court of Tennessee at Nashville entered November 10, 1980 are hereby made the Orders of this Court. It is therefore, ORDERED that the sale of real property for delinquent taxes as conducted by the State of Tennessee in its own behalf and for the use and benefit of the Metropolitan Government of Nashville and Davidson County, Tennessee be and is hereby declared void

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for lack of a sufficient description of the property in the order of sale, the advertisement, and the decree confirming the sale, and for the failure of the advertisement of sale to contain a statement of the amount of the judgment entered in the suit for delinquent taxes. It is further ORDERED that the Intervening Defendants, Timothy P. Lendman and Carmen B. Lendman and Fidelity Federal Savings and Loan Association are bona fide purchasers of the real property in question for a valuable consideration and without notice, actual or constructive, of any interest of Four Star Realty and Investment Company in the property, and they having recorded their deeds to the property prior to the recordation of Four Star Realty and Investment Company's muniment of title, the interest of the Lendmans and Fidelity Federal in the real property is paramount to that of Four Star Realty and Investment Company.

It is further ORDERED, ADJUDGED and DECREED that all right, title and interest of Four Star Realty and Investment Company in and to the property described below be and is hereby divested out of it and vested in Timothy P. Lendman and wife, Carmen B. Lendman and Fidelity Federal Savings and Loan Association, as their interests may appear by virtue of their respective deed and deed of trust, the title to and possession of the property is awarded to them, and the claim of Four Star Realty and Investment Company by virtue of the decree confirming the sale be and is hereby extinguished, the real property being:

A tract of land in the 13th, formerly the 25th Civil District of Davidson County, Tennessee, being Lot No. 14 as shown on a drawing incorporated in a deed from C. B. Oglesby to H. H. Brown and wife, of record in Book 2041, page 538 said Register's Office, described as follows:

Beginning at a point on the southerly right of way line of the Tennessee Central Railroad, at a point 100 feet east of the southeast corner of the property conveyed to Leslie R. Peek and wife, by deed from C. B. Oglesby of record in Book 2093, page 73, said Register's Office; being also the corner of Lots 13 and 14 on said plan; thence with the southerly line of the said railroad right of way, westerly 50 feet to the corner of Lots Nos. 14 and 15, and from this frontage on said right of way extending back between parallel lines 115 feet, more or less, to the low frontage mark of the Cumberland River.

Being the same property conveyed to A. C. Sloan and Virginia Sloan by a deed from James L. Smith, Trustee, of record in Book 4888, page 232, Register's Office for Davidson County, Tennessee

Map 66, Parcel 19.

It is also ORDERED that the injunction previously entered herein against Four Star Realty and Investment Company from proceeding with any action or attempt to obtain a writ of possession to the said property as described above, or as described in the decree confirming the sale, be and is hereby made permanent. It is further ORDERED ~~tat~~ that Four Star Realty and Investment Company have and recover the monies tendered into Court by Intervening Defendants in the amount of Four Hundred Twenty-five and 74/100ths ($425.74) Dollars on June 29, 1978, and now in the possession of the Clerk and Master.

The judgment of this Court, as affirmed by the Court of Appeals and the Supreme Court, being in favor of Intervening Defendants, Timothy P. Lendman and wife, Carmen B. Lendman and Fidelity Federal Savings and Loan Association, the Court finds it unnecessary to render a judgment in their third-party complaint against A. C. Sloan and Virginia Sloan, and accordingly the same is dismissed.

The costs in this Court are taxed equally to Four Star Realty and Investment Company and the State of Tennessee in its own behalf and for the use and benefit of the Metropolitan Government of Nashville and Davidson County, for which let execution issue, if necessary.

This ___ day of _____, 1980.

CHANCELLOR

APPROVED FOR ENTRY:

DENNEY, LACKEY & CHERNAU
218 Third Avenue, North
Nashville, TN 37201

By _____
William L. Rosenberg, Attorney
for Fidelity Federal Savings
and Loan Association

CERTIFICATION

This is to certify that a copy of the foregoing Order has been mailed to Mr. Claude Callicott, Attorney for Four Star Realty and Investment Company, Suite 513, Nashville City Bank and Trust Building, Nashville, TN 37201, Ms. Sara Sedgewick, Attorney for the State of Tennessee for the use and benefit of Metropolitan Government at Metropolitan Courthouse, Nashville, TN 37201 and Mr. James L. Smith, and Raymond G. Prince, attorneys for A. C. Sloan and Virginia Sloan at 140 North Main Street, Goodlettsville, TN 37072 on this the 17 day of December, 1980.

William L Rosebro

CERTIFICATE OF THE CLERK AND MASTER

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

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 January 12, 1981, TAX M.B. 19, PAGE 555 of said Court, in the cause wherein STATE OF TENNESSEE, ETC., Plaintiff ( ) VS. DELINQUENT TAXPAYERS FOR 1972 TAXES, ETC. (GEORGE HENDERSON, BOBBY SMITH), Defendant ( ), FILE NO. A-3479-, CONTROL NO. 3158-1800, 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 15th day of January, 19 81, and 205th year of American Independence.

JOHN MITCHELL GRISSIM, JR. CLERK AND MASTER
pro tem

BY Pat Bowie
DEPUTY CLERK AND MASTER