File 27

Decree entered after M.B. 16 & 17

IN PART III OF THE CHANCERY COURT OF DAVIDSON COUNTY AT NASHVILLE, TENNESSEE

BOOK 5763 PAGE 855

GEORGE J. JOHNSON	)	
	)	
vs.	)	No. 80-1885-III
	)	
CLARENCE L. SCHMIDT and wife, NINA W. SCHMIDT, and SAMUEL H. SHANNON and wife, ALICE N. SHANNON	)	

FINAL DECREE

WHEREAS, it appearing to the Court that all things and matters in controversy between the parties hereto have been compromised and settled, and that the parties have stipulated and the Court finds as follows:

1. That defendants, Samuel H. Shannon and wife, retained James A. Hamilton, Jr., Registered Engineer, who surveyed the lands owned by all three parties to this litigation, which survey was completed by Hamilton on February 18, 1981, and a copy of which is attached hereto and marked as Exhibit "A" hereof and is by reference adopted and incorporated herein.

2. That the Hamilton survey is accurate in establishing the boundary lines of their respective properties, and that the descriptions of the three tracts are accurately shown in said Hamilton survey and as set out hereinbelow:

A. The Johnson Property:

Land in Davidson County, Tennessee, being Lot No. 14 on the Map of the Neil Hunt Subdivision, of record in Book 974, page 19, of the Register's Office for said County.

Said Lot No. 14 fronts 75.15 feet on the northerly side of Warfield Avenue and runs back between lines, 263.88 feet on the westerly line and 269.44 feet on the easterly line to a deed line and measures 75 feet thereon.

Being the same property conveyed to George J. Johnson and wife, Nellie E. Johnson, by quitclaim deed from Joel E. Jordan, Jr., of record in Book 4897, page 764, Register's Office for said County.

B. The Schmidt Property:

Land in Nashville, Davidson County, Tennessee, being a part of the tract shown "For Future Development" on the Plan of Birdhaven Subdivision, of record in Book 1130, page 30, Register's Office of Davidson County, Tennessee, described according to a survey made thereof February 18, 1981, by James A. Hamilton, Jr., Engineer, as follows:

Beginning at a point in the southerly margin of Shackleford Road, as widened, said point being in the westerly line of Lot No. 1, Neil Hunt's Subdivision, of record in Book 974, page 19, said Register's Office, said point also being 35 feet from the original center line of Shackleford Road;

Thence with the westerly line of said Lot No. 1, said Hunt's Subdivision, southwardly 106.6 feet to a railroad spike set in the benched root of a large hackberry tree, the northeasterly corner of Lot No. 13, said Hunt's Subdivision;

Thence with the northerly line of Lots 13 and 14, said Hunt's Subdivision, westwardly 85.0 feet to a concrete monument, the southeasterly corner of the property conveyed to Samuel H. Shannon, et ux, Alice N. Shannon, by deed from James Dewarde Hughes, et ux, Elizabeth Rowland Hughes, of record in Book 4019, page 488, said Register's Office;

Thence with said Shannon's easterly line northwardly 117.86 feet to a concrete monument in the southerly margin of Shackleford Road, said monument being 25.0 feet from the original center line of said road;

Thence with the southerly margin of said road eastwardly 69.38 feet to a point at which the road widens;

Thence, at right angles southwardly 10.0 feet to a point;

Thence continuing with the southerly margin of said road eastwardly 16.12 feet to the point of beginning;

Being the same property conveyed to Clarence L. Schmidt, et ux, Nina W. Schmidt, by deed from Marguerite H. Bates, of record in Book 3895, page 693, said Register's Office, and being Planning Property Map Parcel No. 131-03-149.

C. The Shannon Property:

Land in Nashville, Davidson County, Tennessee, being a part of the tract shown "For Future Development" on the Plan of Birdhaven Subdivision, of record in Book 1130, page 30, Register's Office of Davidson County, Tennessee, described according to a survey made thereof February 18, 1981, by James A. Hamilton, Jr., Engineer, as follows:

Beginning at a concrete monument in the southerly margin of Shackleford Road at the northwesterly corner of the property conveyed to Clarence L. Schmidt, et ux, Nina W. Schmidt, by deed from Marguerite H. Bates, of record in Book 3895, page 693, said Register's Office, said point being 25.0 feet from the original center line of said road and being westwardly 16.12 feet, and continuing at right angles northwardly 10.0 feet and continuing westwardly 69.38 feet from a point in the westerly line of Lot No. 1, Neil Hunt's Subdivision, of record in Book 974, page 19, said Register's Office, said point being 35 feet from the original center line of said road, now widened;

Thence with Schmidt's westerly line southwardly 117.86 feet to a concrete monument in the northerly line of Lot 14, said Hunt's Subdivision, said monument being 85.0 feet westwardly from the westerly line of said Lot No. 1, said Hunt's Subdivision, as measured along the northerly line of Lots 13 and 14, said Hunt's Subdivision;

Thence with the northerly line of Lots 14 and 15, said Hunt's Subdivision, westerly 80 feet to a concrete monument;

Thence northwardly 123.5 feet to a concrete monument in the southerly margin of Shackleford Road, said monument being 25 feet from the original center line of said road;

Thence with the southerly margin of said road eastwardly 80.5 feet to the point of beginning;

Being the same property conveyed to Samuel H. Shannon, et ux, Alice N. Shannon, by deed from James Dewarde Hughes, et ux, Elizabeth Rowland Hughes, of record in Book 4019, page 488, said Register's Office, and being Planning Property Map Parcel Number 131-03-148.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's claim for damages and defendants Shannons' counter-claim for damages are hereby dismissed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the deeds to the defendants Shannon and to the defendants Schmidt of record in Book 4019, page 488, and in Book 3895, page 693, respectively, Register's Office for Davidson County, are and shall be deemed to be amended in accordance with the legal descriptions set forth hereinabove.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this decree may be recorded in the Register's

Office of Davidson County to establish the boundary lines of the properties of the respective parties and the accurate legal descriptions of their said lands.

The costs of the cause are taxed 1/3 against the plaintiff, 1/3 against the defendants, Clarence L. Schmidt and wife, and 1/3 against the defendants, Samuel H. Shannon and wife, for which let execution issue if necessary.

IS C Allen Hash
CHANCELLOR
by interchange

APPROVED FOR ENTRY:

BOULT, CUMMINGS, CONNERS & BERRY

BY Joseph G. Cummings
Attorneys for Plaintiff

CHEATHAM & PALERMO

By Derby Cheatham
Attorneys for Defendants
Schmidt and Shannon

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MAP

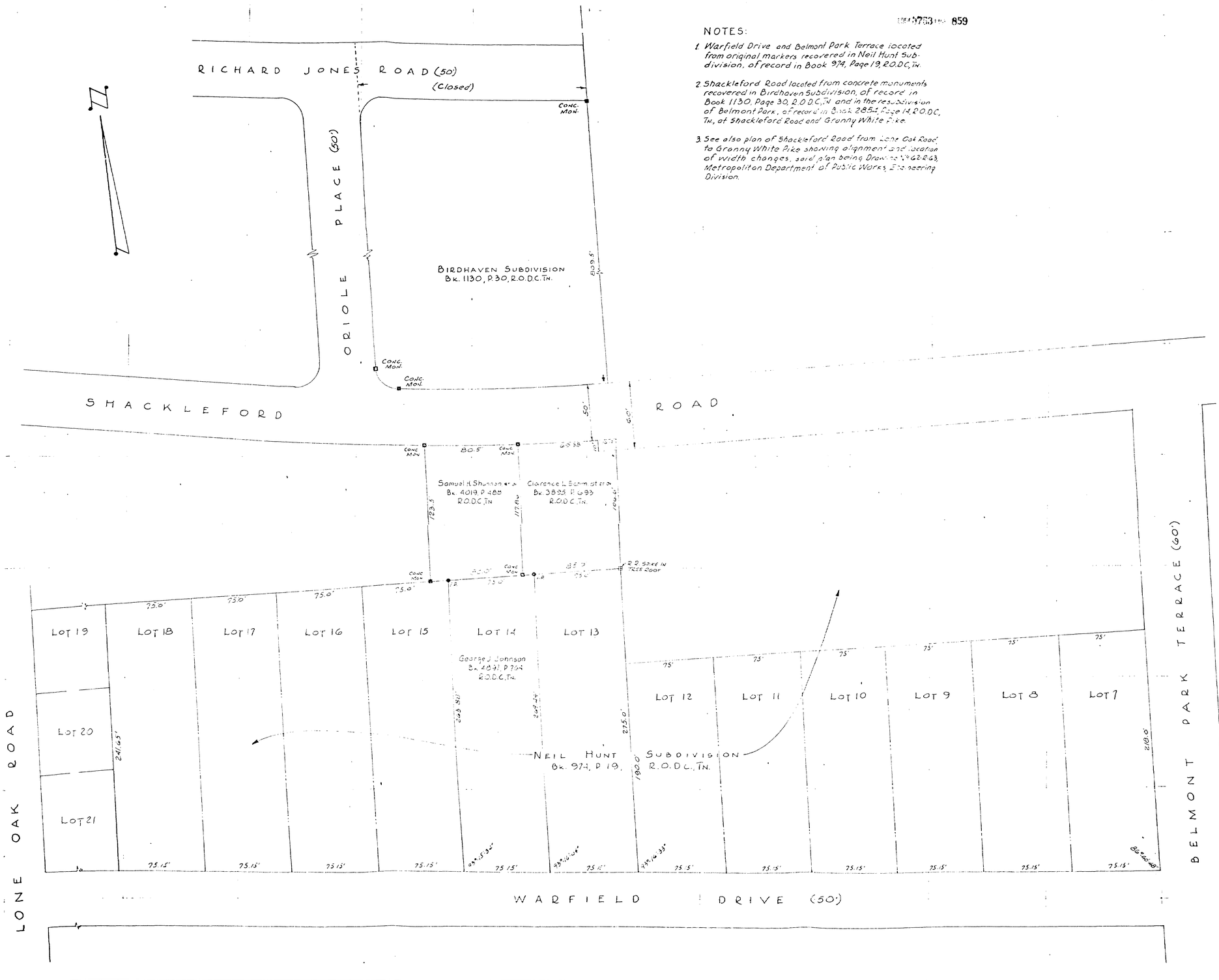
EXHIBIT "3"

NOTES:

1. Warfield Drive and Belmont Park Terrace located from original markers recovered in Neil Hunt Subdivision, of record in Book 974, Page 19, R.O.D.C., Tn.

2. Shackleford Road located from concrete monuments recovered in Birchaven Subdivision, of record in Book 1130, Page 30, R.O.D.C., Tn. and in the res. Division of Belmont Park, of record in Block 2851, Page 14, R.O.D.C., Tn., at Shackleford Road and Granny White Pike.

3. See also plan of Shackleford Road from Lone Oak Road to Granny White Pike showing alignment and location of width changes, said plan being Drawing #62-263 Metropolitan Department of Public Works, Engineering Division.



James A. Hamilton Jr.

SURVEY

Showing the properties of Messrs Samuel H. Shannon, Clarence L. Schmidt and George J. Johnson and property corners lying in the northerly line of lots 13-19, inclusive, Neil Hunt Subdivision, of record in Book 974, Page 19, R.O.D.C., Tn., which line is common to the three properties.

DATE: FEBRUARY 18 1991 SCALE: 1" = 40'

JAMES A. HAMILTON, JR.
CONSULTING ENGINEER
SEVENTEENTH & DIVISION NASHVILLE, TENNESSEE