FILED
FEB 1983
GEORGE L. ROONER, Clerk
By Deputy

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2/8/1983

METROPOLITAN DEVELOPMENT AND HOUSING AGENCY,	)	BOOK 5023 PAGE 995
PLAINTIFF,	)	
vs.	)	No. 82-C-79
BENNIE H. SWETT, JR.,	)	
DEFENDANT.	)	

FINAL JUDGMENT

This cause came on to be heard on the 26th day of January, 1983, before the Honorable James Swiggart, Judge of the Sixth Circuit Court of Davidson County, Tennessee, without the intervention of a jury, upon the waiver of a jury by both parties in open court. Upon consideration of the Petition for condemnation, the answer of the Defendant, the proof and arguments in open court of the trial of this case, the Court orders the following:

(1) The Plaintiff has the legal power and authority to acquire the fee under the eminent domain laws of Tennessee for the development of a Neighborhood Strategy Area of the following described property located in Metropolitan Nashville, Davidson County, Tennessee, to wit:

BEING the west 67 feet, more or less, of Lot No. 85 on the Map of the Barrow Plan of Lots of Record in Plan Book 1, Page 68, of Chancery Court at Nashville.

SAID part of said lot fronts 67 feet, more or less on the north side of Torbett Street and runs back between parallel lines, along the easterly margin of 28th Avenue North, formerly Barrow Avenue, 200 feet, more or less, to an alley.

BEING the same property conveyed to Bennie H. Swett, Jr., by deed from J. W. Burks, as of record in Book 5798, Page 503, Register's Office of Davidson County, Tennessee.

Including all fixtures and improvements thereon. Map and Parcel No. 54-10-3, Field Book No. 4D27834.

(2) Plaintiff filed a declaration of Taking as provided in T.C.A. §29-17-401 and deposited with the Clerk of the Court the sum of Seven Thousand ($7,000.00) Dollars, being that amount estimated by Plaintiff to be just compensation for the property, on February 5, 1982. Said date is established as the date of taking by Plaintiff.

(3) All right, title and interest of the Defendant in and to the above described parcel of real property and all improvements thereon are hereby divested out of the Defendant and title thereto is hereby vested in the Metropolitan Development and Housing Agency, the Plaintiff, as an indefeasible inheritance in fee simple forever.

(4) The Clerk will upon the Plaintiff paying the legal fee therefor in his own name execute and deliver to Plaintiff a deed conveying all right, title and interest of the Defendant in and to said real estate and improvements thereon, or will give the petitioner a certified copy of this order for registration at the election of the Plaintiff.

(5) The amount of compensation to which Defendant is entitled for the taking of his property is established by the Court at Eleven Thousand ($11,000.00) Dollars. Plaintiff will pay to Defendant the difference between that sum and the sum heretofore deposited together with interest on the difference from the date of deposit.

IT IS SO ORDERED.

This Order entered ~~nunc pro tunc~~ on the 4th day of February, 1983.

HONORABLE JAMES SWIGGART
CIRCUIT JUDGE

APPROVED FOR ENTRY:

BARRETT & RAY, P.C.

BY: _____
HENRY A. MARTIN
ATTORNEYS FOR PLAINTIFF
217 Second Avenue North
Nashville, Tennessee 37201
615/244/2202

BOOK 6023 PAGE 997

_____ by tlk by direction
THOMAS V. WHITE
ATTORNEY FOR DEFENDANT
26th Floor First American Center
Nashville, Tennessee

RUSH

IDENTIF. REFERENCE

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FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

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2-4-83

CASE NO. 82C-79 SIXTH CIRCUIT MB 32B, PAGE 949

STATE OF TENNESSEE

I, GEORGE L. ROOKER, *Clerk of the Circuit Court for the County of Davidson, in the State aforesaid, do certify that the foregoing is a correct transcript of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Metropolitan Development & Housing Agency *Plaintiff, and* Bennie H. Swett, Jr. *Defendant, as same remain of record in said Court.*

IN TESTIMONY WHEREOF, *I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the* 21st *day of* March *in the year one thousand nine hundred and* eighty-three *and in the* 207th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By _____, *D. C.*

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BOOK 6023 PAGE 999

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BOOK 6023 PAGE 999