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IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF TENNESSEE,
NASHVILLE DIVISION

JANET DOUGLAS PEACHER DEFORD )
( DOCKET NO. 3-84-0577
VS. )
(
BALTZ BROTHERS PACKING COMPANY )

Map - Parcel
105-01-0-
083

MEMORANDUM AND ORDER

BOOK 6551 PAGE 332

This cause is before the Court upon the motion for summary judgment of plaintiff Janet Douglas Peacher DeFord to redeem certain real property located in Davidson County, Tennessee, and for a declaration by the Court that Public Chapter No. 774, Acts of 1984 of the State of Tennessee, violates Article I, Section 10, and the Fourteenth Amendment of the United States Constitution.

The Court finds that the plaintiff has served proper notice upon the Attorney General for the State of Tennessee that she challenged the constitutionality of Public Chapter No. 774 of the Acts of 1984. The Court also finds that the Attorney General filed with the Court on July 12, 1984, a notice of intent that the Attorney General elected not to defend the constitutionality of said act. Finally, the Court finds that notice of his intent not to defend the act was properly certified to the speakers of both houses of the legislature of the State of Tennessee.

From a review of the motion for summary judgment filed by the plaintiff and memorandum in support thereof, and upon the

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failure of the defendant, Baltz Brothers Packing Company, to file any memorandum brief or otherwise defend or resist the motion for summary judgment, the Court concludes that the plaintiff's motion for summary judgment is well taken and it is therefore GRANTED.

It is ORDERED, ADJUDGED, and DECREED by the Court that the plaintiff is entitled to all right, title, and interest in the real property described in Part 2 of her complaint, and it is ORDERED that all right, title, and interest is divested out of the defendant, Baltz Brothers Packing Company, and vested in the plaintiff Janet Douglas Peacher DeFord, to the following parcel of real property in Davidson County, Tennessee, to wit:

> Land in Davidson County, Tennessee, being the southerly forty (40) feet of Lot No. Fifty (50) on the Plan of Hagan and Merritt's Resubdivision of Blocks "I", "J", "K", "L" "M" and "N" of the Merritt Lands, as of record in Book 161, page 49, Register's Office for said County.
>
> Said part of Lot No. Fifty (50) fronts forty (40) feet on the easterly side of Hagan Street and runs back between parallel lines, with the southerly margin of Rose Avenue, one hundred sixty-four (164) feet to an alley.
>
> Being the same property conveyed to Horace Floyd DeFord by deed from Floyd L. DeFord and Horace Floyd DeFord, a partnership, d/b/a DeFord Sausage Company, of record in Book 5386, page 757, said Register's Office, and being the same property conveyed to Baltz Brothers Packing Company by trustee's deed from Allen D. Lentz, Trustee, of record in Book 5926, page 222, Register's Office for Davidson County, Tennessee.

The Court further finds and ORDERS that the sum of $11,100 tendered by the plaintiff and paid into the hands of the Clerk of this Court shall be paid and disbursed to the order of Baltz

Brothers Packing Company together with any interest thereon by the Clerk of the Court. BOOK 6551 PAGE 334

The Court further finds Public Chapter No. 774 of the Public Acts of 1984 of the State of Tennessee to be unconstitutional to the extent it impairs existing contract rights and therefore violates the provisions of Article I, Section 10 of the United States Constitution. See Bronson v. Kinzie, 42 U.S. 311 (1843). The Court reaches no judgment as to whether the statute in question also violates the Fourteenth Amendment to the United States Constitution.

Entered this the 30th day of March, 1985.

UNITED STATES DISTRICT JUDGE

STATE OF TENNESSEE
COUNTY OF DAVIDSON
THE ACTUAL CONSIDERATION OR TRUE VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS $ 11,000.00

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 8th DAY OF May 1985.

Deputy Register

I hereby attest and certify on 5-3-85 that the foregoing document is a full true and correct copy of the original on file in my office, and in my legal custody.

CLERK U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

BY: Deputy Clerk

Bruce & Jan Bice
Janet Vaughan Peaches Mc Ford
4425 Hopedale Dr.
Nashville, Tenn 37211

J02695

IDENTIF. REFERENCE

MAY 8 9 17 AM '85

DAVIDSON COUNTY, TN

**OFFICIAL RECEIPT**
**FELIX Z. WILSON, II**
**REGISTER OF DAVIDSON COUNTY**
**NASHVILLE, TENNESSEE**

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BOOK 6551 PAGE 335

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| 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 |
|---|---|---|---|---|

11100.00- CAMT.
28.06 CSTAX
.50 PRFEE
9.00 WDEED
CHECK 38.36-
5513A05/08/85 BAL .00

**RECEIPT IS NOT VALID UNTIL CHECK IS PAID BY BANK**

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FELIX Z. WILSON, II REGISTER
DAVIDSON COUNTY, TN

**No. 132251**