RECEIVED 6/18/84
DAVIDSON COUNTY
CHANCERY COURT

paid

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

BOOK 6858 PAGE 52

E. L. SAVELY, Individually;
E. L. SAVELY, Trustee; and
RICHARD A. SAVELY,

Plaintiffs,

VS.

BERNIE W. TERRELL, Indivdually;
BERNIE W. TERRELL ENTERPRISES,
INC.; COMMONWEALTH LAND TITLE
INSURANCE COMPANY; COMMONWEALTH
TITLE AGENCY OF NASHVILLE, INC.;
JOEL H. MOSELEY, Individually
and as Trustee; and
MICHAEL A. BORCHERT,

Defendants.

VS.

THOMAS E. STEWART,

Third Party
Defendant,

VS.

COMMERCE UNION BANK,

Intervenor.

NO. 79-1657-I

ORDER FILED & ENTERED 6/18/84
MINUTE BOOK 248 PAGE 380

I hereby certify that this is a true copy of original instrument filed in my office.
This 15 day of May 1986
CHRISTINA NORRIS, Clerk & Master
By Erica Roark
Deputy Clerk

AGREED ORDER

It appearing to the satisfaction of the Court that the parties, as evidenced by the signatures of their respective counsel below, have agreed to compromise and settle all matters in controversy which requires the vacating of certain prior Orders of this Court. After a trial in this cause, the Court, by order entered November 5, 1980 in Minute Book 234, page 110, among other things, rescinded the sale of certain real estate, described below, between Bernie W. Terrell Enterprises, Inc., as grantor, and E. L. Savely, Trustee, as grantee, by setting aside and voiding the following instruments:

(i) Warranty Deed of Bernie W. Terrell Enterprises, Inc. to E. L. Savely, Trustee, of record in Book 5346, page 904, Register's Office for Davidson County, Tennessee;

(ii) Deed of Trust Note dated September 27, 1979, in the principal amount of Forty Four Thousand Five Hundred

($44,500.00) Dollars from E. L. Savely, Trustee, to Bernie W. Terrell Enterprises, Inc., and

(iii) Deed of Trust securing the same of record in Book 5346, page 906, Register's Office for Davidson County, Tennessee, all of which relate to property located in Davidson County, Tennessee, described as follows, to wit:

> A tract or parcel of land located in the 9th Civil District of Davidson County, Tennessee, described as follows:
>
> BEGINNING at a point in the west right of way of a road to Iroquois Apartments, said point being common on the North to Parcel No. 178 owned by Gulf Oil Company; thence with a line common to said property North 87° 55' 17" West 142.21 feet to an iron pin; thence North 77° 38' 55" East 91.54 feet to an iron pin; said point being in the east line of a lot owned by Kentucky Fried Chicken; thence with a line common to said property South 18° 21' 44" East 106.00 feet to a point at the north margin of said road to Iroquois Apartments; thence along said margin North 77° 00' 44" East 140.00 feet to a point; thence South 68° 02' 29" East 53.00 feet to a point; thence North 48° 36' 36" East 38.03 feet to a point; thence around the west right of way of said Road to Iroquois Apartments, with a curve to the left having a radius of 981.66 feet to a length of 80.00 feet to the point of beginning, containing .5112 acre, more or less, or 22.268 square feet.
>
> BEING a portion of the same property conveyed to Bernie W. Terrell Enterprises, Inc., by deed from Alvin W. Terrell & Sons, Inc., of record in Book 4411, page 475, Register's Office for Davidson County, Tennessee.

By two subsequent orders entered August 21, 1981 in Minute Book 237, page 48 and October 2, 1981 in Minute Book 237, page 346, the Court authorized the sale of said property by the Clerk and Master. Shortly thereafter, Commerce Union Bank intervened in this case as a necessary party, being the true holder of the Note and Deed of Trust referred to above. As a result thereof, the Court stayed the enforcement of all prior orders of the Court pending a final determination in this matter. This cause of action was previously dismissed, with prejudice, as to the Defendants, Bernie W. Terrell, individually, Commonwealth Land Title Insurance Company, Commonwealth Title Agency of Nashville, Inc., and Joel H. Moseley, individually and as Trustee.

To resolve all disputes and preserve the rights of E. L. Savely, Trustee, and Commerce Union Bank, the parties hereto agree to dismiss, with prejudice, all claims each have raised against the other in this case, with the exception of the rights of Commerce Union Bank pursuant to the Note and Deed of Trust, and set aside and vacate those portions of the prior orders of the Court which purport to set aside and void the Warranty Deed, Note and Deed of Trust, identified above, and effectuate a sale by the Clerk and Master of the subject property.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that the previous orders of the Court entered November 5, 1980 in Minute Book 234, page 110, entered August 21, 1981 in Minute Book 237, page 48, and entered October 2, 1981 in Minute Book 237, page 346, be and the same are set aside and vacated.

It is, further, ORDERED, ADJUDGED and DECREED by the Court that all of the claims raised by each party against the other to include all third party claims be and the same are hereby dismissed, with prejudice, with the exception of any claims and rights Commerce Union Bank may have by virtue of the Note and Deed of Trust referred to above.

It is, further, ORDERED, ADJUDGED and DECREED by the Court that the costs of this cause shall be taxed to the Plaintiffs, which will be paid with the filing of this Order.

CHANCELLOR

APPROVED FOR ENTRY

ORTALE, KELLEY, HERBERT & CRAWFORD

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Agreed Order has been mailed to Thomas E. Stewart, at 223 Madison Street, Madison, TN 37115, on this the 14th day of ~~May~~ June, 1984.

Douglas A. Brace

01164

IDENTIFICATION REFERENCE

MAY 15 2 47 PM '86

FELIX Z. WILSON, REGISTER
DAVIDSON COUNTY, TN