BOOK 6871 PAGE 370
RECEIVED 8-13-82
DAVIDSON COUNTY
COURT

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

PART II

ORDER FILED & ENTERED 8-17-82
MINUTE BOOK 122 PAGE 37

P & W ENTERPRISES, INC.,

Plaintiff,

vs.

ROBERT C. H. MATTHEWS, JR., Trustee, GERALD T. FISHER, NANCY W. FISHER, and JAMES W. CAMERON, III, Successor Trustee,

Defendants.

NO. 81-2192-II

FAIL
MAY 30 9 25 AM '86
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN
IDENTIFI REFERENCE
05470

FINAL DECREE

This cause came on to be heard before the Honorable C. Allen High, Chancellor, this 13th day of July, 1982, and the Court, having heard all of the evidence, and based upon the evidence and stipulation of the parties, made findings of fact and conclusions of law which were made a part of the record in this cause and are incorporated by reference herein as fully as if set out verbatim.

It is, therefore, ORDERED that:

1. The foreclosure sale held by James W. Cameron, III, Successor Trustee, on October 30, 1981, be, and the same is hereby, set aside and held for naught. The Trustee's Deed from James W. Cameron, III, Successor Trustee, to Gerald T. Fisher and Nancy W. Fisher, tenants in common, of record in Book 5814, page 982, Register's Office for Davidson County, Tennessee, is declared to be void and of no force and effect, and is removed as a cloud on the title of the property known as 706 Eighteenth Avenue, South, Nashville, Tennessee, more particularly described as follows:

Being Lot Number 126, I. B. Hayes Plan of Small Lots, as of record in Plan Book 1, Page 69, Chancery Court at Nashville. Said Lot Number 126, fronts 50 feet on the easterly side of 18th Avenue, South, formerly Lamar Street, and runs back between parallel lines 150 feet more or less, to an alley.

2. The lien of the Installment Deed or record in Book 5307, page 198, Register's Office for Davidson County, Tennessee, is declared to be released and satisfied in full.

3. The sum of $42,782.05 tendered to the Clerk and Master by the Plaintiff shall be paid to the Defendants Gerald T. Fisher and Nancy W. Fisher as reimbursement of the purchase price paid by them for the subject property, together with interest at the legal rate. All other sums on deposit with the Clerk and Master shall be held by the Clerk and Master for ten (10) days from the date of the entry of this decree, during which time claims may be filed by any party asserting a proper interest in these funds or any portion thereof.

4. The Plaintiffs shall not be awarded any compensatory damages, there being no proof of any negligence or breach of fudiciary duty on the part of either Robert C. H. Matthews, Jr., Trustee, or James W. Cameron, III, Successor Trustee, nor any proof that the Plaintiffs suffered any damage.

5. The Counterclaim filed by the Defendants Gerald T. Fisher and Nancy W. Fisher is hereby dismissed with prejudice.

The costs of this cause shall be paid out of the $12,000.00 on deposit with the Clerk and Master.

ENTERED this _____ day of _____, 1982.

C. ALLEN HIGH, Chancellor

APPROVED FOR ENTRY:

Perry R. Happell
Attorney for Plaintiffs

I hereby certify that this is a true copy of original instrument filed in my office.
This 23rd day of May 1986
CHRISTINA NORRIS Clerk & Master
By _____ Deputy Clerk

BOULT, CUMMINGS, CONNERS & BERRY

BY: _____
E. Berry Holt, III

BY: _____
John A. Day

Attorneys for Robert C. H. Matthews, Jr. and James W. Cameron, III

_____
David Rizor (by direction - PRH)

Attorney for Gerald T. Fisher and Nancy W. Fisher