BOOK 23

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FILED

IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE

'86 AUG 27 PM 1 15

M.B. 308-375

WILLIAM T. KEELE,

Plaintiff,

VS.

GEORGIA MILRANEY, et al,

Defendants.

DOCKET NO. 77940
DOCKET NO. 75542
DOCKET NO. 75879

O R D E R

This cause came on to be heard before the Hon. James R. Everett, Judge, on this the 25th day of July, 1986, upon Motion of WILLIAM T. KEELE, seeking Court approval of the sale of real estate mentioned in the Bill for Partition, and for an Order authorizing Plaintiff, WILLIAM T. KEELE, to sign a Deed to the real estate mentioned in the Bill for Partition, an Order determining the owner of said real estate and their respective interest in and to real estate, and for an Order allowing WILLIAM T. KEELE to close the Conservatorship and Estate of KATIE E. KEELE NEELEY after payment of all necessary expenses, and for an Order for the Court to approve all the costs of the sale of the real estate and for a determination of fees for the Conservator, Executor, costs of Conservator and the Estate and fees for the Attorney for the Conservator Estate and Attorney fees for the Bill for Partition Estate and Conservatorship and for an Order allowing distribution of the remaining money after all costs and fees have been paid.

The Court further finds that by an Order dated November 1, 1984 WILLIAM T. KEELE was appointed Conservator of the Estate of KATIE E. KEELE NEELEY and the said WILLIAM T. KEELE qualified as Conservator and this Conservatorship is presently pending in this Court due to the fact that all of the personal estate in the Conservatorship was expended by the Conservator on the care and maintenance of KATIE E. KEELE NEELEY while she was alive and the Conservatorship is insolvent and in order to pay the remaining costs there is only the real estate mentioned in the Bill for Partition.

The Court further finds that KATIE E. KEELE NEELEY died in Davidson County, Tennessee on December 19, 1984, a resident of Davidson County, Tennessee, leaving a Last Will and Testament dated December 17, 1983 and which has been probated under Docket No. 75879 in this Court and is of record in Will Book 149, page 646, Office of the Probate Court of Davidson County, Tennessee and under said Will all property was devised to GEORGIA MILRANEY, ZELMA BURKS, RUBY BRATTON and TOM KEELE, equally, and this estate is presently pending and the

only assets of this estate is the real estate mentioned in the Bill for Partition and there is no personal property involved in this estate, and the inheritance tax return required by the State of Tennessee could not be filed until the sale of the real estate to determine the amount of the estate, and the interest owned by KATIE E. KEELE NEELEY in the real estate mentioned herein is a two-thirds undivided interest.

The Court further finds that the remaining one-third undivided interest to the real estate mentioned herein are the heirs at law of THOMAS EDWARD KEELE, deceased, and that these heirs and their respective interest are as follows, EDITH ELIZABETH KEELE HASTY, one-fourth; JAMES EDWARD KEELE, deceased, survived by JAMES EARL KEELE, one-eighth and SANDRA KEELE KISER, one-eighth; BERNARD BRITT KEELE, one-fourth and LENIS RUTH KEELE CHAMBERS, one-fourth.

The Court further finds that the Court costs in the Conservatorship of KATIE E. KEELE NEELEY is Sixty-seven Dollars ($67.00); the Court costs of the estate of KATIE E. KEELE NEELEY is Twenty-four Dollars ($24.00) and the Court costs for the Bill for Partition is One Hundred Eighteen Dollars and ninety cents ($118.90).

The Court further finds that the expenses of JIM STEVENS REALTY AND AUCTION COMPANY for holding the Auction Sale of the real estate is, 4 signs - $80.00; 1100 Brochures for mailing - $160.00; sales tax on Brouchers - $12.00; Postage $180.00; Tennessee Advertising - $361.04; Tennessee Advertising Reminder - $36.26; Free Money - $15.00; Telephone Calls to Chattanooga - $19.25; for a total amount of costs expended of $1,224.59; and that the real estate commission of JIM STEVENS REALTY AND AUCTION COMPANY is $1,750.00 which the Court hereby approves as being fair and reasonable and should be deducted from the sales price of Seventeen Thousand Five Hundred Dollars ($17,500.00) before any distribution has been made and costs of Deed, Title and Closing Fee to TOM COLEMAN, Attorney is Two Hundred Ninety-eight Dollars ($298.00).

The Court further finds from the Affidavit of WILLIAM T. KEELE, which has been sworn to, lists in detail the work he performed for the Conservatorship and the Executor of the estate of KATIE E. KEELE NEELEY and for acting as Plaintiff in the Petition for Partition in this Court expending a total of 350 hours and a requested fee in the amount of Two Thousand Three Hundred Dollars ($2300.00), which is hereby approved by the Court; and the Court further finds from the Affidavit of H. PHILIP SADLER which has been sworn to and filed in this cause and has been filed in all three causes, setting forth all the time,

amount and effort expended in the Conservatorship, the estate of KATIE E. KEELE NEELEY and the Bill for Partition, requesting a fee in the amount of Eight Hundred Dollars ($800.00) for representing the Conservator, a fee of Eight Hundred Dollars ($800.00) for representing the Executor in the Estate, and a fee of Seven Hundred Fifty Dollars ($750.00) for representing the Plaintiff in the Bill for Partition making a total fee in the amount of Sixteen Hundred Dollars from the Conservatorship and the Estate and a fee of Seven Hundred Fifty Dollars for representing Plaintiff in the Bill for Partition, making a total fee requested in the amount of Two Thousand Three Hundred Fifty Dollars which the Court hereby approves as being fair and reasonable.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that WILLIAM T. KEELE be and he is authorized and directed to execute a Warranty Deed conveying all right, title and interest in and to the following described real estate:

> LAND in Davidson County, Tennessee, being Lot No. 77 on the Plan of Hortense Place as of record in Book 161, page 167, Register's Office for Davidson County, Tennessee.
>
> SAID Lot No. 77 fronts 57.5 feet on the westerly side of 33rd Avenue North, formerly Barren Street, and runs back between parallel lines with the southerly margin of Park, formerly First Avenue, 140 fee to an alley.

It is further ORDERED, that GEORGIA MILRANEY, ZELMA BURKS, RUBY BRATTEN, and TOM KEELE, own a two-thirds undivided interest to said real estate by virture of the Last Will and Testament of KATIE E. KEELE NEELEY, of record in Will Book 149, page 646, Office of the Probate Court of Davidson County, Tennessee; and that they own this two-thirds undivided interest equally each one-fourth.

It is further ORDERED that the remaining one-third undivided interest in and to said real estate are the heirs at law of THOMAS EDWARD KEELE, deceased, and that these heirs and their respective interest are as follows: EDITH ELIZABETH KEELE HASTY, one-fourth; JAMES EDWARD KEELE, deceased, survived by JAMES EARL KEELE, one-eighth and SANDRA KEELE KISER, one-eighth; BERNARD BRITT KEELE, one-fourth and LENIS RUTH KEELE CHAMBERS, one-fourth.

It is further ORDERED that the sale of said real estate conducted by JIM STEVENS REALTY COMPANY, Nashville, Tennessee be and the same is hereby approved in the amount of Seventeen Thousand Five Hundred Dollars ($17,500.00) which was the amount agreed to be paid by the buyer at public auction; and that the costs for holding said sale amounts to and is approved at One Thousand Two Hundred Twenty-four Dollars and fifty-nine cents ($1224.59) which is due and payable to JIM STEVENS REALTY AND AUCTION COMPANY; and that the real estate commission of JIM STEVENS REALTY AND AUCTION COMPANY is One Thousand Seven Hundred Fifty Dollars ($1750.00) which is hereby approved by the Court.

It is further ORDERED that the costs of Deed, Title and Closing, proration of the current years taxes all in the amount of Two Hundred Nine-eight Dollars is hereby approved and is payable to Tom Coleman, Attorney for the closing of said real estate.

It is further ORDERED that WILLIAM T. KEELE be and he is authorized and directed to close the Conservatorship of KATIE E. KEELE NEELEY and to pay Court costs to the Clerk of the Probate Court for Davidson County, Tennessee in the amount of Twenty-four Dollars, said payment to be made from the two-thirds undivided interest of the Devisees and Legatees under the Will of the said KATIE E. KEELE NEELEY.

It is further ORDERED that after the inheritance tax return is received from the State of Tennessee, the estate of KATIE E. KEELE NEELEY will be closed and the final accounting filed with the Clerk of the Court and Court costs in the amount of Sixty-seven Dollars will be paid from the two-thirds undivided interest under the estate of KATIE E. KEELE NEELEY by WILLIAM T. KEELE.

It is further ORDERED that WILLIAM T. KEELE is hereby awarded a fee of Two Thousand Three Hundred Dollars ($2300.00) for his services as Conservator and Executor of KATIE E. KEELE NEELEY and for acting as Plaintiff in the Petition for Partition and that this amount shall be paid from the two-thirds undivided interest under the estate of KATIE E. KEELE NEELEY.

It is further ORDERED that H. PHILIP SADLER be and he is hereby awarded a fee in the amount of Eight Hundred Dollars ($800.00) for representing the Conservatorship of KATIE E. KEELE NEELEY, a fee of Eight Hundred Dollars for representing the estate of KATIE E. KEELE NEELEY and Seven Hundred Fifty Dollars ($750.00) for representing the Plaintiff in the Bill for Partition; and that Sixteen Hundred Dollars ($1600.00) will be paid from the estate of KATIE E. KEELE NEELEY and that Seven Hundred Fifty Dollars ($750.00) will be paid as a result of the Bill for Partition, making a total fee in the amount of Two Thousand Three Hundred Fifty Dollars ($2350.00) which WILLIAM T. KEELE is hereby authorized and directed to pay.

It is further ORDERED that WILLIAM T. KEELE be and he is hereby authorized and directed to pay to JIM STEVENS REALTY AND AUCTION COMPANY One Thousand Two Hundred Twenty-four Dollars and fifty-nine cnets ($1224.59) for costs of sale of the real estate, One Thousand Seven Hundred Fifty Dollars ($1750.00) representing the Commission of JIM STEVENS REALTY AND AUCTION COMPANY for holding the sale and public auction on said real estate, a fee of Seven Hundred Fifty Dollars to H. PHILIP SADLER for his services for representing the Plaintiff

in the Bill for Partition, Costs of Two Hundred Ninety-eight Dollars ($298.00) plus prorating the taxes, payable to TOM COLEMAN for the costs of Deed, Title and Closing for the sale of said real estate.

It is further ORDERED that WILLIAM T. KEELE be and he is hereby directed to pay to the Clerk of the Probate Court the sum of One Hundred Eighteen Dollars and ninety cents ($118.90) for Court costs for filing the Bill for Partition in the Probate Court of Davidson County, Tennessee.

It is further ORDERED that after all costs and fees have been paid by the said WILLIAM T. KEELE he is hereby authorized and directed to pay the devisees and legatees under the Will of KATIE E. KEELE NEELEY and the heirs at law of THOMAS EDWARD KEELE in accordance with their respective interest as determined and found by the Court in this Order.

JUDGE

ATTORNEY FOR PETITIONER
H. PHILIP SADLER
2623 Lebanon Road
Donelson, TN. 37214

C E R T I F I C A T E

I certify that a copy of this Order has been mailed to Michael Gigandet, Attorney at Law, 23rd Floor, Life and Casualty Tower, Nashville, Tennessee 37219-2283, Attorney for James Earl Keele; and to the following Defendants: Edith Keele Hasty, 3526 Murphy Road, Nashville, Tennessee 37205; Sandra Keele Kiser, 2262 The Woods Drive, Jacksonville, Florida 32216; Bernard Britt Keele, 2825 Hastings Road, Huntsville, Alabama 35801; Lenice Ruth Keele Chambers, 488 Brentlawn Drive, Nashville, Tennessee 37220; Georgia Millrany, Apt. 117 Lakeview Homes, Winchester, Tennessee 37398; Zelma Burks, 119 Lakeview Homes, Winchester, Tennessee 37398 and to Ruby Bratton, Rt. 3, Box 189, Tullahoma, Tennessee 37388 this 21 day of August, 1986.

51401

IDENTIFICATION REFERENCE

Oct 9 4 15 PM '86

FELIX Z. WILSON III REGISTER
DAVIDSON COUNTY, TN

BOOK 7005 PAGE 622

**STATE OF TENNESSEE, DAVIDSON COUNTY**

BILL COVINGTON
I, ~~BILL McPHERSON~~ XXXXXXXXXXXXXXXX, *Clerk of the Probate Court of Davidson County, State aforesaid, do certify that the foregoing is a full, true and complete copy of* Order In Re: William T. Keele, Plaintiff vs Gerogia Milraney, et al, Defendnats filed August 27, 1986 recorded in Minute Book 308 page 375 *which remains of record on file in said office.*

*Given under my hand and official sea, at office, in Nashville, this* 17th *day of* September 10 86

*Clerk of Probate Court.*

*By* *Deputy Clerk.*