mailed 68 Ct Clerk
D atty Lee
Frances
3/20/87

Map 92-2
Par 266
11W 03085

IN THE PROBATE COURT OF DAVIDSON COUNTY, TENNESSEE

IN THE MATTER OF THE ESTATE OF JERRY DAVID LINDSLEY, DECEASED

IDA CORLEW LINDSLEY, Individually and as Executrix of the Estate of JERRY DAVID LINDSLEY, Deceased

Plaintiff,

-vs-

FRANCES B. LINDSLEY and J. MICHAEL HOWARD, Trustee, and GEORGE P. LINEBAUGH, JR., Trustee and BLAZER FINANCIAL SERVICES, INC., a Tennessee Corporation

Defendants.

FILED 3-18 . 1987
BILL COVINGTON, CLERK
BY _____, D.C. _____

BOOK 7176 PAGE 650

No. 73216

M. B. 312-706

FINAL ORDER

This cause came on to be heard for the issuance of an order consistent with the opinion of the Court of Appeals of Tennessee issued December 31, 1986 and the mandate and final judgment of the Court of Appeals of Tennessee filed in this court on February 4, 1987. In conformity with the decision of the Court of Appeals, this Court finds as follows: that the marriage between Jerry David Lindsley and Frances B. Lindsley was bigamous and void ab initio; that the deed from Jerry David Lindsley to J. Michael Howard and then to Jerry David Lindsley and wife Frances Lindsley for the purpose of creating a tenancy by the entirety in fact created neither a tenancy by the entirety nor a tenancy in common with right of survivorship, but was utterly null, void, and of no force and effect; that said deed, which is recorded at Book 5041, page 270 of the Register's Office of Davidson County, Tennessee, was made fraudulently with an intent to defeat Ida Corlew Lindsley of her share in Jerry David Lindsley's estate in violation of Tennessee Code Annotated, section 31-1-105 for the reason that the transfer was made without consideration, that the real property purportedly conveyed consisted of approximately ninety-six percent (96%) of the estate of Jerry David Lindsley, the transfer was apparently made in contemplation of death at a time when Jerry David Lindsley was ill, and the relationship

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between the husband and his lawful wife at the time of the transfer was poor. The Court further finds that Blazer Financial Services, Inc. is entitled to a lien upon the property for the amount of the outstanding balance of the money loaned on the property and Frances B. Lindsley is not entitled to a lien for the monies paid for taxes or upkeep on the Eden Street property.

It appears from the signatures of counsel for Ida Corlew Lindsley and Blazer Financial Services, Inc. below that the outstanding balance of the money loaned on the property has been paid to Blazer Financial Services, Inc. by Ida Corlew Lindsley and, accordingly, no judgment liens should be imposed on the property, and the indebtedness represented by deeds of trust of record at Book 5704, page 698 and Book 5908, page 523 Register's Office for Davidson County, Tenessee has been fully satisfied and should be discharged and released.

It further appears that, as Ida Corlew Lindsley was the lawful wife and sole devisee under the will of Jerry David Lindsley, title to the Eden Street property, Map 92-2, parcel 266, field book number 11W 03085, devolves upon her under said will, which is recorded at Will Book 143, page 515 County Court Clerk's Office, Probate Division, Davidson County, Tennessee.

From all of which, it is, therefore, ORDERED, ADJUDGED and DECREED as follows: the deed of record at Book 5041, page 270 Register's Office for Davidson County, Tennessee is hereby set aside as fraudulent, said deed is null, void, and utterly without force or effect and Frances B. Lindsley and all persons claiming under her are forever barred from setting up any title to the property known as 2608 Eden Street, Nashville, Tennessee under said deed; the liens described in deeds of trust as of record at Book 5704, page 698 and Book 5908, page 523 Register's Office for Davidson County, Tennessee are hereby released, the matter of the unpaid balance on the loans having been fully compromised and settled between Blazer Financial Services, Inc. and Ida Corlew Lindsley; the temporary injunction issued against Frances B. Lindsley in this cause is hereby dissolved and the lien lis pendens of record at Book 6072, page 408 Register's Office for Davidson County, Tennessee is hereby released;

the deed at Book 5041, page 270 of said Register's Office having been declared void herein, title in the following described real property is vested in Ida Corlew Lindsley under the will of Jerry David Lindsley, deceased, as of record in Will Book 143, page 515 County Court Clerk's Office, Probate Division, Davidson County, Tennessee, to wit:

> Land in Davidson County, Tennessee, being Lot No. 219, Block 11 on the Map of the Subdivision of Heffernan Place, as of record in Book 161, Page 138, Register's Office for said County.
>
> Said Lot No. 219 fronts 50 feet on the northerly side of Eden Street and runs back between parallel lines 140 feet to an alley.
>
> Being the same property conveyed to Jerry David Lindsley and wife, Sadie Lindsley, by deed from V. H. Dixon and wife, Henrie Dixon, of record in Book 1403, page 130, Register's Office for said County. The said Sadie Lindsley having since died.

The costs of this cause are hereby taxed against Frances B. Lindsley, now known as Frances Lamb, for which execution may issue.

ENTER this 18 day of March, 1987.

JAMES R. EVERETT, JR., JUDGE

APPROVED FOR ENTRY:

E. L. Edwards, III
Attorney for Plaintiff
406 Stahlman Building
Nashville, Tennessee 37201

George P. Linebaugh, Jr.
Attorney for Defendant Blazer Financial Services, Inc.
213 Third Avenue, North
Nashville, Tennessee 37201
242-5453

This Instrument prepared by
EL Edwards, III, Atty
406 Stahlman Bldg
Nashville, TN 37201

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and exact copy of the foregoing order to Timothy E. Watson, Attorney for Frances B. Lindsley, c/o West Tennessee Legal Services, P.O. Box 2066, Jackson, TN 38302, and to George P. Linebaugh, Jr., Attorney for Blazer Financial Services, Inc., 213 Third Avenue, North, Nashville, Tennessee 37201 this 5th day of March, 1987.

E. L. Edwards, III

STATE OF TENNESSEE, DAVIDSON COUNTY

73216

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I, BILL COVINGTON, 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: Jerry David Lindsley, deceased, filed 3-18-87 approved for entry. (Final Order in re: Sale of Real Property)

which remains of record on file in said office.

Given under my hand and official seal, at office, in Nashville, this 23rd *day of* March, 19 87

Bill Covington
Clerk of Probate Court.

By Minka Davis
Deputy Clerk.