170C/2081

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED
1989 DEC -1 PM 1:31
GEORGE L. MOOKER, CLERK
D.C.

STATE OF TENNESSEE, ON RELATION OF THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION, FOR AND ON BEHALF OF SAID DEPARTMENT,	Docket No. 87C-3305
Petitioner,	Project: 19008~~-2151-44~~ IR-40-5(95)215
v.	Tract No. 3
SAM MOORE; SAMUEL JOSEPH MOORE; E.E. RIVERS, d/b/a C & SIGN CO.; JAMES Wm. HOFSTETTER, JR., Trustee for THIRD NATIONAL BANK OF NASHVILLE, TENNESSEE; METROPOLITAN GOVERNMENT OF DAVIDSON COUNTY, TENNESSEE,	
Defendants.	

JAN 16 11 07 AM 1990
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN
IDENTIFICATION REFERENCE
96403

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CONSENT JUDGMENT AND FINAL DECREE

It appearing to the Court from the respective signatures of the counsel for the Commissioner of Transportation for the State of Tennessee and of the signatures of the Defendants and/or their counsel below that all matters and things in controversy between the parties have been compromised and settled, and that a Consent Judgment and Final Decree should be entered in this cause; further, an initial tender of Five Hundred Forty-Four Thousand Eight Hundred and Twenty-Five Dollars and No/Cents ($544,825.00) made on October 15, 1987.

An Order of Possession was entered by this Court on November 2, 1987 and it further appears that Petitioner has deposited at or about the time of the entry of this Judgment an additional sum of Twenty-Five Dollars and No/Cents ($25.00) with the Clerk of the Circuit Court in this cause for a total sum of Five Hundred Forty-Four Thousand Eight Hundred and Fifty Dollars and No/Cents ($544,850.00) for the purchase of any and all property rights taken by virtue of the acquisition, including any incidental damages to the remainder, and that all of the rights and interest of the Defendants in and to the tract of land described hereinafter be decreed and appropriated and assigns, to have and to hold for the use and benefit of the State of Tennessee. Further, Defendant property owners warrant that there

are no outstanding liens or claims against the property. It further appears that there are no city of county taxes due on the subject tract.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Defendants have and recover of the State of Tennessee the sum of Five Hundred Forty-Four Thousand Eight Hundred Fifty Dollars and No/Cents ($544,850.00), interest free, for the interest taken and for all incidental damages to the remainder; the sum of Five Hundred Forty-Four Thousand Eight Hundred Twenty-Five Dollars and No/Cents ($544,825.00) heretofore deposited by the State be credited against the Judgment in favor of said Defendants in addition to the sum of Twenty-Five Dollars and No/Cents ($25.00) that was deposited at or about the time of the entry of this Judgment so Defendants shall have and recover a total of Five Hundred Forty-Four Thousand Eight Hundred Fifty Dollars and No/Cents ($544,850.00) without interest to be charged to the Petitioner, State.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the right, title, claim, and interest of all Defendants in and to the condemned property hereinafter described, to the extent and in the manner indicated in said description, be, and it is hereby, divested out of them and each one of them and vested in the State of Tennessee, said property being in Davidson County, Tennessee, and being more particularly described in Exhibit "A" which is attached hereunto and incorporated by reference.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Five Hundred Forty-Four Thousand Eight Hundred Fifty Dollars ($544,850.00) paid by the Petitioner is the total damages the Defendants are entitled to recover in this cause and includes all damages for the property taken together with any and all incidental damages to the remainder of the tract of land, including full settlement of all claims for compensation of any nature due the Defendants because of the construction of the roadway project for which this condemnation was necessary.

The Clerk of this Court will make out and certify to the

State of Tennessee a copy of this Judgment, together with a costs bill for the lawful costs of this cause, for payment by the State of Tennessee.

ENTERED this 1st day of Dec, 1989.

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JUDGE

APPROVED FOR ENTRY:

VINCENT WILLIAMS
Assistant Attorney General
450 James Robertson Parkway
Nashville, Tennessee 37219-5025

SAM MOORE
Thomas Nelson, Inc.
P.O. Box 141000
Nashville, TN 37214-1000

SAMUEL JOSEPH MOORE
Thomas Nelson, Inc.
P.O. Box 141000
Nashville, TN 37214-1000

JAMES Wm. HOFSTETTER, JR. (TRUSTEE)
Third National Bank
201 4th Ave. North
Nashville, TN 37244

LEGAL DESCRIPTION

First Civil District
Davidson County, Tennessee

FEE SIMPLE

Beginning at the point of intersection of the existing north margin of I-40 and the west boundary of the Charly H. Fisher and wife property said point being 150 feet left of baseline centerline station 250+40.43; thence with said margin north 84 degrees 53 minutes 06 seconds west 571.3 feet to a point 150 feet left of baseline centerline station 244+69.13; thence north 05 degrees 06 minutes 54 seconds east 163.36 feet to a point; thence north 39 degrees 33 minutes 07 seconds west 121.82 feet to a point in the proposed north margin of this project said point being 400 feet left of baseline centerline station 243+83.49; thence south 84 degrees 53 minutes 06 seconds east 166.51 feet to a point; thence south 68 degrees 11 minutes 09 seconds east 313.21 feet to a point; thence south 52 degrees 15 minutes 56 seconds east 225.56 feet to a point; thence south 04 degrees 24 minutes 54 seconds west 38.41 feet to the point of beginning containing 2.394 acres and being part of the same property conveyed to Sam Moore and Samuel Joseph Moore by Thomas P. Kanaday, Trustee and a 1/5 interest from Sam Moore and marital rights from Peggy Moore as recorded in books 6734, 6742, 6768, pages 933, 65, and 582, Register's Office for Davidson County, Tennessee.

The above described property is hereby condemned in fee simple and all right of ingress and egress to, from and across the same and to and from abutting lands is hereby conveyed, and the lien for property taxes against the same is to be removed as provided for in Section 67-5-203, T.C.A.

ACCESS ROAD EASEMENT

By this instrument the Grantors hereby rent an area for an access road outside the proposed right of way line. The title to the property described below remains vested in the Grantor and is rented to the State of Tennessee, its contractors or its assigns for a period of 3 years, or from commencement of construction to the completion of the project whichever occurs first.

Beginning at a point in the proposed north margin of I-40 described above said point being 103 feet more or less right of Ramp "A" station 36+30 more or less; thence with said proposed north margin north 68 degrees 11 minutes 09 seconds west 50 feet more or less to a point which is 107 feet more or less right of Ramp "A" at station 36+80 more or less; thence north 20 degrees 33 minutes 54 seconds east 1705 feet more or less to a point in the existing south margin of Royal Parkway; thence with said south margin eastwardly 50 feet more or less; thence south 26 degrees 33 minutes 54 seconds west 1700 feet more or less to the point of beginning and containing 85,125 square feet.

The consideration mentioned herein includes payment for the property taken, also payment for incidental damages to the remainder compensable under eminent domain.

The above described property is unimproved and is located on the northside of I-40, 2,200 feet more or less west of Donelson Pike.

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15.00

STATE OF TENNESSEE

I, **GEORGE L. ROOKER,** *Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the Order heretofore entered in the* First *Circuit Court for Davidson County, Tennessee, on the* 1st. *day of* December, *19* 89, *in Case Number* 87C-3305 *between* State of Tennesssee *Plaintiff, and* Sam Moore et al *Defendant, as same remains of record in Book* 170C, *Page* 2081 *of the Minutes of said Court.*

IN TESTIMONY WHEREOF, *I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the* 13th. *day of* December *in the year one thousand nine hundred and* eighty-nine *and in the* 214th. *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Kim Lowe *D.C.*

Form #GR-117