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FILED

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

90 JUN 28 AM 9:06

GEORGE L. ROOKER, CLERK

D.C.

BURTON PAINTER
AS PERSONAL REPRESENTATIVE OF
THE ESTATE OF PATRICIA M. YATES,
DECEASED,

Plaintiff,

vs.

THE ESTATE OF CLONE YATES,
DECEASED, GAIL WACOME AND
SANDRA TEMPLE,

Defendant.

NO. 90C-49

BOOK 8144 PAGE 237

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**CONSENT JUDGMENT**

Based upon the pleadings, the concession of liability by the Defendant estate and upon the agreement of the parties as evidenced by the signatures of their respective counsel below it is hereby ORDERED, ADJUDGED AND DECREED as follows:

(1) The decedents' residence which was owned by the entireties and located at 3869 Cantarutti Road, Joelton, Davidson County, Tennessee and all right, title, interest and claim thereto, all easements and other appurtenances and all tenements, emblements and hereditaments including all structures, buildings, and other improvements, mineral rights, crops, trees and timber and all fixtures and accessions and additions thereto are hereby declared and adjudged to be the sole and absolute property of the estate of Patricia Yates, deceased, by virtue of the felonious killing statute, T.C.A. Section 31-1-106. Said property is more fully described as follows:

> Land in the 14th Civil District of Davidson County, Tennessee, described as follows:
>
> Beginning in the southeasterly margin of Cantarutti Road at an iron pin in the westermost corner of the property conveyed to Phillip J. Hostettler, by deed of record in Book 3164, page 263, Register's Office for said County, and running thence along the margin of said road S 55 deg. W a total of 159.8 feet to an iron pin; thence S 31 deg. 45' E 485 feet, more or less, to the center of a branch; then N 4 deg. 57' E 192.6 feet to a point in the center of said branch; thence with the center of said branch N 6 deg. 54' W 44 feet to the southermost corner of the said Hostettler property; thence with Hostettler's line N 35 deg. 15' W 235 feet, more or less, to the point of beginning, containing 1.6 acres, more or less.

Being the same property conveyed to Clone Yates and wife, Joyce Ann Yates by deed from Howard B. Moore and wife, Margie M. Moore of record in Book 3339, page 33, said Register's Office. Joyce Ann Yates having since died, Clone Yates having conveyed to Robert L. Jackson, Trustee and Robert L. Jackson, Trustee having conveyed to Clone Yates and wife, Helen JoAnn Yates of record in Book 5023, page 429, said Register's Office. Helen JoAnn Yates having died February 25, 1988, with Clone Yates having conveyed to Joe Saperstein, Trustee and Joe Saperstein, Trustee having conveyed to Clone Yates and wife, Patricia Marie Yates to create a tenancy by the entirety of record in Book 7982, page 576, said Register's Office.

(2) By virtue of T.C.A. 56-7-201 the proceeds of Metropolitan Life Insurance Company group policy for Western Union employees with a death benefit of $20,000.00 shall be the sole and absolute property of the Estate of Clone Yates, deceased, and free from the claims of the Estate of Patricia Yates, deceased;

(3) The decedents' Cadillac automobile shall be the sole and absolute property of the estate of Patricia Yates and Gail Wacome shall do all acts necessary to effect such transfer;

(4) Any and all photographs and videotapes which depict Patricia Yates, and/or any of her blood relatives, and the bookcase and books listed as the fifth item of personalty on the beginning inventory of the estate of Clone Yates, deceased, shall be the sole and absolute property of the Estate of Patricia Yates and Gail Wacome shall comply with all reasonable requests to turn these items over to the Plaintiff;

(5) Any and all claims by either the Estate of Patricia Yates, deceased, or the Estate of Clone Yates, deceased, or their executors, administrators or beneficiaries, against the other estate or its executor, administrator or beneficiaries, whether relating to the killing of Patricia Yates, or otherwise, shall be considered res judicata to this action;

(6) The Administrator of the Estate of Clone Yates, deceased, shall promptly turn over to Plaintiff any personalty awarded Plaintiff hereby and after the administrator of the Estate of Patricia Yates segregates the personalty claimed by him from any personalty remaining at the Cantarutti Road residence,

remove all personalty not awarded Plaintiff hereby from the Cantarutti Road residence after advising the administrator of the Estate of Patricia Yates, deceased, of the date and time of its intent to do so;

(7) The Administrator of the estate of Clone Yates and Gail Wacome, individually, warrant that they are aware of only one $250.00 claim against the estate of Clone Yates which was not of record in the Probate Clerk's Office as of June 12, 1990 and they shall indemnify and hold harmless the estate of Patricia Yates, deceased, its administrator and beneficiaries against any administrative expenses and other debt of the estate of Clone Yates, deceased, whether of record in the Probate Clerk's Office or not, except for the claim of Dominion Bank in the amount of $14,240.02, plus interest, which was filed in the Probate Clerk's Office on March 23, 1990, and which debt is expressly assumed by the Estate of Patricia Yates, deceased.

(8) Except as otherwise provided herein, all real property and personalty of the Estate of Clone Yates in the possession of Gail Wacome shall be the sole and absolute property of the estate of Clone Yates, deceased and the Estate of Patricia Yates, deceased, its administrators and beneficiaries have no claim thereto;

(9) The Agreed Order previously entered in this cause enjoining Meta Gail Wacome from certain activities with respect to property of the estate of Clone Yates, deceased, shall, to the extent it is consistent with this Order, remain in full force and effect until all creditors of the estate of Clone Yates, deceased, are paid and said estate closed;

(10) All keys to the Cantarruti Road residence shall be surrendered to Plaintiff upon execution of this Consent Judgment. Plaintiff shall arrange for necessary entrance to the residence by Gail Wacome at a reasonable time.

(11) All costs of this cause shall be taxed to the Defendants for which execution may issue.

ENTERED this __ day of _____, 1990.

JUDGE MATTHEW J. SWEENEY, III

APPROVED AND AGREED FOR ENTRY:

FLYNN AND NEENAN,
ATTORNEYS, P.C.

MICHAEL K. RADFORD
Attorney for Plaintiff
BPR No. 12763
Suite 800, Noel Place
200 Fourth Avenue, North
Nashville, TN 37219
(615) 244-8490

Mail

E. LEE EDWARDS, III
Attorney for Defendants
211 Union Street
406 Stahlman Building
Nashville, TN 37201
BPR # 9772

FELIX Z WILSON II REGISTER
DAVIDSON COUNTY, TN
Jul 2 3 50 PM '90

IDENTIFICATION REFERENCE

38587

KLB/PAINTER.CJ

# 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* THIRD *Circuit Court for Davidson County, Tennessee, on the* 28th *day of* JUNE, *19* 90, *in Case Number* 90C-49 *between* BURTON PAINTER *Plaintiff, and* THE ESTATE OF CLONE YATES, ET AL *Defendant, as same remains of record in Book* 138B, *Page* 1035 *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* 2nd *day of* JULY *in the year one thousand nine hundred and* NINETY *and in the* 214th *year of American Independence.*

**GEORGE L. ROOKER,** *Clerk,*

*By* Karen Rooker, *D.C.*