141C/1223

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

STATE OF TENNESSEE, ON RELATION OF THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION, FOR AND ON BEHALF OF SAID DEPARMENT,	Docket No. 90C-2699
Petitioner,	Project No. 19074-2232-14 MAF-155(2)
v.	Tract No. 17
MRS. W. L. HAILEY, METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE,	1061 10/08 0101 03CHECK 15.00
Defendants.	BOOK 8459 PAGE 840

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 TWO HUNDRED FIVE THOUSAND FOUR HUNDRED DOLLARS AND NO/CENTS ($205,400.00) was made on August 6, 1990.

An Order of Possession was entered by this Court on September 13, 1990, and it further appears that the Petitioner has deposited at or about the time of the entry of this Judgment an additional sum of TWENTY-FIVE THOUSAND DOLLARS AND NO/CENTS ($25,000.00) with the Clerk of the Circuit Court in this cause, for a total sum of TWO HUNDRED THIRTY THOUSAND FOUR HUNDRED DOLLARS AND NO/CENTS ($230,400.00) 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

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to the petitioner, the State of Tennessee, its successors 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 or 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 TWO HUNDRED THIRTY THOUSAND FOUR HUNDRED DOLLARS AND NO/CENTS ($230,400.00), interest free, for the rights and interests taken and for all incidental damages to the remainder, the sum of TWO HUNDRED FIVE THOUSAND FOUR HUNDRED DOLLARS AND NO/CENTS ($205,400.00) heretofore deposited by the State be credited against the Judgment in favor of said defendants, in addition to the sum of TWENTY-FIVE THOUSAND DOLLARS AND NO/CENTS ($25,000.00) that was deposited at, or about the time of the entry of this Judgment, so defendants shall have and recover a total of TWO HUNDRED THIRTY THOUSAND FOUR HUNDRED DOLLARS AND NO/CENTS ($230,400.00) 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, its successors and assigns, to have and to hold for the use and benefit of the State of Tennessee, said property being in Davidson County, Tennessee, and being more particularly described in Exhibit "A-1" which is attached hereunto and incorporated by reference.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the TWO HUNDRED THIRTY THOUSAND FOUR HUNDRED DOLLARS AND NO/CENTS ($230,400.00) 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 design or 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 3rd day of September. 1991.

CIRCUIT COURT JUDGE

APPROVED BY:

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LEGAL DESCRIPTION

Thirteenth Civil District
Davidson County, Tennessee

FEE SIMPLE

Beginning at the point of intersection of the east boundary of the Dwight D. Warren etux property and the proposed south margin of SR 155 said point of intersection being 151 feet more or less right of SR 155 proposed centerline station 385+14 more or less; thence with said boundary north 06 degrees 26' 39" west 293.79 feet to a point; thence with the proposed north margin of said road (1) north 57 degrees 57' 57.5" east 268.76 feet (2) south 81 degrees 07' 44.8" east 176.49 feet (3) south 73 degrees 10' 34.7" east 173.11 (4) south 88 degrees 24' 48.2" east 234.09 feet to a point; thence with the west boundary of the Hugh Joseph Stinchfield Jr., etux property south 14 degrees 58' 04" east 99.61 feet to a point; thence with the south boundary of said Stinchfield property (1) north 84 degrees 57' 28" east 213.35 feet (2) north 75 degrees 52' 32" east 249.27 feet (3) having a 20.00 foot radius curve left and northerly 43.48 feet to a point; thence with the existing southwest margin of Homeland Drive southeasterly 280 feet more or less to a point; thence with the northwest boundary of the Charlie J. O'Neal etux property south 28 degrees 43' 59" west 845.99 to a point in the Donald P. Dozier north boundary; thence with the said north boundary south 75 degrees 23' 54" west 328.0 feet to a point; thence with this properties south boundary (1) south 75 degrees 23' 54" west 270 feet more or less (2) westerly 520 feet more or less to a point; thence with the said east boundary north 06 degrees 26' 39" west 660 feet more or less to the point of beginning and containing 27.43 acres and being part of the same property conveyed by Homeland, Inc. to Mrs. W.L. Hailey as of record in book 3946, page 623, Register's Office, 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.

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

EXHIBIT A-1

Map #58
Parcel #94
Field Book #13D22950

BOOK 8459 PAGE 844

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* Second *Circuit Court for Davidson County, Tennessee, on the* 3rd *day of* September, *1991, in Case Number* 90C-2699 *between* STATE OF TENNESSEE *Plaintiff, and* MRS. W. L. HAILEY, et al. *Defendant, as same remains of record in Book* 141C, *Page* 1823 *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* 18th *day of* September *in the year one thousand nine hundred and* ninety-one *and in the* 216th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Cheryl Lehman *D.C.*

Form #GR-117