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DAV. CO. CHANCERY COURT

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

PART II

BOOK 8464 PAGE 73

EMERSON McCAULEY, et al,

Plaintiffs,

vs.

GLADYSTENE HOLT, et al,

Defendants.

NO. 90-1485-II

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ORDER FILED & ENTERED

MAY - 6 1991

MINUTE BOOK 165 PAGE 73

JUDGMENT

This cause came on to be heard on this the 5th day of March, 1991 before the Honorable C. Allen High, Chancellor, upon the pleadings, the proof and the entire record. From all of which the Court finds that the plaintiffs, as the heirs at law of Nannie Hoggatt Kennedy, deceased, are the owners of the below described real estate.

The Court further finds that the deed that purports to convey said real estate from Emerson McCauley, et al to Gladystene S. Holt, of record in Book 7862, page 993, Register's Office for Davidson County, Tennessee, was undelivered and is void. Said deed constitutes a cloud upon plaintiffs' title and should be removed as such.

The Court further finds that the subsequent deed of trust from Gladystene S. Holt to Leigh M. Bullen, Trustee, purporting to convey said real estate, and given to secure a note to Dominion Bank of Middle Tennessee, of record in Book 7896, page 419, Register's Office for Davidson County, Tennessee, is void and of no effect. Gladystene S. Holt had no interest in said real estate and was unable to convey the same. Said deed of trust constitutes a cloud upon plaintiffs' title and should be removed as such.

The Court further finds that the plaintiffs' claims for money damages and attorney's fees should be, and are hereby, denied.

Said real estate is described as follows:

> Land in Davidson County, Tennessee, described as follows, to-wit:
>
> Being the northerly 32 feet of Lots Nos. Eighteen (18) and Nineteen (19) on the Plan of J. A. Jowett's Subdivision of Lot No. 3 of the Harding Lytle Tract, as of record in Book 57, page 67, Register's Office for said County.
>
> Said part of Lots Nos. 18 and 19 front thirty two feet on the westerly side of 21st Avenue North, formerly Tweed Street, and run back between parallel lines, with the southerly margin of an alley, one hundred and twenty five (125) feet to the easterly line of Lot No. 20.

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Being the same property conveyed to Hannie Hoggatt by deed from Lawson Hardge and Baby Ruth Hardge of record in Book 1199, page 393, Register's Office for Davidson County, Tennessee.

It is, therefore, **ORDERED** by the Court that the deed from Emerson McCauley, et al to Gladystene S. Holt, of record in Book 7862, page 993, be, and it is hereby, declared void and it is removed as a cloud upon plaintiffs' title.

It is further **ORDERED** by the Court that the deed of trust from Gladystene S. Holt to Leigh M. Bullen, Trustee, of record in Book 7896, page 419, be, and it is hereby, declared void and it is removed as a cloud upon plaintiffs' title.

All other relief is hereby denied.

The costs of this cause are assessed against the defendant, Gladystene S. Holt, for which execution may issue if necessary.

ENTER, this the 6 day of May, 1991.

CHANCELLOR

APPROVED:

DAVID VINCENT
S. Ct. Reg. No. 3935
Attorney for Defendant Carney
906 Stahlman Building
Nashville, Tennessee 37201
(615) 254-6489

I hereby certify that this is a true copy of original instrument filed in my office.
This 20th day of May, 1991
CLAUDIA C. BONNYMAN, Clerk & Master
By: Deputy Clerk
COURT
NASHVILLE

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Judgment has been mailed to Mr. Jon L. Setzer, Attorney for Plaintiffs, 1101 Stahlman Building, Nashville, Tennessee 37201, Mr. Jeffrey S. Bivens, Attorney for Dominion Bank of Middle Tennessee, 222 Third Avenue, North, Nashville, Tennessee 37219, and Ms. Gladystene S. Holt, 1400 Sigler Street, Nashville, Tennessee 37203, by placing each copy in the United States mail, first class postage prepaid, on this the 1st day of May, 1991.

DAVID VINCENT

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IDENTIFICATION REFERENCE
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