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DAV. CO. CHANCERY COURT

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

DOUGLAS J. BARNES
and J. NADINE BARNES,

Plaintiffs,

vs.

JOE F. WALL,
CHARLES W. BONE, TRUSTEE,
and RICHARD MANSON, TRUSTEE,

Defendants.

BOOK 8570 PAGE 695

CASE NO: 91-3091-II

Costs PAID
FD (6)

ORDER FILED & ENTERED MAR 6 1992
MINUTE BOOK _____ PAGE _____

AGREED JUDGMENT

It appears to the Court from the signatures of counsel below and signature of Defendant Joe F. Wall below that the Plaintiffs, Douglas J. Barnes and J. Nadine Barnes (hereinafter called "the Plaintiffs"), and all of the Defendants have reached an agreement concerning the Judgment in this matter. Specifically, it appears to the Court as follows:

1. In June of 1986, the Plaintiffs contracted with Defendant Joe F. Wall (hereinafter called "Wall") to purchase from him Lot No. 3 of the Beadle Subdivision, the address of which property is 2204 14th Avenue North.

2. On or about June 19, 1986,, Wall and Plaintiff Douglas J. Barnes executed a Contract for Sale of Real Estate, a copy of which is attached to the Complaint in this matter as Exhibit E, which paper purported to reflect that contract between Wall and the Plaintiffs.

3. As a result purely of mistake, that Contract for Sale of Real Estate indicates the sale of "Lot No. 1 of the Beadle Subdivision" instead of "Lot No. 3 of the Beadle Subdivision." This mistake was mutual between Wall and the Plaintiffs.

4. As a result of the mistake in the Contract for Sale of Real Estate, the deeds of trusts attached to the Complaint as Exhibit B and Exhibit C and the deeds attached to the Complaint as Exhibit F and Exhibit G also reflect mistakes, with "Lot No. 1" and "Lot No. 3" substituted for one another on those documents.

5. The Plaintiffs and the Defendants are in agreement that the deeds of trust, the Contract for Sale of Real Estate, and the deeds should be reformed to reflect the true intentions of the parties.

6. Defendant Wall has no objection to and does not deny any part of the Complaint filed by the Plaintiffs.

7. Defendants Charles W. Bone, Trustee and Richard Manson, Substitute Trustee, have no objection to and do not deny any part of the Complaint filed by the Plaintiffs.

It is therefore ORDERED, ADJUDGED, and DECREED that the documents referenced in the Complaint in this action should be reformed as follows:

1. The deed of trust, attached to the Complaint in this action as Exhibit B, of record at Book 7042, page 339, Register's Office for Davidson County, Tennessee, whereby the Plaintiffs granted property to Defendant Charles W. Bone, as Trustee, describes the property conveyed as follows:

> Being Lot No. 1 on the Plan of the Beadle Subdivision of record in Book 4715, page 130, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete description. Being the same property conveyed to within named Grantors by deed of even date being recorded simultaneously herewith, which has the address of 2200 14th Avenue North, Nashville, Tennessee 37208.

This property description is hereby reformed to read as follows:

> Being Lot No. 3, on the Plan of Beadle Subdivision of record in Book 4175, page 130, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete description. Being the same property conveyed to the within named Grantors by deed of even date, being recorded simultaneously herewith, which has the address of 2204 14th Avenue North, Nashville, Tennessee 37208.

2. The deed of trust, attached to the Complaint in this action as Exhibit C, of record in Book 7055, page 655, Register's Office for Davidson County, Tennessee, whereby Wall and his wife Bettye H. Wall conveyed property to Charles W. Bone, as Trustee, and for which property the appointment of Richard Manson as Substitute Trustee for said Deed of Trust is of record at Book 8324, page 692, Register's Office for Davidson County, Tennessee (a copy of which appointment is attached to the Complaint in this action as Exhibit D), describes the property conveyed as follows:

> Being Lot No. 3, on the Plan of Beadle Subdivision of record in Book 4175, page 130, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete legal description of subject lot. Being the same property conveyed to within named Grantors by deed of even date, which instrument is being recorded simultaneously herewith, which has the address of 2204 14th Avenue North, Nashville, Tennessee 37208.

This deed of trust is hereby reformed so that the property description reads as follows:

> Being Lot No. 1 on the Plan of the Beadle Subdivision of record in Book 4175, page 130, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete legal description of subject lot. Being the same property conveyed to within named Grantors by deed of even date, which instrument is being recorded simultaneously herewith, which has the address of 2200 14th Avenue North, Nashville, Tennessee 37208.

3. The Contract for Sale of Real Estate, attached to the Complaint in this action as Exhibit E, expresses the agreement between Douglas J. Barnes and Wall, d/b/a Riddle Lumber Sales, to convey certain property to the Plaintiffs. That Contract for Sale of Real Estate describes the property to be conveyed as follows:

> Lot No. 1 of the Beadle Subdivision at 14th Avenue North & Cecelia.

This Contract for Sale of Real Estate should be reformed so that the property description reads as follows:

> Lot No. 3 of the Beadle Subdivision at 14th Avenue North & Cecelia.

4. The deed attached to the Complaint in this action as Exhibit F, at Record in Book 7042, page 366, Register's Office for Davidson County, Tennessee, purports to convey property from Riddle Lumber Sales to Wall. This deed describes the property conveyed as follows:

> Being Lot No. 3, on the Plan of Beadle Subdivision of record in Book 4175, page 130, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete legal description of subject lot. Being part of the same property conveyed to Riddle Lumber Sales by deed of record in Book 6829, page 577, Register's Office for Davidson County, Tennessee. This conveyance is subject to any and all zoning regulations, building restrictions and setback lines, if any, easements and rights-of-way for public utilities. This conveyance is subject to any and all easements and restrictions of record. Annette W. Riddle joins in this conveyance to convey any and all rights she may have to subject property. This is improved property, known as 2204 14th Avenue North, Nashville, Tennessee 37208.

This deed is hereby reformed, so that the property description reads as follows:

ing Lot No. 1, on the Plan of Beadle Subdivision of record in Book 4175, page 130, Register's Office for Davidson County, Tennessee, to which reference is here made for a more complete description. Being the same property conveyed to Riddle Lumber Sales by quit claim deed from Douglas J. Barnes and wife Nadine Barnes of record in Book 6931, page 296, Register's Office for Davidson County, Tennessee. This conveyance is subject to any and all zoning regulations, building restrictions and setback lines, if any, easements and rights-of-way for public utilities. This conveyance is subject to any and all existing easements and restrictions of record. Annette W. Riddle joins in this conveyance to convey any and all rights she may have to subject property. This is improved property, known as 2200 14th Avenue North, Nashville, Tennessee 37208.

5. The deed, attached to the Complaint as Exhibit G, of record at Book 7042, page 336, Register's Office for Davidson County, Tennessee, conveys land to Plaintiff Douglas J. Barnes from Riddle Lumber Sales. This deed describes the property conveyed as follows:

> Being Lot No. 1, on the Plan of Beadle Subdivision of record in Book 4715 (sic), page 130, Register's Office for Davidson County, Tennessee, to which reference is here made for a more complete description. Being the same property conveyed to Riddle Lumber Sales by quit claim deed from Douglas J. Barnes and wife Nadine Barnes of record in Book 6931, page 296, Register's Office for Davidson County, Tennessee. This conveyance is subject to any and all zoning regulations, building restrictions and setback lines, if any, easements and rights-of-way for public utilities. This conveyance is subject to any and all existing easements and restrictions of record. Annette W. Riddle joins in this conveyance to convey any and all rights she may have to subject property. This is improved property, known as 2200 14th Avenue North, Nashville, Tennessee 37208.

This deed is hereby reformed so that its property description reads as follows:

> **Being Lot No. 3, on the Plan of Beadle Subdivision of record in Book 4175, page 130, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete legal description of subject lot. Being part of the same property conveyed to Riddle Lumber Sales by deed of record in Book 6829, page 577, Register's Office for Davidson County, Tennessee. This conveyance is subject to any and all zoning regulations, building restrictions and setback lines, if any, easements and rights-of-way for public utilities. This conveyance is subject to any and all easements and restrictions of record. Annette W. Riddle joins in this conveyance to convey any and all rights she may have to subject property. This is improved property, known as 2204 14th Avenue North, Nashville, Tennessee 37208.**

Entered this 6 day of ~~October, 1991~~ March, 1992.

C. Allen High, Chancellor

I Hereby Certify that this is a true copy of original instrument filed in this office.
This 6th day of March 1992
CLAUDIA C. BONNYMAN Clerk & Master

APPROVED FOR ENTRY:

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Joe F. Wall, Defendant

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Individually, as Trustee and as
Attorney for Charles W. Bone, Trustee

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DAVIDSON COUNTY, TN