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BOOK 8809 PAGE 74

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

RUTH HURT RILEY,)
)
Plaintiff)
)
VS.) NO. 90-3135-I
)
EMILY JANE HURT BRUMIT, et al)
)
Defendants)

ORDER FILED & ENTERED 10-20-92
MINUTE BOOK 299 PAGE 170

ORDER OF CONFIRMATION OF SALE

This cause came on to be heard on Tuesday, October 20, 1992 at 1:15 p.m. in open Court upon a Motion filed by the Plaintiff, Ruth Hurt Riley, for confirmation of an auction sale of certain real property known as and located at 830 Russleo Drive in Nashville, Davidson County, Tennessee, said Motion having been previously contemplated and allowed by a prior Order of this Court of record in Chancery Minute Book 298, page 461 and, the Court finds that the Plaintiff has filed a report of the auction sale of said property under oath with the Court which reflects that an auction sale was held pursuant to Orders of this Court on Saturday, October 17, 1992 and was carried out by the Jim Stevens Realty & Auction Associates and that said auction was performed in a commercially reasonable manner with the highest bid upon said property being Sixty-Six Thousand ($66,000.00) Dollars and that the highest bidders, Sonnie E. Potts and Erin M. Jones, tendered to said auction company an amount sufficient to cover the minimum amount of earnest money required. It further appearing to the Court that the Plaintiff in open Court requested that this Order be signed immediately due to the fact that the buyers are ready to close and that the house is uninsured at this time and the risk of loss between the present and the time of closing is a potentially hazardous circumstance reasonably giving rise to potential loss, and the Court finds that the best interests of all parties requires that this Order, after

review, be signed in open Court, and entered instantly by the Clerk in the Minute Book of the Chancery Court. The Court is further of the opinion that any Rules to the contrary should be suspended under the existing circumstances.

The Court has also considered a document dated October 19, 1992 which appears to be titled "Answer to Kirk, Kilcrease, High and Edsmond (sic) Motion to Confirm", filed by the Defendant Herman Edward Brumit, Jr., and finds that the document is without merit, and is further in violation of a previous Order of this Court wherein the Defendant Herman Edward Brumit, Jr. was admonished for filing documents and doing acts in this Court on behalf of persons other than himself. It is, therefore,

ORDERED, ADJUDGED AND DECREED that the auction sale of real property known as and located at 830 Russleo Drive in Nashville, Davidson County, Tennessee, the legal description of which is set forth as follows:

> Being Lot No. 19 on the Plan of Horton Heights, Section IV, as of record in Book 1835, page 129, Register's Office for said County.
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> Said Lot No. 19 fronts 125 feet on the northeasterly margin of Russleo Drive, and runs back 224.5 feet on the southeasterly line and 155 feet on the northwesterly line, to a dead line, measuring 141 feet thereon.
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> Being the same property conveyed to James Donald Meadows and wife, Mary Helen Meadows, by deed from A. C. Oakley and wife, as of record in Book 2447, page 505, said Register's Office.
>
> Being the same property conveyed to Michael E. Hurt and wife, Betty Ann Hurt, by warranty deed of record in Book 4491, page 737 and by re-recorded deed for the purpose of correcting the name of the grantees of record in Book 4497, page 92, said Register's Office.

is hereby confirmed in all respects and that said sale at Sixty-Six Thousand ($66,000.00) Dollars is hereby determined to be the sale price of said property pursuant to prior

Orders of this Court and the Court finds that the sale was held in a reasonably commercial manner.

It is further, ORDERED, ADJUDGED AND DECREED that upon the Plaintiff tendering to the Clerk & Master of the Chancery Court the net proceeds of said sale, being the sale price less the sales commission, costs of advertising, costs of any reasonable and required repairs, title policy, reasonable closing costs, and any and other costs reasonably required to carry out the intent of the Court's Order, the Clerk & Master of the Chancery Court is hereby Ordered to execute a deed in favor of the buyers, Sonnie E. Potts and Erin M. Jones, with rights of survivorship, and any other necessary instruments in favor of said highest bidders, reasonably required for the conveyance of the above described real property immediately upon presentation to her for execution. The Plaintiff shall also tender to the Clerk & Master with the proceeds a detailed accounting of all costs of sale as referred to above. The Clerk & Master shall distribute the funds pursuant to the subsequent filing of an accounting and an Order from this Court.

It is further, ORDERED, ADJUDGED AND DECREED that the signature of the Clerk & Master shall be effective for the full and lawful conveyance in fee simple of said real property in all respects as if the Plaintiff, Ruth Hurt Riley, the Defendant, Emily Jane Hurt Brumit, or any other necessary parties, had executed the document by their own hand.

It is further, ORDERED, ADJUDGED AND DECREED that the Plaintiff shall tender all net funds as described above received by her from the closing of said sale to the Clerk of the Court and the Plaintiff may then move for a later division of proceeds amongst all the proper parties and shall file a proposed accounting for division and distribution. Said division and distribution shall include the indebtedness of all secured parties as previously determined by this Court and Plaintiff may then apply for

any judgments or other relief as have been contemplated in the Court's previous Orders.

It is further, ORDERED, ADJUDGED AND DECREED that the requests of the Defendant Herman Edward Brumit, Jr., contained in his document filed on October 19, 1992, are not well taken and are hereby denied.

The taxing of costs and the continuation, modification or dismissal of any injunctions are reserved until the time of division of the proceeds and any other matters are reserved until that time.

ENTER this _____ day of October, 1992.

CHANCELLOR

APPROVED FOR ENTRY:

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IDENTIFICATION REFERENCE

DEC 9 9 43 AM '92

DAVIDSON COUNTY, TN

PICK-UP

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