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

1993 FEB -1 AM 11:12

JOYCE L. BOOKER, CLERK

STATE OF TENNESSEE, ON RELATION OF THE COMMISSIONER OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION, FOR AND ON BEHALF OF SAID DEPARTMENT, Petitioner, V. KATHRYNE DRIVER, Successor Trustee; SPRUELL DRIVER, JR., Beneficiary; J.S. STEWART, Trustee; NORTH CAROLINA MUTUAL LIFE INSURANCE COMPANY; METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE Defendants.	DOCKET NO. 91C-28 TAX MAP 92-01 P.C. PARCEL NO. 35 JURY DEMAND

1993

OFFICE A.G. for D.O.I.

CONSENT JUDGMENT AND FINAL DECREE

It appearing to the Court from the respective signatures of the Counsel for the Commissioner of Finance and Administration 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 EIGHTEEN THOUSAND DOLLARS AND NO/CENTS ($18,000.00) was made on March 7, 1991.

An Order of Possession was entered by this Court on April 3, 1991, and it further appears that Petitioner has deposited at or about the time of entry of this Judgment an additional sum of ONE THOUSAND ONE HUNDRED FIFTEEN DOLLARS AND NINETY-TWO CENTS ($1,115.92) with the Clerk of the Circuit Court in this cause, for a total sum of NINETEEN THOUSAND ONE HUNDRED FIFTEEN DOLLARS AND NINETY-TWO CENTS ($19,115.92) for the purpose of acquiring any and all property rights taken by virtue of this 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 should hereinafter be decreed and appropriated to the Petitioner, 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 NINETEEN THOUSAND ONE HUNDRED FIFTEEN DOLLARS AND NINETY-TWO CENTS ($19,115.92), interest free, for the interest taken and for all incidental damages to the remainder; the sum of EIGHTEEN THOUSAND DOLLARS AND NO/CENTS ($18,000.00) heretofore deposited by the State be credited against the Judgment in favor of said Defendants in addition to the sum of ONE THOUSAND ONE HUNDRED FIFTEEN DOLLARS AND NINETY-TWO CENTS ($1,115.92) that was deposited at or about the time of entry of this Judgment, so Defendants shall have and recover a total of NINETEEN THOUSAND ONE HUNDRED FIFTEEN DOLLARS AND NINETY-TWO CENTS ($19,115.92) 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 vested in the State of Tennessee, said property being in Davidson County, Tennessee and being more particularly described in Exhibit "A" which is attached hereunto and incorporated by reference.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the NINETEEN THOUSAND ONE HUNDRED FIFTEEN DOLLARS AND NINETY TWO CENTS ($19,115.92) 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

construction or design of the building 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 1st day of February, 1993.

CIRCUIT JUDGE

APPROVED BY:

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LEGAL DESCRIPTION

Land in Davidson County, Tennessee, being Lot No. 10 and the north 20-feet of Lot. No. 9 of Block 41 on the Map of Long and Ashworth's Subdivision of certain Blocks in Midway, as of record in Book 57, page 116, Register's Office for said County.

Said Lot and part of said Lot adjoin and front together 70 feet on the west side of 33rd Avenue North and extend back between parallel lines, along the south margin of Alameda Avenue, 150 feet to an alley.

INCLUDED in the above description, but specifically EXCLUDED therefrom is property conveyed to Metropolitan Government of Nashville and Davidson County, Tennessee, by deed from John L. and Spruell Driver, of record in Book 5183, page 724, Register's Office for said County, described as follows:

Beginning at a point being the northeast corner of the property belonging to John L. and Spruell Driver, as recorded in Book 3854, page 527, Register's Office for Davidson County, Tennessee; thence southerly along the eastern property line of said property, for a distance of 10.0 feet, to a point; thence westerly, along a curve to the left, of radius 10.0 feet, for a distance of 15.7 feet, to a point on the northern property line of the John L. and Spruell Driver property; thence easterly, along said northern property line for a distance of 10.0 feet, to the point of beginning and containing therein an area of 21.4 square feet.

BEING the same property conveyed to Kathryn Driver, as Successor Trustee, under that certain Trust Agreement by and between John L. Driver and Spruell Driver, dated January 31, 1967, of record in Book 4098, page 641, Register's Office for Davidson County, Tennessee, and as amended in Book 4284, page 869, Register's Office for Davidson County, Tennessee.

EXHIBIT A

Map No. 92-1 Parcel No. 35
Field Book No. 11W-40705

9 4 9 4 3

IDENTIFICATION REFERENCE

FEB 24 9 57 AM '93

WILLIAM Z. WILSON JR REGISTER
DAVIDSON COUNTY, TN

BOOK 8872 PAGE 203

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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* 1st *day of* February, *19* 93, *in Case Number* 91C-28 *between* STATE OF TENNESSEE *Plaintiff, and* KATHRYNE DRIVER, et al *Defendant, as same remains of record in Book* 147A, *Page* 656 *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* 19th *day of* February *in the year one thousand nine hundred and* ninety-three *and in the* 217th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Cheryl Kenney, *D.C.*

Form #GR-117