BOOK 8953 PAGE 844

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

1993 MAY 22 PM 1:28

THE STATE OF TENNESSEE, ON RELATIONS OF THE COMMISSIONER OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION, FOR AND ON BEHALF OF SAID DEPARTMENT,	)	Docket No. 90C-4168
Petitioner,	)	Tax Map 92-1
v.	)	Parcel No. 8
ALEXANDER C. WELLS and Wife, DOROTHY M. WELLS, EVERETT A. COVINGTON, JR., Trustee; SECURITY FEDERAL SAVINGS AND LOAN ASSOCIATION OF NASHVILLE, DONALD MOORE, SR.; GEM CONSTRUCTION COMPANY, NORVELL & WALLACE, INC.; METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE,	)	
Defendants.	)	
and,		
v.		
ALEXANDER C. WELLS and Wife, DOROTHY M. WELLS, and METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE,	)	Docket No. 90C-4169
	)	Tax Map No. 92-1
	)	Parcel No. 9
Defendants.	)	

IDENTIFICATION REFERENCE
MAY 20 8 45 AM '93
DAVIDSON COUNTY, TN
21488

JUDGMENT AND FINAL DECREE

5138 05/20 0101 01CASH 32.00

These consolidated cases came to be heard the 24th day of February, 1993, before the Honorable William M. Dender, Interim Judge of the Davidson County Circuit Court, Division Six, at Nashville, Tennessee and a jury of good and lawful men and women, to wit:

1. Jean H. Mayes
2. Brenda Drew
3. Dorothy McKnight
4. Dana Buse
5. Randy Moser
6. Barbara Yates
7. Patricia Wilkes
8. Jerry Buchanan
9. Lisa Moore
10. Brenda Morgan
11. Thomas Hill
12. Carolyn Markee

Who having been duly elected, and paneled, and sworn according to law to try the issues, heard the proof, arguments of counsel, and the charge of the Court and did then return to consider their verdict.

The jury then came into open Court and reported their verdict to be the sum of ONE HUNDRED THIRTY-EIGHT THOUSAND TWO HUNDRED DOLLARS AND NO/CENTS ($138,200.00) as to case no. 90C-4168 and TWENTY-NINE THOUSAND DOLLARS AND NO/CENTS ($29,000.00) as to case no. 90C-4169 for a total verdict of ONE HUNDRED SIXTY-SEVEN THOUSAND TWO HUNDRED DOLLARS AND NO/CENTS ($167,200.00) for the property acquired and conveyed to the State of Tennessee in fee simple, including the value of all improvements located thereon. The property is more particularly described in Exhibit "A" and Exhibit "B" attached hereto.

It appearing to the Court that the Petitioner, State of Tennessee, ex rel., has deposited ONE HUNDRED EIGHT THOUSAND DOLLARS AND NO/CENTS ($108,000.00) on March 4, 1991 in relation to case no. 90C-4168. It further appearing to the Court that the Petitioner, State of Tennessee, ex rel., has deposited TWENTY-ONE THOUSAND FIVE HUNDRED DOLLARS AND NO/CENTS ($21,500.00) on the same day, March 4, 1991 in case no. 90C-4169. Therefore, a total deposit of ONE HUNDRED TWENTY-NINE THOUSAND FIVE HUNDRED DOLLARS AND NO/CENTS ($129,500.00) has been deposited in these cases, which amount is to be credited against the jury award in each of these cases, which totaled ONE HUNDRED SIXTY-SEVEN THOUSAND TWO HUNDRED DOLLARS AND NO/CENTS ($167,200.00) leaving a balance due and owing to the Defendants Alexander C. and Dorothy Wells of THIRTY-SEVEN THOUSAND SEVEN HUNDRED DOLLARS AND NO/CENTS ($37,700.00).

It further appears to the Court that the Judgment for the Defendants should also include statutory interest. Said interest should be calculated on the principle amount of THIRTY SEVEN THOUSAND SEVEN HUNDRED DOLLARS AND NO/CENTS ($37,700.00) from the date of March 28, 1991, the date the Court granted possession of these properties to the State.

It further appearing to the Court that the Metropolitan Government of Nashville and Davidson County, Tennessee was

named as a Defendant in compliance with Tennessee Code Annotated Section 29-17-608 and other statutes for the collection property taxes.

It further appearing that Defendants Alexander C. and Dorothy M. Wells have stated on record to the Court that Defendants Everett A. Covington, Jr., trustee; Security Federal Savings and Loan Association of Nashville; Donald Moore, Sr.; GEM Construction Company; and Norvell & Wallace, Inc. have been paid in full for their interest in the property and therefore have no interest in the proceeds to this suit.

It further appears that the property described in Exhibit "A" and Exhibit "B" should be fully divested and transferred from the Defendants to the Board of Regents of and for the State University and College System of Tennessee.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendants Alexander C. and Dorothy M. Wells shall have and recover from the Petitioner State of Tennessee, ex rel., the sum of ONE HUNDRED SIXTY-SEVEN THOUSAND TWO HUNDRED DOLLARS AND NO/CENTS ($167,200.00) representing the fair cash market value of all property and property rights acquired by the Petitioner as described by Exhibit "A" and Exhibit "B" as of the date of possession in this case, which includes the value of all improvements thereon, of which the total sum of ONE HUNDRED TWENTY-NINE THOUSAND FIVE HUNDRED DOLLARS AND NO/CENTS ($129,500.00) has been deposited with the Clerk of this Court, leaving a balance due and owing to be paid by the Petitioner State of Tennessee to the Defendants Alexander C. and Dorothy M. Wells in the amount of THIRTY-SEVEN THOUSAND SEVEN HUNDRED DOLLARS AND NO/CENTS ($37,700.00).

IT IS FURTHER ORDERED that Defendants Alexander C. and Dorothy M. Wells shall have and receive of the State of Tennessee, ex rel. interest at the appropriate statutory

rate for the period of March 28, 1991, to the date of satisfaction of this Judgment for the undeposited amount.

IT IS FURTHER ORDERED that the title to the land hereinafter described in Exhibit "A" and Exhibit "B" be and the same is hereby divested out of all the Defendants and is hereby vested in the Board of Regents of and for the State University and College System of Tennessee, in fee simple title, such being land lying in Davidson County, Tennessee and being more fully described in Exhibit "A" and Exhibit "B" which is attached hereto and incorporated herein by reference.

It is further ordered that pursuant to Tennessee Code Annotated Section 29-17-812, the costs of this cause shall be and the same are hereby taxed against the Petitioner State of Tennessee, ex rel. said costs to include a certified copy of this Judgment and Final Decree, which the Clerk is directed to provide to the Petitioner as a muniment of title for the purpose of recordation.

ENTERED this _____ day of _____, 1993.

HONORABLE WILLIAM M. DENDER
Interim Circuit Judge
Twentieth Judicial District,
Division Six

APPROVED FOR ENTRY:

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(by permission to Wendell Dawson, A.A.G. #13208)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing has been mailed, postage prepaid, or hand-delivered, to **Mark C. Scruggs**, Attorney for Alexander C. Wells, et ux, P.O. Box 158932, Nashville, Tennessee 37215-8932; **Richard K. Smith**, Attorney for Defendants Everett A. Covington, Jr., Trustee and Security Federal Savings & Loan Association of Nashville, 200 Fourth Avenue North, 5th Floor, Noel Place, Nashville, Tennessee 37219; **Edward T. Kindall**, Attorney for Donald Moore, Sr., 533 Stahlman Building, Nashville, Tennessee 37201; GEM Construction Company, c/o **Percy Jefferson**, 1714 Hayes Street, Nashville, Tennessee 37203; Norvell & Wallace, Inc., c/o **William N. Dearborn**, 1 Commerce Place, Suite 1200, Nashville, Tennessee 37239; and Metropolitan Government of Nashville-Davidson County, c/o **Philip D. Baltz**, Metro Legal Department, 204 Metro Courthouse, Nashville, Tennessee 37201, this the 9 day of March, 1993.

Wendell C. Dawson

WENDELL C. DAWSON (#012960)
Assistant Attorney General

LEGAL DESCRIPTION

DAVIDSON COUNTY, TENNESSEE

BEING Lot No. 7 on the Map of George I. Waddey's State Normal Subdivision, of record in Book 421, page 149, Register's Office for Davidson County, Tennessee.

SAID Lot No. 7 fronts 50 feet on the westerly side of 37th Avenue North and runs back between parallel lines 160 feet to an alley.

BEING the same property conveyed to Alexander Wells and Wife, Dorothy M. Wells by deed from Geraldine Hunter Bryant Potter of record in Book 3398, page 409, Register's Office for Davidson County, Tennessee.

MAP 92-1 PARCEL 8

FIELD BOOK 8DA-14675

EXHIBIT "A"

LEGAL DESCRIPTION

DAVIDSON COUNTY, TENNESSEE

BEING Lot No. 8 on the Map of George I. Waddey's State Normal Subdivision, of record in Book 421, page 149, Register's Office for Davidson County, Tennessee.

SAID Lot No. 8 fronts 50 feet on the westerly side of 37th Avenue North and runs back between parallel lines 160 feet to an alley.

BEING the same property conveyed to Peoples Federal Savings and Loan Association by deed from Dyke Tatum, Substitute Trustee, of record in Book 7983, page 701; Register's Office for Davidson County, Tennessee.

MAP 92-1 PARCEL 9

FIELD BOOK 8DA-14680

EXHIBIT "B"

STATE OF TENNESSEE

I, **RICHARD R. 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 SIXTH Circuit Court for Davidson County, Tennessee, on the 22 day of MARCH , 19 93 , in the Case Number 90C4168 between STATE OF TENNESSEE Plaintiff, and WELLS, ALEXANDER C. ET.AL Defendant, as same remains of record in Book 46B , Page 1012 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 07 day of MAY in the year one thousand nine hundred and ninety-three and in the 217th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL