1446/975

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

STATE OF TENNESSEE, ON RELATION OF THE COMMISSIONER OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; THE DEPARTMENT OF VETERANS AFFAIRS,	Docket No. 91C-2552
Petitioner,	VETERANS CEMETERY
v.	Tract No. II
WESTINGHOUSE CREDIT CORPORATION; JOHN W. NELLEY, JR.; HOWARD R. PETERSON; AND METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE	JURY DEMAND
Defendants.	BOOK 8975 PAGE 753

CONSENT JUDGMENT AND FINAL DECREE

It appearing to the Court from the respective signatures of the Counsel for the Commissioners of Finance and Administration and Veterans Affairs 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 ONE MILLION ONE HUNDRED FIFTY-THREE THOUSAND DOLLARS AND NO/CENTS ($1,153,000.00) was made on September 12, 1991.

An Order of Possession was entered by this Court on December 30, 1991, and it further appears that Petitioner deposited TWO HUNDRED FIFTY THOUSAND DOLLARS AND NO/CENTS ($250,000.00) on December 5, 1991. And it further appears that Petitioner has deposited at or about the time of entry of this Judgment an additional sum of ONE MILLION TWO HUNDRED NINETEEN THOUSAND DOLLARS AND NO/CENTS ($1,219,000.00) with the Clerk of the Circuit court in this cause, for a total sum of TWO MILLION SIX HUNDRED TWENTY-TWO THOUSAND DOLLARS AND NO/CENTS ($2,622,000.00) for the purchase of the entire tract and any and all property and

RECORDERS MEMO
LEGIBILITY OF WRITING, TYPING OR PRINTING IN THIS DOCUMENT UNSATISFACTORY WHEN RECEIVED

property rights taken by virtue of acquisition, sale or negotiation and 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 or indicated on the legal descriptions attached hereto as Exhibits "A" and "B" be decreed as 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 deliver the property and property rights and warrant that there are no outstanding liens or claims against the property, known or unknown.

And it further appears that there are no city or county taxes due on the subject tract and that if such taxes are due the same shall be prorated through the date of this Order.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that the Defendants have and recover of the State of Tennessee the sum of TWO MILLION SIX HUNDRED TWENTY-TWO THOUSAND DOLLARS AND NO/CENTS ($2,622,000.00), interest free, for the property interests acquired and for all incidental damages to the remainder; the sums of ONE MILLION ONE HUNDRED FIFTY-THREE THOUSAND DOLLARS AND NO/CENTS ($1,153,000.00) and TWO HUNDRED FIFTY THOUSAND DOLLARS AND NO/CENTS ($250,000.00) heretofore deposited by the State be credited against the Judgment in favor of said Defendants in addition to the sum of ONE MILLION TWO HUNDRED NINETEEN THOUSAND DOLLARS AND NO/CENTS ($1,219,000.00) that was deposited at or about the time of entry of this Judgment, so Defendants shall have and recover a total of TWO MILLION SIX HUNDRED TWENTY-TWO THOUSAND DOLLARS AND NO/CENTS ($2,622,000.00) without interest to be charged to the Petitioner, State of Tennessee.

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 and the

negotiated and sold property hereinafter described by the property description attached hereto, be, and it is hereby, divested out of them in fee simple, and vested in the State of Tennessee in fee simple, said property being in Davidson County, Tennessee and being more particularly described and shown in Exhibit "A" and "B" which are attached hereunto and incorporated by reference.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the TWO MILLION SIX HUNDRED TWENTY-TWO THOUSAND DOLLARS AND NO/CENTS ($2,622,000.00) paid by the Petitioner is the total compensation and damages the Defendants are entitled to recover in this cause and for the sale of property 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 of the public project for which this condemnation and acquisition 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.

By the signatures below, payment of $2,622,000.00 (less any previous deposits and other credits) to Westinghouse Credit Corporation, John W. Nelley, Jr., And Howard R. Peterson is hereby authorized.

The Clerk of this Court will disburse the sums deposited less any amounts due and owing the Metropolitan Government of Nashville, Tennessee within two days of the entry of this Consent Judgment.

Entered this the 23 day of Nov., 1992.

Barbara N. Haynes
CIRCUIT JUDGE

APPROVED FOR ENTRY:

L. Vincent Williams / by C. Scott Jarden Asst. A.G. With Permission

L. VINCENT WILLIAMS (#11180)
Assistant Attorney General
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John N. Popham

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Thomas V. White

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(615) 244-2770

Philip D. Baltz / by C. Scott Jarden Asst. A.G. With Permission

PHILIP D. BALTZ (#5815)
Metro Legal Department
204 Metro Courthouse
Nashville, Tennessee 37201
(615) 862-6370

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing Notice has been mailed, postage prepaid, or hand-delivered, to Thomas V. White and John N. Popham, TUNE, ENTREKIN & WHITE, 21st Floor, First American Center, Nashville, Tennessee 37238; and Patricia L. Cottrell, Law Director, Metro Legal Department, 204 Metro Courthouse, Nashville, Tennessee 37201, this the 23rd day of November, 1992.

L. Vincent Williams / by C.S.J.
L. VINCENT WILLIAMS
Assistant Attorney General

EXHIBIT A BOOK 8975 PAGE 757

PARCEL ONE

Being a parcel of land in the Ninth Civil District of Davidson County, Tennessee, lying north of Interstate 40, and south of the Harpeth River on McCrory Lane, and more particularly described as follows:

BEGINNING, at an iron pin beinq 270.00 feet from the center of and being on the north right-of-way of Interstate 40 and being 188.10 feet from the west margin of McCrory Lane;

THENCE, with the north right-of-way of Interstate 40, S 89° 20' W, 1,013.34 feet to a concrete marker;

THENCE, S 88° 35' W, 92.65 feet to a concrete marker;

THENCE, continuing with same, S 0° 33' E, 50.00 feet to a concrete marker;

THENCE, continuing with same, on a curve to the right with a radius of 5,509.58 feet for a length of 679.73 feet to a concrete marker;

THENCE, continuing with same, the following courses:

N 83° 29' W, 193.13 feet to a concrete marker;
S 06° 31' W, 70.00 feet to a concrete marker;
N 87° 18' W, 690.00 feet to a concrete marker:
N 06° 31' E, 120.00 feet to a concrete marker;
N 80° 38' W, 776.40 feet to a concrete marker;
S 28° 40' W, 100.00 feet to a concrete marker;

THENCE, on a curve to the right with a radius of 2,176.83 feet for a length of 486.80 feet to a concrete marker;

THENCE, with same, N 48° 02' W, 277.50 feet to an iron pin, being on the north right-of-way of Interstate 40, and being also a southeasterly corner of the Peterson property, formerly the Farris property;

THENCE, leaving the Interstate with the easterly boundary of the Peterson property, N 8° 43' E, 1,086,66 feet to an Elm tree, being a northeasterly corner of the Peterson property, and being also on the southeasterly bank of the Harpeth River;

THENCE, with the bank of the Harpeth River, the following courses:

N 27° 42' E, 126.68 feet to a point;
N 23° 57' E, 186.57 feet to a point;
N 01° 10' E, 575.97 feet to a point;
N 04° 02' W, 698.13 feet to a point;
N 00° 30' W, 344.05 feet to a point;
N 02° 08' W, 336.46 feet to a point;
N 09° 03' W, 651.63 feet to a point;
N 14° 51' W, 781.55 Eeet to a point;
N 10° 19' W, 243.86 feet to a point;

N 17° 53' E, 482.39 feet to a point;
N 34° 39' E, 453.48 feet to a point;
N 82° 41' E, 258.31 feet to a point;
S 84° 01' E, 205.19 feet to a point;
S 71° 57' E, 279.53 feet to a point;
S 56° 33' E, 664.08 feet to a point;
S 63° 02' E, 141.29 feet to a point;
S 47° 05' E, 347.86 feet to a point;
S 18° 18' E, 472.50 feet to a point;
S 25° 30' E, 670.68 feet to a point;

THENCE, leaving the Harpeth River, the following courses:

S 46° 41' W, 328.93 feet to a point;
N 57° 25' W, 163.21 feet to a point;
S 88° 43' W, 215.43 feet to a point;
S 76° 12' W, 482.03 feet to a point;
S 12° 29' E, 2,330.60 feet to a point;
N 77° 59' E, 1,432.07 feet to a P.K. nail being also a southeast corner of the Third National Bank property, formerly the Howell property, and being also in the center of McCrory Lane;

THENCE, with the center of McCrory Lane, the following courses:

S 47° 10' E, 76.64 feet to a P.K. Nail;
S 49° 52' E, 271.07 feet to a P.K. Nail;
S 41° 15' E, 118.84 feet to a P.K. Nail;
S 32° 45' E, 173.10 feet to a P.K. Nail;
S 25° 34' E, 89.55 feet to a P.K. Nail;
S 17° 34' E, 132.63 feet to a P.K. Nail;
S 10° 48' E, 992.14 feet to a P.K. Nail;
S 09° 57' E, 382.18 feet to a P.K. Nail;

THENCE, leaving McCrory Lane, S 10° 54' E, 316.32 feet to a point of beginning.

Containing 333.65 acres, more or less.

PARCEL TWO

Being a parcel of land in the Ninth Civil District of Davidson County, Tennessee, lying north of the Harpeth River and south of U.S. Highway 70 on McCrory Lane, and more particularly described as follows:

BEGINNING, at a point in the center of McCrory Lane, and being also a point on the northerly bank of the Harpeth River;

THENCE, with the northerly bank of the Harpeth River, the following courses;

N 42° 06' W, 425.10 feet to a point;
N 31° 43' W, 191.93 feet to a point;
N 25° 30' W, 1,718.94 feet to a point;
N 19° 39' W, 520.82 feet to a point;
N 47° 40' W, 375.36 feet to a point;
N 63° 19' W, 129.99 feet to a point;
N 56° 51' W, 690.65 feet to a point;
N 72° 22' W, 300.45 feet to a point;

N 84° 01' W, 205.19 feet to a point;
S 82° 06' W, 326.31 feet to a point;
S 34° 39' W, 521.50 feet to a point;

THENCE, leaving the said Harpeth River N 97' 1 A W, 415.79 feet to a point being on the southerly margin of U.S. Highway 70;

THENCE, with the southerly margin of U.S. Highway 70, the following courses:

N 67° 02' E, 319.33 feet to a point;
N 51° 43' E, 201.72 feet to a point;
N 41° 22' E, 690.38 feet to a point;
N 66° 01' E, 759.30 feet to a point;
S 79° 16' E,,385.58 feet to a point;
S 67° 30' E, 294,82 feet to a point;
S 59° 24' E, 2,316.69 feet to a point, being on the southerly margin of U.S. Highway 70;

THENCE, S 7° 10' W, 759.01 feet to a point being on the westerly margin of McCrory Lane;

THENCE, S 7° 11' W, 1,521.80 feet to a P.K. nail being in the center of McCrory Lane;

THENCE, with the center of McCrory Lane the following courses:

S 21° 21' W, 163.66 feet to a P.K. nail;
S 32° 27' W, 195.45 feet to the point of beginning.

Containing 113.29 acres, more or less.

Said Parcel One and Parcel Two being the same property conveyed to John W. Nelley, Jr. and Howard R. Peterson, as tenants in common, by Substitute Trustee's Deed from Lesa Hartley Skoney, Substitute Trustee, of record in Book 8352, page 821, Register's Office for Davidson County, Tennessee.

EXHIBIT B

Being a parcel of land in the Ninth Civil District of Davidson County, Tennessee lying north of Interstate 40 and south of the Harpeth River on Mccrory Lane and more particularly described as follows:

BEGINNING at a point in the centerline of McCrory Lane at the south end of a bridge over the Harpeth River; THENCE, along the centerline of McCrory Lane, S 30° 39' W, 270.37 feet to a point; THENCE, S 11° 27' W, 178.91 feet to a point; THECE, leaving the roadway: N 82° 14' W, 291.08 feet to a point; S 12° 32' W, 153.39 feet to a point; S 96° 34' E, 72.12 feet to a point; S 09° 07' E, 297.97 feet to a point; S 77° 59' W, 1,082.03, feet to a point; N 12° 29' W, 2,330.60 feet to a point; N 76° 12', E, 482.03 feet to a point; N 88° 43' E, 215.43 feet to a point; S 57° 25' E, 163.21 feet to a point; N 46° 41' E, 328.93 feet to a point at the bank of the Harpeth River; THENCE, along the river the following calls: S 25° 30' E, 1,071.61 feet to a point; S 31° 43' E, 191.93 feet to a point; S 42° 23' E, 471.18 feet to the point of beginning.

Containing 68.62 acres, more or less

Said property being a portion of the property conveyed to Westinghouse Credit Corporation by Trustee's Deed from William A. Carson, II, Trustee, of record in Book 8230, page 1, Register's office for Davidson County, Tennessee and being that portion of Tract Seven described in said Trustee's Deed as not subject to the prior Dead of Trust of record in Book 6845, page 431, said Register's Office. The said Tract Seven, as described in said Trustee's Deed, consisted of 402.69 acres, more or less, less and except 0.42 acres in the 1-40 right of way, for a total of 402.27 acres, more or less, and said 68.62 acre parcel hereinabove described is that portion of the said Tract Seven remaining and belonging to Westinghouse Credit Corporation after the foreclosure, sale under said prior Deed of Trust and the conveyance of 333.65 acres, more or less, of said Tract Seven to John W. Nelley, Jr. and Howard R. Peterson by Substitute Trustee's Deed of record in Book 8352, page 821, said Register's office.

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 _THIRD Circuit Court for Davidson County, Tennessee, on the _23 day of _NOVEMBER , 19 _92 , in the Case Number _91C2552 between _STATE OF TENNESSEE ET.AL Plaintiff, and _WESTINGHOUSE CREDIT CORPORATIO ET.AL Defendant, as same remains of record in Book 144B , Page _975 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 _JUNE 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

2.8.2.5.7.

IDENTIFICATION REFERENCE

JUN 9 9 20 AM '93

DAVIDSON COUNTY, TN

PICK-UP

5290 06/09 0101 01CASH 36.00