BOOK 8977 PAGE 826

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.
JUN 10 1993
BY _____
DEPUTY CLERK

In The
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

ROBERT A. MILLER, et al.,

Plaintiffs,

vs.

Civil No. 88-2206
(Hendren, D.J.)

TONY ALAMO,

Defendant,

TIMOTHY J. LEATHERS,
COMMISSIONER OF REVENUES,
ARKANSAS DEPARTMENT OF FINANCE
AND ADMINISTRATION, and UNITED
STATES OF AMERICA,

Intervenors.

I hereby attest and certify on 6-10-93 that the attached document is a true and correct copy of the certified copy of the original judgment on file in my office, the original judgment being on file in the Office of the Clerk, U.S. District Court, WD of Ark (Fort Smith Division).
CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
BY: _____ Deputy Clerk

ORDER APPROVING SALE OF REAL PROPERTY

This matter came before the Court upon a petition by the plaintiffs Robert A. Miller, et al. (the "Plaintiffs") to have this Court approve the sale of two parcels of real property situate in the City of Nashville, Davidson County, Tennessee (the "Properties"), more specifically described below.

Title to the Properties currently is vested in "Peter N. Georgiades, as Attorney and Trustee for Robert Miller, Carey Miller, Richard Miller, James Miller, Kody Miller and Justin Miller," as set forth in deeds by the Clerk and Master of the Chancery Court of Davidson County dated April 2, 1992, and recorded in the Office of the Register of Davidson County, Tennessee in Book 8595, pages 978 and 981. Copies of those

deeds are before the Court as Exhibit 1 to the Affidavit of Peter N. Georgiades submitted in support of the Plaintiffs' petition.

The terms and conditions of the sale for which approval is sought are contained in the contract for sale of real estate, which is before the Court as Exhibit 2 to Mr. Georgiades' affidavit. The Court has considered the contract, the petition and supporting documents, and the entire record in this case. Being so advised, the Court finds as follows:

1. Robert A. Miller, Carey Miller, Richard Miller and James Miller are adults who are before this Court as plaintiffs in this case.

2. Kody Miller, age 14, and Jeremiah Justin Miller ("Justin Miller"), age 15, are minors who also are before this Court as plaintiffs in this case.

3. Robert A. Miller is the parent and natural guardian of Kody Miller.

4. Carey Miller is the parent and natural guardian of Justin Miller.

5. This Court has jurisdiction over all of the Plaintiffs, including the minor plaintiffs, by virtue of their voluntary appearance before this Court in this case.

6. As part of their effort to collect their money judgment in this action, the Plaintiffs obtained an order on November 13, 1990 in Miller v. Music Square Church, Inc., Docket No. 90-1618-I (Ch. Ct., Davidson County, Tenn.), (a) declaring the conveyance of the Properties from Music Square Church, Inc. to Twentieth Century Holiness Tabernacle Church, Inc. to have been fraudulent, (b) reconveying the Properties to Music Square, and (c) directing the Properties to be sold, and the proceeds of the sale be applied to satisfy the Plaintiffs' money judgment against Tony Alamo in this case.

7. On July 11, 1991, the Clerk and Master of the Chancery Court of Davidson County sold the Properties to Peter N. Georgiades, as attorney and trustee for the Plaintiffs, for a total of $90,000.00. The sales were confirmed by an order of the Chancery Court of Davidson County entered on January 29, 1992.

8. By deeds dated April 2, 1992, and recorded in the Office of the Register of Davidson County in Book 8595, pages 978 and 981, the Clerk and Master of the Chancery Court of Davidson County conveyed the Properties to "Peter N. Georgiades, as Attorney and Trustee for Robert Miller, Carey Miller, Richard Miller, James Miller, Kody Miller and Justin Miller." However, there is no trust instrument granting Mr. Georgiades the power to convey the Properties owned by him for the benefit of the Plaintiffs.

9. By virtue of orders entered in Tony & Susan Alamo Found. v. United States, Civil Action No. 3-90-0901 (M.D. Tenn., Nashville Div.), and in Miller v. United States, Civil Action No. 3:92-0028 (M.D. Tenn., Nashville Div.), Mr. Georgiades holds title to the Properties free and clear of any lien in favor of the United States. No party to this action, other than the Plaintiffs, has any interest in the Properties.

10. Mr. Georgiades, with the prior approval of the Plaintiffs, entered into an arms-length agreement to sell the Properties to Lufay Anderson Sweet, II for $175,000.00. However, absent an Order of Court permitting Mr. Georgiades to convey title to the Properties, the sale cannot go forward.

11. The Court finds that it is in the best interests of all of the Plaintiffs that the sale be consummated, and the proceeds thereby be made available for distribution to the Plaintiffs. Since it appears that no other party has any interest in the Properties (other than those interests which may appear in the official records of Davidson County, Tennessee), this sale will prejudice none, and should go forward.

Accordingly, IT IS HEREBY ORDERED that the Plaintiffs' petition for approval of sale of real property is GRANTED.

AND IT IS HEREBY FURTHER ORDERED that, in consideration for the payment to him of the sum of One Hundred Seventy-Five Thousand Dollars ($175,000.00), Peter N. Georgiades, as Attorney

and Trustee for Robert Miller, Carey Miller, Richard Miller, James Miller, Kody Miller and Justin Miller, is authorized to execute and deliver to Lufay Anderson Sweet, II, or his assignees, a deed or deeds conveying the real property situate in the City of Nashville, Davidson County, Tennessee described as follows:

323 Braodway

LAND being known as City No. 323 Broad Street, Nashville, Tennessee, and being part of Lot 21 on the Map of Davidson Academy Lots, not of record, and described according to copy of a survey thereof made by Z.J. Wilkinson, Surveyor, dated July 19, 1958, as follows: Beginning at a point in the south margin of Broad Street 90 feet 3 inches east of the old margin of Fourth Avenue South before it was widened, said point being now located 68 feet 1 inch east of the northwest corner of a 3-story building located at the southeast corner of Fourth Avenue and Broad Street; thence with the margin of Broad Street, easterly 20 feet 10 inches to a point; thence southerly 115 feet to a point; thence westerly 20 feet to a point; thence northerly 25 feet to a point; thence westerly 9 inches to a point; thence northerly 90 feet to the point of beginning.

Being the same property conveyed to Peter N. Georgiades as Attorney and Trustee for Robert Miller, Carey Miller, Richard Miller, James Miller, Kody Miller and Justin Miller by deed by Claudia C. Bonnyman, Clerk and Master, Chancery Court, Davidson County, Tennessee, of record in Book 8595, page 981, Register's Office for Davidson County, Tennessee.

325 Broadway

LAND in Davidson County, Tennessee, being part of Lot No. 21, on the plan of Davidson Academy Lots, not of record, described as follows:

Beginning on the southerly margin of Broadway at a point 46 feet 2.5 inches east of the easterly margin of 4th Avenue South, as widened, said point being the northeast corner of the Freiburger property; thence with the southerly margin of Broadway eastwardly 22 feet 1.5 inches, more or less, to the northwest corner of a strip of ground 9 inches wide conveyed to J.W. Dixon by deed from Edgar Cherry of record in Book 227, page 11, Register's Office for Davidson County; thence with the westerly line of said strip southwardly 90 feet; thence at right angles westwardly 22 feet 1.5 inches, more or less, to the southeast corner of said Freiburger property; thence with the easterly line of same northwardly 90 feet to the beginning.

Being the same property conveyed to Peter N. Georgiades as Attorney and Trustee for Robert Miller, Carey Miller, Richard Miller, James Miller, Kody Miller and Justin Miller by deed by Claudia C. Bonnyman, Clerk and Master, Chancery Court, Davidson County, Tennessee, of record in Book 8595, page 978, Register's Office for Davidson County, Tennessee.

AND IT IS HEREBY FURTHER ORDERED that the net proceeds of the sale, after payment of real estate commissions, real estate taxes accrued and owing up to the date of sale, and other expenses of the sale, be paid to Peter N. Georgiades, to be applied by him as provided in the retainer and fee agreement between the Plaintiffs and Mr. Georgiades' law firm, Wile, Georgiades, Homyak & Norkus, P.C.

AND IT IS HEREBY FURTHER ORDERED that, pursuant to 28 U.S.C. § 1963, for good cause shown, a certified copy of this Order may be registered in the United States District Court for the Middle District of Tennessee, Nashville Division, at any time after the entry of this Order, with the same force and effect as a judgment of the United States District Court for the Middle District of Tennessee, Nashville Division.

Dated: June 4, 1993

Jimm Larry Hendren
United States District Judge

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IDENTIFI REFERENCE
JUN 10 12 05 PM '93
DAVIDSON COUNTY, TN
PICK-UP
6054 06/10 0101 03CHECK 28.00

I hereby certify that the foregoing is a true copy of the original on file in this Court.
Christopher R. Johnson, Clerk
By Dale Ramsey
Deputy Clerk

U. S. DISTRICT COURT
WESTERN DIST. ARKANSAS
FILED
JUN 04 1993
CHRIS R. JOHNSON, Clerk
By Dale Ramsey
Deputy Clerk