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DAV. CO. CHANCERY COURT

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE

JAMES E. BURNES)
)
vs.) File No. 93-1144-III
)
BONNIE M. BURNES a/k/a)
BONNIE FRANCES McCREDIE BURNES)

ORDER FILED & ENTERED JUL 1 1993
MINUTE BOOK 77 PAGE 187

ORDER OF JUDGMENT

This cause came on to be heard and considered on this 25th day of June, 1993, before Honorable Robert S. Brandt, Chancellor, holding Chancery Court for Davidson County, Tennessee, upon the regular call of the motion docket.

Came the Plaintiff by his attorney, but the Defendant came not and made default.

From all of which and it appearing to the satisfaction of the Court from an examination of the entire record in the case that the defendant BONNIE M. BURNES a/k/a BONNIE FRANCES McCREDIE BURNES has been duly and regularly served by an Order of Publication as ordered May 17, 1993 and has failed to enter an appearance or file responsive pleadings within the time and manner as prescribed by Tennessee Rules of Civil Procedure. The Motion of the Plaintiff for an Order of Judgment by Default is well taken and accordingly same should be and hereby is GRANTED AND SUSTAINED.

It further appearing to the Court from the allegations of the sworn Complaint that the defendant BONNIE M. BURNES a/k/a BONNIE FRANCES McCREDIE BURNES has heretofore bargained and sold to the plaintiff JAMES E. BURNES her one-half (1/2) undivided interest as a tenant in common with her former husband the said JAMES E. BURNES in and to the subject realty as evidenced by her endorsed and negotiated check in the sums specified and agreed upon which was tendered by the plaintiff and accepted by the defendant in full payment of all of her right, title and interest in and to the subject property, but that through inadvertence no appropriate Deed of Conveyance evidencing this transaction was prepared for recordation in the Register's Office for Davidson County, Tennessee and that accordingly the title to the real property hereinafter

described has remained in the names of JAMES E. BURNES and BONNIE FRANCES McCREADIE as tenants in common pursuant to the judgment of the Court of Appeals which appears as Exhibit A to the sworn Complaint and constitutes a cloud on the title of the true and lawful owner in fee simple namely the plaintiff JAMES E. BURNES.

In consideration of all of which and the Court so finding and holding it is therefore accordingly ORDERED, ADJUDGED and DECREED that the presently existing cloud on the title of the plaintiff JAMES E. BURNES should be and same hereby is removed and that all right, title and interest of the defendant BONNIE M. BURNES a/k/a BONNIE FRANCES McCREDIE BURNES in and to the hereinafter described realty should be and same hereby is divested out of her and fee simple title be and hereby is vested in JAMES E. BURNES subject only to the existing mortgage indebtedness thereon.

The legal description of the real property which is the subject matter of this action and directly affected by this decree is as follows:

"A certain tract or parcel of land in Davidson County, State of Tennessee, described as follows to wit:

A certain tract of land in the 10th Civil District of Davidson County, Tennessee, described according to a survey by R. L. Montoya dated September 20, 1979, as follows:

Beginning at a concrete monument in the common boundary line between this property and land now or formerly owned by J. P. Stamper, said monument being the northwest corner of the property herein described: thence North 83 degrees 17' 09" East 494.88 feet to an iron pin; thence South 6 degrees 01' 42" West 380.0 feet to an iron pin; thence South 81 degrees 07' 10" West 47.29 feet to a point; thence North 86 degrees 23' 20" West 497.75 feet to an iron pin; thence North 18 degrees 24' 41" East 270.75 feet to a point; thence North 8 degrees 09' 28" East 39.75 feet to this point of beginning, containing 4.01 acres, more or less.

Being a part of the same property conveyed to Dr. James S. Hastie by deed from James R. Kniffen, Trustee, of record in Book 5066, Page 711, Register's Office for Davidson County, Tennessee.

This conveyance is made subject to an easement for ingress and egress retained by Phillip Durham, his heirs and assigns, of record in Book 5066, Page 711, described as follows:

Said Easement is 12 feet more or less in width and the centerline of said easement runs as follows: Beginning at a point 55 feet west of the northeast corner of subject property and in the common boundary of subject property and the property of Phillip Durham; thence with a concrete driver South 62 degrees 37' West 50 feet; thence northwesterly 70 feet more or less to the aforesaid common boundary line.

Grantor further conveys to Grantees a permanent easement for ingress and egress 12 feet in width as shown on a survey by McConnell Engineering dated February 26, 1976, and described as follows:

Beginning at a point in the southerly right-of-way of Brick Church Pike, said point being 80 feet, more or less, Eat of a concrete monument known as the common corners of Tract No. 1 and Tract No. 2 of said survey thence leaving the southerly right-of-way of said pike along the tangent lines of said drive as follows: South 0 degrees 12' East 107.9 feet to a point; thence North 85 degrees 37' West through the common lines of Tract No. 1 and Tract No. 2 235.0 feet to

a point; thence South 68 degrees 06' West 534.5 feet to a point; thence South 35 degrees 27 minutes East 294.2 feet to a point; thence South 20 degrees 22' West 172.8 feet to a point; thence South 40 degrees 15' West 118.3 feet to a point; thence through the common lines of Tract No. 2 and 4.37 Acre Tract known as Tract No. 3, South 27 degrees 26' West 110.0 feet to a point; thence South 50 degrees 15' West 135.7 feet to a point; thence South 20 degrees 10' Eat 246.6 feet to a point; thence South 62 degrees 37' West through the common lines of Tract No. 3 and 4.01 acre tract known as Tract No. 4 50.0 feet to the point of ending."

The costs of this cause shall be borne by the plaintiff JAMES E. BURNES and have been paid to the Clerk and Master simultaneously with the presentation of this Decree.

SO ORDERED.

ENTER this _____ day of June, 1993.

ROBERT S. BRANDT, Chancellor

Presented and approved for Entry:

WM THOMAS McHUGH #3960
Attorney for Plaintiff
JAMES E. BURNES
2100 First American Center
Nashville, TN 37238-0091
Phone: (615) 244-2770

I hereby certify that this is a true copy of original instrument filed in my office.
This 2nd day of July 1993
CLAUDIA C. BONNYMAN, Clerk & Master
By _____ Deputy Clerk

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the above and foregoing Order of Judgment has been mailed, first class postage prepaid to the defendant, Bonnie M. Burnes a/k/a Bonnie Frances McCreadie Burnes addressed to her at 2207 South Carolina Avenue, Apartment 28, Tampa, Florida 33629, that being her last known address.

This 25th day of June, 1993.

WM THOMAS McHUGH

38490
IDENTIF. & REFERENCE

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DAVIDSON COUNTY, TN.

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