RECEIVED 7-26-84
DAVIDSON COUNTY
CHANCERY COURT

IN THE CHANCERY COURT OF DAVIDSON COUNTY,
TENNESSEE, PART I

BOOK 9338 PAGE 945

WAYNE OLDHAM, et al., )

Plaintiff, )

v. ) No. 80-921 I

ESTATE OF CHESTER MAXWELL, et al., )

Defendants. )

ORDER FILED & ENTERED 9-28-84
MINUTE BOOK 250 PAGE 93

ORDER

THIS CAUSE came on to be heard before the Honorable Irving Kilcrease, Chancellor, Part I, of the Chancery Court of Davidson County, Tennessee this the 27th day of July , 1984 on a Motion to alter or amend the final decree in this cause. After hearing argument of counsel and considering the entire record, the Court finds that the motion is well taken and that the final decree should be amended to include the following:

The Court finds that the Plaintiff, Wayne Oldham, knew of a possible cloud and encroachment on part of the triangular shaped piece of property that was conveyed to him by Chester Maxwell in Book 5337 at Page 442 in the Register's Office of Davidson County, Tennessee. And, after having knowledge of said possible cloud and encroachment on the title, he proceeded to and did purchase from Chester Maxwell the said triangular shaped piece of property. It is, therefore

ORDERED that the Plaintiff, Wayne Oldham, as a result of having knowledge of a defect in the title and encroachment on part of the property conveyed to him by Chester Maxwell in Book 5337 at Page 442 and having had said knowledge prior to the purchase of this property, is not entitled to recover any damages he sustained as a result of said purchase. It is, further

ORDERED that the two (2) lots conveyed to Wayne Oldham of record in Book 5442 at Page 265 and Books 5442 at Page 271 were conveyed with a defective description and the correct description is that determined by the Special Master, Barge Waggoner Sumner & Cannon and introduced into the record in

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this cause. Said deeds are hereby corrected by and through ths order with the legal description being changed to read as follows:

Book 5442, Page 265:

BEGINNING at a point on the westerly margin of Taylor Road as widened at the Northeast corner of the Chester Maxwell property, thence No. 64° 17' 38" West 160.78 feet to a point, thence Northeast 9° 45' 26" Northeast 69.89 feet, thence South 58° 48' 28" East 168.95 feet to the margin of Taylor Road, thence with the margin of Taylor Road South 12° 40' 39" West 52.39 feet to the point of beginning, said tract of land contains 0.22 acres more or less.

BEING the same property conveyed to Nannie Whitlow by Deed from Fountain Maxwell of record in Book 2744 Page 247, Register's Office of Davidson County, Tennessee.

Book 5442, Page 271:

Land located in the 1st Civil District of Davidson County, Tennessee.

BEGINNING at a point on the west margin of Taylor Road as widened, said point being North 12° 40' 39" East 52.39 feet from the Northeast corner of Chester Maxwell property, thence South 58° 48' 28" East 168.95 feet to a point, thence North 9° 45' 26" East 69.89 feet to a point, thence South 53° 42' 16" East 178.73 feet to the margin of Taylor Road, thence with the margin of Taylor Road South 12° 40' 39" West 51.84 feet to the point of the beginning, said tract of land containing 0.22 acres more or less.

BEING the same property conveyed to Georgia E. Rucker by deed from Fountain Maxwell of record in Book 2997, Page 503, Register's Office of Davidson County. Being the same property conveyed to Hazel Rucker Moore and Ira Moore by Deed from James Everett Rucker, et al. of record in Book 3952, Page 27, Register's Office of Davidson County.

It is, further

ORDERED, ADJUDGED and DECREED that the Deed in Book 5337, Page 442 in the Register's Office of Davidson County, Tennessee wherein Chester Maxwell did convey to Wayne Oldham the triangular shaped piece of property that was part of the subject lawsuit is corrected by changing the paragraph in the description that states as follows:

BEING the property conveyed to H. C. Maxwell by Deed from J. E. Maxwell and Matthew O. Maxwell, of record in Book 3165, Page 592, Register's Office for said county;

and is corrected to read as follows:

BEING part of the property conveyed to H. C. Maxwell by Deed from J. E. Maxwell and Matthew O. Maxwell, of record in Book 3165, Page 592, Register's Office for said county.

It is, further

ORDERED that the final decree and Memorandum Opinion heretofore filed by the Court and entered in this cause is incorporated into this Amended Decree in toto as though set out herein in full.

ENTERED this ____ day of _____, 1984.

CHANCELLOR

Joseph L. Lackey, Jr.

Peter Curry

I hereby certify that this is a true copy of original instrument filed in my office This 1 day of MAY, 1984
CLAUDIA C. BONEWAN, Clerk & Master
By _____ D.C.

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IDENTIF. ↑ REFERENCE

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FELIX DeLAUNTER REGISTER
DAVIDSON COUNTY, TN.

PICK-UP

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