FILE BOX 61

McDONNELL DYER
ATTORNEYS AT LAW
30 BURTON HILLS BLVD., SUITE 200
NASHVILLE, TN 37215

RECEIVED
JAN 17 1995
DAV. CO. CHANCERY COURT

IN THE CHANCERY COURT OF DAVIDSON COUNTY

D. WESLEY GRANTHAM,

Plaintiff,

v.

THE APPARENT ESTATE of FLOY E. FINNEY and the unknown heirs and or successors in interest of FLOY E. FINNEY

Defendant.

Case No. 94-~~3747~~ 3749 I

P.O.(2)

ORDER FILED & ENTERED 1-23-95
MINUTE BOOK 317 PAGE 410

ORDER OF JUDGMENT TO QUIET TITLE FOR PROPERTY IN DAVIDSON COUNTY, TENNESSEE

BOOK 9579 PG 195

This cause came to be heard on January 13, 1995 at 1:30 p.m., before Chancellor Irvin H. Kilcrease, Jr., and, based upon the Complaint, failure of Defendant to appear, the evidence presented in open Court, and upon the entire record, the Court finds as follows:

1. Plaintiff is the fee simple title holder and owner of the house and lot at 2710 West Linden Avenue, as evidenced by Deed of Record in Book 6339, Page 490, Register's Office for Davidson County, Tennessee and described as follows, to wit (herein "Grantham Tract"):

> LAND in Davidson County, Tennessee, being the Easterly 50 feet of Lot No. 12 in Sunset Park Plan, as of record in Plat Book 332, Page 132; Register's Office for Davidson County, Tennessee. SAID easterly portion of Lot No. 12 fronts 50 feet on the northerly side of Sunset Avenue and runs back 163.5 feet on the easterly side and 163.4 feet on the westerly side, to a rear line measuring 50 feet thereon.

2. The adjacent tract immediately east of the Grantham Tract is described as follows, to wit (herein: "Subject Property"):

> Being the west most three feet of the west half of Lot No. 11 in Sunset Park Plan, which Plan is of record in Book 332, Page 132, Register's Office for Davidson County, Tennessee. Said part of Lot 11 fronts three feet on the north side of Sunset Avenue (now West Linden Avenue) and runs back between parallel lines 163.5 feet to the rear line, measuring 3 feet, which is part of the south line of Lot 18 of Sunset Park.

3. The house located at 2710 West Linden Avenue encroaches upon the Subject Property. Plaintiff's possession and occupation of the Subject Property, in excess of thirty (30) years, has been open, notorious, continuous, hostile to any other claims, and has

by Mailed 1-23-95

been uncontested since construction of the dwelling in 1920s, and the Plaintiff has been under a perception of a color of title to the Subject Property. BOOK 9579 PG 196

4. The records of the Register for Davidson County, Tennessee show that Defendant, Floy E. Finney, was the common owner of Lot 11 in Sunset Park Plan and the easterly 50 feet of Lot 12 in Sunset Park Plan. Mrs. Floy E. Finney conveyed the easterly 47 feet of the westerly half of Lot 11 prior to 1930 and such conveyance was a recognition of the placement of the house located on Lot 12 as well as the Subject Property, and shows that the Subject Property was either conveyed or was intended to be conveyed by an unrecorded deed as a part of the property now known as 2710 West Linden.

5. The records of the Register and Tax Assessor of Davidson County, Tennessee, do not show the ownership or the where abouts of the owner of the Subject Property.

6. Notice was properly published and posted as provided in T.C.A. 29-29-102 and no answer has been filed nor has Defendant appeared.

WHEREFORE, it is ORDERED, ADJUDGED and DECREED that the Subject Property shall be divested out of any other party which may have a claim in interest to the property and that fee simple title to the Subject Property is hereby vested solely in D. Wesley Grantham, his heirs and assigns, and described as follows:

> Being the west most three feet of the west half of Lot No. 11 in Sunset Park Plan, which Plan is of record in Book 332, Page 132, Register's Office for Davidson County, Tennessee. Said part of Lot 11 fronts three feet on the north side of Sunset Avenue (now West Linden Avenue) and runs back between parallel lines 163.5 feet to the rear line, measuring 3 feet, which is part of the south line of Lot 18 of Sunset Park.

Dated this _____ day of January, 1995.

IT IS SO ORDERED. COSTS ARE TAXED TO THE PLAINTIFF(S)

CHANCELLOR

I hereby certify that this is a true copy of original instrument filed in my office This 24th day of January 19 95
CLAUDIA BONNYMAN, Circuit Court Clerk
By _____ D.C.

NASHVILLE TENNESSEE

Submitted By:

MCDONNELL DYER
A Professional Limited Company

BOOK 9579 PG 197

By: Rebecca T. Garland
James A. Waechter, III (#5650)
Rebecca T. Garland (#4224)
30 Burton Hills Blvd., Suite 200
Nashville, TN 37215
(615) 665-1150

Attorneys for D. Wesley Grantham

CERTIFICATE OF SERVICE

I hereby certify that a certified copy of this Order will be recorded in the Office of the Register of Deed of Davidson County, Tennessee as notice to all the world of this Order, as soon as a certified copy is available for recording.

Rebecca T. Garland

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The actual consideration or value, whichever is greater, for this transfer is $ - 0 -

Rebecca T. Garland
Affiant

Subscribed and sworn to before me this 26th day of January, 1995

Robin A. Weakley
NOTARY PUBLIC

My commission expires: 5/25/1995

28306
IDENTIF. & REFERENCE

95 JAN 26 AM 10:40

FELIX [illegible] REGISTER
DAVIDSON COUNTY, TN.

5373 01/26 0101 03CHECK 12.00
3