PROJ. # 98-PW-10
M/P # 101-1

150C/1648

IN THE THIRD CIRCUIT COURT FOR DAVIDSON COUNTY
AT NASHVILLE

THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY,

Petitioner,

vs.

SPICEWOOD SERVICES, INC., and EASTMAN CHEMICAL COMPANY,

Respondents.

No. 94C-709

BOOK 9631 PG 976

IDENTIF. & REFERENCE 46921

PICK-UP

AGREED FINAL ORDER

This Cause having been compromised and settled, as evidenced by the signatures of counsel for Petitioner and the Respondents, and the Court being duly and sufficiently advised;

It is hereby **ORDERED, ADJUDGED** and **DECREED** by the Court that the Respondents have and recover the sum of $12,000,000.00, the same being the fair cash market value of the property described hereinbelow, Petitioner having heretofore paid into Court $2,000,000.00 at the time of filing the Petition for Condemnation.

It is further **ORDERED, ADJUDGED** and **DECREED** by the Court that all of the title to the property described hereinbelow be, and the same is hereby divested out of Respondents and all other persons claiming any adverse interest therein, and hereby is vested in The Metropolitan Government of Nashville and Davidson County, said property being more particularly described as follows:

See, EXHIBIT A attached hereto.

It further appearing to the Court that the property hereinabove described may be subject to a lien for taxes due, interest and penalty, if any, owing to The Metropolitan Government of Nashville and Davidson County and in accordance with Tennessee Code Annotated, Section 26-5-108(b), the Clerk of the Court, prior to the payment of any part of the judgment to Respondents shall ascertain whether there are any taxes due and unpaid which are lien upon said property, and shall issue to each

of the officials charged with the collection of any tax which might be a lien on said property a statement, giving the style and number of this Cause, a description of the property, and the name of the party out of whom title is divested; whereupon each of said officials shall certify to said Clerk an itemized statement of any taxes, interest and penalty, if any, which were a lien upon said land as of the date of Entry of this Agreed Final Order.

It is therefore, **ORDERED, ADJUDGED** and **DECREED** that the Clerk is directed to pay out the money deposited by the Petitioner any unpaid taxes that may be determined to be owing by the above references, and the Clerk shall pay any remaining funds to the Respondents.

It is further **ORDERED** by the Court that the costs in this Cause be and the same are hereby taxed against the Petitioner for which execution may issue if necessary.

It is finally **ORDERED** that discretionary costs are to be agreed upon between the parties. In the event that parties are unable to agree upon discretionary costs, the court will determine these costs.

The Clerk of this Court will make out and certify to the Metropolitan Government of Nashville and Davidson County (c/o the Department of Law), a copy of this judgment together with a cost bill for the lawful costs of this cause, for payment by the Metropolitan Government.

Entered this 24 day of March, 1995.

BARBARA N. HAYNES, JUDGE

APPROVED FOR ENTRY:

PHILIP D. BALTZ #5215
Metropolitan Attorney

STEPHEN O. NUNN, #9069
Metropolitan Attorney

Attorneys for Petitioner
204 Metropolitan Courthouse
Nashville, Tennessee 37201
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THOMAS V. WHITE, #2727
Attorney for Respondents Spicewood & Eastman
TUNE, ENTREKIN & WHITE
315 Deaderick Street
21st Fl. - First American Center
Nashville, Tennessee 37238
615/244-2770

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing AGREED FINAL ORDER has been forwarded by U.S. Mail to Thomas V. White, Esquire, 315 Deaderick Street, 21st Floor, First American Center, Nashville, TN 37238, on this the ____ day of March, 1995.

Philip D. Baltz

EXHIBIT A

FILED

'94 APR -7 PM 2:25

RICHARD R. ROOKER, CLERK

D.C.

BOOK 9631 PG 979

Land in Davidson County, Tennessee, more particularly described as follows:

BEGINNING at a railroad spike in the centerline of Old Hickory boulevard or Cleeces Ferry Road, said spike being northerly along the centerline of said road a distance of 5979' more or less, from the Cumberland River and proceeding as follows: leaving the centerline of Old Hickory Boulevard or Cleeces Ferry Road and with the westerly line of McDowell Development Corporation property, South 00°-17'-40" East a distance of of 3802.69' to a point at the low water edge of the Cumberland River, said line passing through a concrete monument in the westerly right-of-way of Old Hickory Boulevard or Cleeces Ferry Road at a distance of 30.46'; thence, with the low water line, North 74°-38'-21" West a distance of 1870.0' to a point; thence, continuing with the low water line, North 67°-38'-21" West a distance of 550.0' to a point; thence, continuing with the low water line, North 47°-08'-21" West a distance of 1070.0 to a point; thence continuing with low water line, North 39°-38'-21" West a distance of 700.0' to a point; thence, continuing with the low water line, North 34°-08'-21" West a distance of 650.0' to a point; thence, continuing with the low water line, North 30°-38'-21" West a distance of 934.33' to a point; thence, continuing with the the low water line, North 33°-28'-30" West a distance of 1229.38' to a point; thence, continuing with the low water line of the Cumberland River, downstream in a northerly direction a distance of 5240', more or less, to a post, said post being in the southerly line of the Stanley Walker property; thence leaving the low water line of the Cumberland River and with the southerly line of the Stanley Walker property; South 80°-04'-39" East a distance of 4564.3' to an iron pin in the westerly right-of-way of Old Hickory Boulevard or Cleeces Ferry Road, said line passing through an iron pin at 40.0' from the low water line of the Cumberland River; thence, with the westerly line of Old Hickory Boulevard or Cleeces Ferry Road, South 18°-54' East a distance of 100.1' to an iron pin; thence, continuing with said right-of-way and a curve to the left having a radius of 1462.69' a distance of 629.18' to an iron pin; thence, continuing with said right-of-way, South 43°-32'-45" East distance of 366.1' to an iron pin; thence, continuing with said right-of-way and a curve to the right having a radius of 1880.08' a distance of 1002.31' to an iron pin; thence, continuing with said right-of-way, South 13°-00' East a distance of 1239.56" to a point, thence, North 77°-15'-43" East a distance of 30.0' to a point in the centerline of Old Hickory Boulevard or Cleeces Ferry Road; thence, with the centerline of said road,

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South 13°-00' East, a distance of 755.84' to a point; thence continuing with said centerline and with a curve to the left having a radius of 954.23' a distance of 1112.80' to a point; thence, continuing with said centerline, South 79°-49' East a distance of 11.1' to the point of beginning and containing 808.74 acres, more or less.

BOOK 9631 PG 980

Being the same property conveyed to Eastman Kodak Company, a foreign corporation, by deed from Spring Land Company, Inc., a Tennessee Corporation, of record in Book 5233, Page 290, R.O.D.C., Tennessee.

Field Book No. 13D 47720
Map and Parcel No. 101-1

Included in the above legal description but specifically excluded from this conveyance are flowage easements granted USA of record in Book 2141, page 219; Book 2141, page 223; Book 2141, page 227; Book 2150, page 527 and Book 2155, page 311, R.O.D.C.

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* 24th *day of* MARCH, *19* 95, *in Case Number* 94C-709 *between* METROPOLITAN GOVERNMENT *Plaintiff, and* SPICEWOOD SERVICES, INC., ET AL *Defendant, as same remains of record in Book* 150C, *Page* 1648 *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* 27th, *day of* MARCH *in the year one thousand nine hundred and* NINETY-FIVE *and in the* 219th. *year of American Independence.*

RICHARD R. ROOKER, *Clerk*

By _____, *D.C*

Form #GR-117