BOOK 10277 PG 826

MB 412.641

IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE

IN RE:

THE ESTATE OF MARIVIA HAYDEN,

Deceased.

MARIAN WILEY,

Plaintiff,

v.

WENDELL SCOTT BIGSBY,

Defendant.

NO. 95P-253

81-11
48

ORDER REMOVING EXECUTOR,
APPOINTING ADMINISTRATOR C.T.A.
AND SETTING ASIDE TRANSFER OF REAL PROPERTY

This cause came on to be heard on the 15th day of November, 1996, before the Honorable Frank G. Clement, Jr., Judge of the Probate Court for Davidson County, Tennessee, upon the Motion To Remove Personal Representative, to Appoint Administrator C.T.A., And To Set Aside The Transfer of Real Property, heretofore filed in this cause by the Plaintiff, Marian Wiley; no response to said Motion having been filed with the Court, and no opposition to said Motion having been submitted to the Court at the hearing of this cause; the testimony of the witnesses; the introduction of exhibits; the statements of counsel; and the entire record in this cause, from all of which the Court is of the opinion that said Motion is well-taken, and that the same should be granted.

It is therefore **ORDERED, ADJUDGED** and **DECREED** that the Motion To Remove Executor, To Appoint An Administrator C.T.A., and To Set Aside The Transfer of Real Property, heretofore filed in this cause by the Plaintiff, Marian Wiley, shall be, and the same is hereby **GRANTED**.

It is further **ORDERED, ADJUDGED** and **DECREED** that the Defendant, Wendell Scott Bigsby, shall be, and hereby is immediately removed from the position of Executor in this cause, and all rights and powers inherent therein are hereby revoked and extinguished from the said Wendell Scott Bigsby.

It is further **ORDERED, ADJUDGED** and **DECREED** that Wendell Scott Bigsby, the former Executor of the Estate of Marivia Hayden, shall have thirty (30) days within which to file a final accounting in this cause.

It is further **ORDERED, ADJUDGED** and **DECREED** that the Defendant Wendell Scott Bigsby, shall appear before this Court on the 21st day of January, 1997, at 9:00 a.m., to show cause, if any he may have, why he should not be adjudged in contempt of the prior Orders of this Court, due to his failure and/or refusal to file an Inventory and an Accounting in this cause, and punished therefor, including incarceration in the Davidson County workhouse.

It is further **ORDERED, ADJUDGED** and **DECREED** that Mr. James Hawkins, shall be, and hereby is appointed to serve as Administrator C.T.A., D.B.N., of the Estate of Marivia Hayden, and Letters of Administration shall be issued to the said James Hawkins by the Clerk of this Court.

It is further **ORDERED, ADJUDGED** and **DECREED** that no bond or other surety shall be required of the said James Hawkins at this time, due to the fact that it appears that the entire estate of Marivia Hayden consists solely of real property; however, upon discovery of any additional assets of the Estate of Marivia Hayden, the issue of bond for the Administrator C.T.A. may be reviewed by the Court.

It is further **ORDERED, ADJUDGED** and **DECREED** that the purported transfer of the real property owned by the Estate of Marivia Hayden, and located at 1709 Twenty-first Avenue North, Nashville, Davidson County, Tennessee, from the Executor, Wendell Scott Bigsby, to Angela M. Mitchell, recorded in Book 10082, page 265-266, Registers Office for Davidson County, Tennessee, shall be held to be null and void, and the same shall be set aside and held for naught, with good and legal title to said real property to remain vested, at this time, in the Estate of Marivia Hayden. Said real property is more particularly described as follows:

"Land in Davidson County, Tennessee, being Lot No. 289 on the Plan of T.J., J.M. and G.W. Hardings Subdivision, of record in Book 21, page 80, Registers Office for Davidson County, Tennessee, to which plan reference is

BOOK 10277 PG 828

hereby made for a more complete description of said lot.

Being the same property conveyed from Charles H. Blair and wife, to Henry S. Sublette of record in Book 1764, page 384, Registers Office for Davidson County, Tennessee, the said Henry S. Sublette having since died, devising said property to Marivia Hayden by will of record in Will Book 92, page 424, Probate Court for Davidson County, Tennessee.

This is improved property known as 1709 21st Avenue North, Nashville, Tennessee."

It is further **ORDERED, ADJUDGED** and **DECREED** that all other issues shall be reserved by the Court at this time.

ENTER this 20 day of November, 1996.

1155 12/03 0101 01CASH 12.00

HON. FRANK G. CLEMENT, JR., JUDGE

APPROVED FOR ENTRY:

WARE, CRAWFORD & DUMAS

THOMAS H. WARE (BPR # 11179)
Attorney for Plaintiff
1800 Parkway Towers
~~404~~ James Robertson Parkway
Nashville, Tennessee 37219
(615) 244-8107

STATE OF TENNESSEE, DAVIDSON COUNTY

I Richard R. Tucker, Clerk of the Probate Court of Davidson County, State aforesaid, do certify that the foregoing is a full, true and complete copy of the original on file in my office. In Will Book 412 Page 641
Given under my hand and official seal, at office, in Nashville, this 26 day of NOV 19 96.
RICHARD R. TUCKER, CLERK
By CIRCUIT Deputy Clerk

0251904 Mail
IDENTIF. ↑ REFERENCE

95 DEC -3 AM 10:20
FELIX Z. WILSON II, REGISTER
DAVIDSON COUNTY, TN

CERTIFICATE OF SERVICE

I hereby certify that I have forwarded a true and exact copy of the foregoing Order by U.S. Mail, postage prepaid, to William N. Ligon, Esq., Attorney for Defenedant, 1122 Stahlman Building, 211 Union Street, Nashville, Tennessee 37201, this 15th day of November, 1996.

Thomas H. Ware

a:hayden1