BOOK 10711 PG 138

[ADDRESS NEW OWNER:	[SEND TAX BILLS TO:]	MAP-PARCEL NOS]
[Edwin Astley Crosdale	[ ]	]
[1314 Porter Rd.	[*SAME*]	Map 83-3]
[Nashville, TN 37206	[ ]	Parcel 19]
[	[ ]	]
[This instrument prepared by: Waynick & Cate (DJW)		]
[P.O. Box 148058, Nashville, TN 37214 (This instrument		]
[prepared from information furnished by parties)		]

AFFIDAVIT OF INHERITANCE

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The undersigned, being duly sworn, depose and say:

Brenda Joyce Redus, whose legal name was Vanzoria R. Crosdale, (See Attached Exhibit B) the owner of the following described real estate:

> Land in Davidson County, Tennessee, being the northeast part of Lot No. 43 on the Plan of Brownsville, as of record in Book 21, page 9, Register's Office for said County, and is part of the undivided portion of said lot shown on the Plan of R.T. Creighton's Subdivision of the south part of Lots Nos. 42 and 43, in Brownsville, a plan of which subdivision is of record in Book 332, page 18, said Register's Office.
>
> Said part of Lot No. 43 is more particularly described as follows:
>
> Beginning at the southwest corner of the Porter Road and Straightway Avenue, formerly Main Street; thence with the westerly margin of said Porter Road southerly 108 feet to a point; thence westerly and parallel with said Straightway Ave., 187 ½ feet to a point; thence northerly 108 feet more or less, to the southerly margin of said Straightway Avenue; and thence easterly with said southerly margin of Straightway Avenue, 212 ½ feet to the beginning.
>
> Being the same property conveyed to Brenda Joyce Redus from James Ray Crutchfield and wife, Molly Crutchfield by deed of record in Book 6952, Page 812 in the Register's Office for Davidson County, Tennessee.

died on December 19, 1987, in Davidson County, Tennessee.

Decedent, Brenda Joyce Redus was also known as Vanzoria R. Crosdale. (See Attached Exhibit B)

The undersigned being the Husband of the decedent at the time of her death, as evidenced by a copy of a certificate of marriage and a copy of a certificate of death attached hereto as Exhibits A and B, received the the decedent's real estate described above by laws of descent and distribution.

Attached Exhibit D clarifies the name discrepancy of decedent on the attached marriage certificate and the death certificate.

The Tennessee Inheritance Tax clearance has been received being receipt number 124023, a copy of which is attached as Exhibit C.

There are no debts or encumbrances remaining which are or might become a lien on said interest in the described real estate.

Edwin Astley Crosdale

Edwin Astley Crosdale, Husband
of Brenda Joyce Redus

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and state, the within named Edwin Astley Crosdale, the bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at Nashville, Tennessee this 15 day of September, 1997.

Notary Public
My Commission Expires: [illegible]

NOTARY PUBLIC DAVIDSON

0377287

97 DEC 5 PM 1:11

9807 12/05 0101 CRDL

9730 Exhibit A

BOOK 10711 PG 140

4 13 94 9730

STATE OF TENNESSEE
DEPARTMENT OF HEALTH AND ENVIRONMENT
CORDELL HULL BUILDING
NASHVILLE, TENNESSEE 37219-5402

by certify the below to be a true and correct copy of the official document on file in epartment. Valid ONLY when embossed seal of the Tennessee Department of Health and ment and red imprinted signature of the State Registrar are affixed.

la Taylor
Taylor
Registrar

AUG 6 1993

Paula Taylor

CERTIFICATE OF MARRIAGE

TENNESSEE DEPARTMENT OF PUBLIC HEALTH
DIVISION OF VITAL STATISTICS

FILE NO. 70-021303

COUNTY DAVIDSON
NUMBER: 78538

GROOM — NAME					
1. Edwin	Astley	Crosdale			
RESIDENCE — STATE 2a. Tenn.	COUNTY 2b. Davidson	CITY, TOWN, OR LOCATION 2c. Nashville	INSIDE CITY LIMITS (SPECIFY YES OR NO) 2d. Yes		
STREET AND NUMBER 3. 1516 - Sweetbriar ave.	STATE OF BIRTH (IF NOT IN U.S.A., NAME COUNTRY) 3. Jamaica	DATE OF BIRTH (MONTH, DAY, YEAR) 4. 2-10-26			
FATHER — NAME 5a. Lee Crosdale	STATE OF BIRTH (IF NOT IN U.S.A., NAME COUNTRY) 5b. Jamaica	MOTHER — MAIDEN NAME 6a. Lillian Brown	STATE OF BIRTH (IF NOT IN U.S.A., NAME COUNTRY) 6b. Jamaica		
BRIDE — NAME				MAIDEN NAME (IF DIFFERENT)	
7. Vanzora	Redua	Collier		7b. Redua	
RESIDENCE — STATE 8a. Tenn.	COUNTY 8b. Davidson	CITY, TOWN, OR LOCATION 8c. Nashville	INSIDE CITY LIMITS (SPECIFY YES OR NO) 8d. Yes		
STREET AND NUMBER 9. 1516 - Sweetbriar ave.	STATE OF BIRTH (IF NOT IN U.S.A., NAME COUNTRY) 9. Ala.	DATE OF BIRTH (MONTH, DAY, YEAR) 10. 7-20-28			
FATHER — NAME 11a. Henry Redua	STATE OF BIRTH (IF NOT IN U.S.A., NAME COUNTRY) 11b. Ala.	MOTHER — MAIDEN NAME 12a. Mary Hines	STATE OF BIRTH (IF NOT IN U.S.A., NAME COUNTRY) 12b. Ala.		
SIGNATURE OF GROOM 13a. Edwin Astley Crosdale	SIGNATURE OF BRIDE 13b. Vanzora R. Collier	DATE SIGNED (MONTH, DAY, YEAR) 13c. 7-2-70			
MAILING ADDRESS — STREET AND NUMBER 14. 1516 - Sweetbriar ave.	CITY 14. Nashville	STATE 14. Tenn.	ZIP 14. 37212		
I HEREBY CERTIFY THAT THE ABOVE NAMED GROOM AND BRIDE WERE MARRIED BY ME, IN THE STATE OF TENNESSEE, ON: MONTH 15. July	DAY 15. 5	YEAR 15. 1970	PLACE OF MARRIAGE — COUNTY 15b. Davidson Co.	CEREMONY — RELIGIOUS OR CIVIL (SPECIFY) 15c. Religious	
OFFICIANT — SIGNATURE 15d. [illegible]	ADDRESS 15e. 314-8th Ave. N.	DATE SIGNED (MONTH, DAY, YEAR) 15f. July 5, 1970			
WITNESS — SIGNATURE 16a. [illegible]	ADDRESS 16b. 1516 Sweetbriar ave.				
COUNTY COURT CLERK — SIGNATURE 17a. [illegible]	DATE FILED (MONTH, DAY, YEAR) 17b. 7-6-70				

CONFIDENTIAL INFORMATION

4 13 94 9730

RECORDERS MEMO
LEGIBILITY OF WRITING, TYPING OR PRINTING IN THIS DOCUMENT UNSATISFACTORY WHEN RECEIVED

Exhibit B

BOOK 10711 PAGE 141

STATE OF TENNESSEE
DEPARTMENT OF HEALTH AND ENVIRONMENT
CORDELL HULL BUILDING
NASHVILLE, TENNESSEE 37219-5402

I hereby certify the below to be a true and correct copy of the official document on file in this department. Valid ONLY when embossed seal of the Tennessee Department of Health and Environment and red imprinted signature of the State Registrar are affixed.

AUG 0 1988

Paula Taylor
State Registrar

CERTIFICATE OF DEATH

TENNESSEE DEPARTMENT OF HEALTH AND ENVIRONMENT
VITAL RECORDS

87-045466

BIRTH NO. _____ STATE FILE NO.

1. DECEASED—NAME (FIRST) Vanzoria	(MIDDLE) R.	(LAST) Crosdale		2. DATE OF DEATH (MONTH, DAY, YEAR) December 19, 1987	
3a. AGE—LAST BIRTHDAY (YEARS) 59	UNDER 1 YEAR: 3b. MOS.	3c. DAYS	UNDER 1 DAY: 3d. HOURS	3e. MIN.	4. DATE OF BIRTH (MONTH, DAY, YEAR) July 20, 1928
5a. RACE—WHITE, BLACK, AMERICAN INDIAN, ETC. (SPECIFY) Black	5b. ORIGIN OR DESCENT—ITALIAN, MEXICAN, GERMAN, ETC. (SPECIFY) American	6. SEX Female			
7a. COUNTY OF DEATH Davidson	7b. CITY, TOWN OR LOCATION Nashville	7c. INSIDE CITY LIMITS (SPECIFY YES OR NO) Yes	7d. HOSPITAL OR OTHER INSTITUTION—NAME (IF NOT IN EITHER, SPECIFY PRIVATE RESIDENCE, BUSINESS, STREET, ETC.) Nashville Metro. Bordeaux	7e. IF HOSP. OR INST., WHICH? (SPECIFY) Inpatient	
8. STATE OF BIRTH (IF NOT IN U.S.A., NAME COUNTRY) Unknown	9. CITIZEN OF WHAT COUNTRY U.S.A.	10. MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (SPECIFY) Married	11. SURVIVING SPOUSE (IF WIFE, GIVE MAIDEN NAME) Edwin Crosdale		
12a. SOCIAL SECURITY NUMBER [redacted]-9730	12b. SERVICE IN ARMED FORCES (SPECIFY WAR OR DATES OF SERVICE) None	12c. USUAL OCCUPATION (GIVE KIND OF WORK DONE DURING MOST OF WORKING LIFE, EVEN IF RETIRED) Self-employed	12d. KIND OF BUSINESS OR INDUSTRY Interior Decorator		
14a. RESIDENCE—STATE Tennessee	14b. COUNTY Davidson	14c. CITY, TOWN, OR LOCATION Nashville	14d. STREET AND NUMBER 1314 Porter Road	14e. INSIDE CITY LIMITS (SPECIFY YES OR NO) Yes	14f. CENSUS TRACT NO.
15. FATHER—NAME Henry Redus	16. MOTHER—MAIDEN NAME Unknown	17. INFORMANT—NAME AND MAILING ADDRESS Edwin Crosdale, Husband, 1314 Porter Road, Nashville, Tennessee 37206			
18a. BURIAL, CREMATION, REMOVAL, OTHER (SPECIFY) Burial	18b. DATE (MONTH, DAY, YEAR) Dec. 21, 1987	18c. CEMETERY OR CREMATORY—NAME Greenwood Cemet.	18d. LOCATION—CITY OR TOWN, STATE Nashville, Tennessee		
19a. FUNERAL DIRECTOR (SIGNATURE) Katharyn M. Patton	19b. LICENSE NO. 3186	19c. EMBALMER (SIGNATURE) Ronald M. Stewart	19d. LICENSE NO. 3732		
20a. FUNERAL HOME—NAME AND ADDRESS (STREET OR R.F.D. NO., CITY OR TOWN, STATE, ZIP) Patton Bros. Funeral Home 1300 South St. Nashville, Tennessee	20b. REGISTRAR—SIGNATURE Mary S. Pentecost	20c. DATE RECEIVED BY LOCAL REGISTRAR Jan 4 1988			
22a. PHYSICIAN—I CERTIFY THAT THE DEATH OCCURRED AT THE PLACE, ON THE DATE, AND DUE TO THE CAUSE(S) STATED. SIGNATURE Inocentes A. Sator, M.D.				22b. DATE SIGNED (MONTH, DAY, YEAR) Dec. 21, 1987	
23a. MEDICAL EXAMINER—ON THE BASIS OF THE EXAMINATION OF THE BODY AND/OR THE INVESTIGATION, DEATH OCCURRED ON THE DATE AND DUE TO THE CAUSE(S) STATED. SIGNATURE		TITLE		23b. DATE SIGNED (MONTH, DAY, YEAR)	
24a. CERTIFIER—NAME (TYPE OR PRINT) Inocentes A. Sator, M. D.	24b. MAILING ADDRESS (STREET OR R.F.D. NO., CITY OR TOWN, STATE, ZIP) Nashville Metro. Bordeaux Hospital, Nash., Tn. 37218				

25. PART I. DEATH WAS CAUSED BY: (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c).) — INTERVAL BETWEEN ONSET AND DEATH

IMMEDIATE CAUSE (a) Uremia
DUE TO, OR AS A CONSEQUENCE OF:
CONDITIONS, IF ANY, WHICH GAVE RISE TO IMMEDIATE CAUSE (a) STATING THE UNDERLYING CAUSE LAST (b) Dehydration — 5472
DUE TO, OR AS A CONSEQUENCE OF:
(c) Persistent Vomiting and Suppurative Parotitis

PART II. OTHER SIGNIFICANT CONDITIONS: CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN PART I (a)
Cardiac Arrhythmia — 26. AUTOPSY (YES OR NO) No

27a. ACCIDENT, SUICIDE, HOMICIDE, OR UNDETERMINED (SPECIFY)	27b. DATE OF INJURY (MONTH, DAY, YEAR)	27c. HOUR M.	27d. DESCRIBE HOW INJURY OCCURRED	
27e. INJURY AT WORK (SPECIFY YES OR NO)	27f. PLACE OF INJURY—AT HOME, FARM, STREET, FACTORY, OFFICE BLDG., ETC. (SPECIFY)	LOCATION—STREET OR R.F.D. NO.	CITY OR TOWN	STATE

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TENNESSEE DEPARTMENT OF REVENUE

Exhibit C

NT 124023

NON-TAXABLE CERTIFICATE

BOOK 10711 PG 142

CROSDALE, EDWIN A
ESTATE REPRESENTATIVE

ACCT. NO. 97-00342

To CROSDALE, EDWIN A
1314 PORTER RD
NASHVILLE, TN 37206

Estate of:
CROSDALE, VANZORIA R
DAVIDSON (19)
12/19/87

THIS IS TO CERTIFY that a sworn Return for Inheritance Tax has been filed with this Department by the duly qualified representative of the above Estate. The values as reported on all forms of property within the return appear to be fairly reported. The allowance of all lawful debts, deductions and the applicable statutory exemption, exempts the estate from taxation.

As provided in Section 67-8-420, Tennessee Code Annotated, this certificate authorizes the Probate Court of the County wherein said Estate was administered to permit a final settlement or accounting by the aforesaid representative.

This, the 1st day of October, 19 97.

COMMISSIONER OF REVENUE

By Vicki Jones
Field Audit Division

RV-0194(REV 6/96)

14-002-0115

Exhibit D

BOOK 10711 PG 143

RECEIVED FOR ENTRY

OCT 22 1991

BY L. GILES
DEPUTY CLERK

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

JAMES R. CRUTCHFIELD,

Debtor

ASTLEY CROSDALE, FOR THE ESTATE OF WIFE BRENDA JOYCE REDUS,

Movant,

VS.

JAMES R. CRUTCHFIELD,

Respondent.

NO. 90-06335-KL3-7

Attest:
A True Copy
Certified this 7-14-97
U.S. Bankruptcy Court
By _____
Deputy Clerk

CONTESTED MATTER

UNITED STATES BANKRUPTCY COURT

FINDINGS OF FACT AND ORDER OF COURT

The issue in this case is whether James Crutchfield committed fraud or misrepresentation in connection with the 1986 real estate transaction for purposes of nondischargeabilty under Section 523 (a)(2)(A) of the Bankruptcy Code.

The Court found that there were three parts to address within this main issue.

1) Whether the debtor's failure to make payments on the underlying mortgage of $101.75 per month to Elizabeth Watson in the original principal sum of $8,430.42 was fraudulent and therefore nondischargeable;

2) Whether there was fraud or misrepresentation on the part of the debtor, James R. Crutchfield, which led to the execution of an installment deed dated August 15, 1986, between Brenda Joyce

Certificate of Mailing

OCT 22 1991

Redus, now deceased, and himself, as the terms of sale are different than the original contract between the parties dated July 11, 1983;

3) Whether there was fraud or misrepresentation by the debtor in collecting payments of $250.00 per month after December 5, 1989, from the movant, Mr. Astley Crosdale, which was the last date of payment pursuant to a schedule amortizing $14,000.00.

The Court finds that there was no fraud in part one, as there is no evidence that Mr. Crutchfield intentionally failed to pay the first mortgage on the property to Elizabeth Watson, but that the debtor, James R. Crutchfield, did commit fraud and misrepresentation with respect to parts two and three, in that the debtor did fraudulently increase the purchase price of the property by $2500.00 and that the debtor continued to collect payments of $250.00 per month past the date the indebtedness from Ms. Redus was satisfied in full.

, in addition to those stated at the close of trial

The findings of fact are as follows:

The contract for sale was entered into on July 11, 1983, wherein Mr. James R. Crutchfield agreed to sell to Brenda Joyce Redus the property located at 1314 Porter Road, Nashville, Tennesee for the sum of $14,000.00. Said sum was payable as follows: $2000.00 as a downpayment and the remaining $12000.00 payable at the rate of $250.00 per month beginning August 1, 1983 at the rate of 9 1/2 percent interest per annum. Upon payment of 25% of the principal, the seller agreed to deliver to the buyer an installment deed.

The testimony and evidence revealed that Ms. Redus made the downpayment, and continued making payments of $250.00 each month

until her death in 1987, and then her surviving husband, Mr. Crosdale made said payments through August 2, 1990.

The testimony and evidence revealed that Mr. Crutchfield paid the 1981 and 1982 property taxes in 1987, under pressure of a sale of said property by Davidson County for unpaid back taxes.

The testimony and evidence revealed that Ms. Redus and Mr. Crosdale paid all other property taxes, specifically, 1983 through 1990, directly to the Davidson County authorities.

According to the Request for Admissions, Mr. Crutchfield stated under oath that he paid property taxes in 1985 of $2500.00, and that is why he increased the purchase price of the property in the 1986 deed from $14000.00 to $16,500.00. He stated in Court that he explained this to Ms. Redus and that she agreed to this increase.

Mr. Crutchfield further stated in the Request for Admissions, that he continued to collect 9 payments of $250.00 per month past December 5, 1989, because he was due the $2500.00 for taxes he had paid. That the Court finds that Mr. Crutchfield knew that he was collecting overpayments, even collected a payment after he had filed his bankruptcy petition, knew he had not paid the property taxes, and finds an inference of fraud in the collection of these overpayments.

The evidence at the trial revealed that in fact, Mr. Crutchfield never paid $2500.00 in property taxes, and that he lied to Ms. Redus regarding this. The only taxes Mr. Crutchfield paid were the 1981 and 1982 property taxes which were accrued prior to any negotiations with Ms. Redus, and were his entire

responsibility, and that these were not paid until 1987. That he made a material misrepresentation of fact to Ms. Redus that she relied upon to her detriment in that she agreed by signing the installment deed in 1986 to an increase in the purchase price of $2500.00. That he made a misrepresentation under oath in his response to the Requests for Admissions when he stated that he had paid $2500.00 in property taxes in 1985, when in fact he did not.

That the evidence showed that Ms. Redus suffered strokes, was very sick during 1986, and that she was completely bedridden at the time of the execution of the installment deed, and that Mr. Crutchfield personally brought the deed to her home for her signature.

That Mr. Crutchfield testified that he delivered the amortization schedule to Ms. Redus in 1983, but that this cannot be true in that the amortization schedule is for $14,000.00, the amount in the 1986 deed, and that a correct amortization schedule in 1983 would have been for $12,000.00. That his testimony and statements collapse under the evidence, and that parts of his testimony are fabricated, that his sworn admissions are untruthful and that he in fact made material and false representations to Ms. Redus that she relied upon to her detriment.

A Court of Equity would reform the installment deed dated August 15, 1986 to conform to the intent of the parties at the time of the signing of the original contract for sale dated July 11, 1983. This Court will act as a Court of Equity would act, and find that there was fraud in the inducement of the installment deed and is reforming the deed to reflect the purchase price of the property

to be $14,000.00, with a downpayment of $2000.00, and a note for the balance of $12,000.00, at 9 1/2 percent interest payable at the rate of $250.00 per month. The Court is instructing the parties to determine when the note for $12,000.00 would have been paid, and that all overpayments past that date are awarded to Mr. Crosdale as judgment plus interest at the rate of 9 1/2 percent interest per annum. That the overpayments as referred to in part three above, are included in this award to Mr. Crosdale, and will be figured in the judgment total of all payments above the $12,000.00 already described.

The Court orders that judgment be awarded in favor of the movant, Astley Crosdale, against the debtor, James R. Crutchfield, in the sum of $6,094.23, being the amount of the actual overpayments, with interest to be calculated at the rate of 9-1/2 per cent on each monthly overpayment the debtor received from the movant. Said interest amount being calculated to October 9, 1991 in the sum of $1,419.79, making a total judgment against the debtor in the sum of $7,514.02. Interest at the rate of 9-1/2 per cent to accrue on this judgment until same is paid in full, plus costs. Said judgment, and interest thereon, is nondischargeable pursuant to Section 523 (a)(2)(A) of the Bankruptcy Code. The law does not provide for the award of attorney's fees to the movant.

The Court further orders that movant shall have and recover a total money judgment, including interest, in the amount of $7,514.02, plus the costs of this cause for which execution may issue if necesary.

BOOK 10711 PG 148

ENTER this 21 day of Oct, 1991.

KEITH M. LUNDIN
U. S. BANKRUPTCY JUDGE

APPROVED FOR ENTRY:

MORRIS LEVINE
Attorney for Movant
1119 Stahlman Building
Nashville, Tennessee 37201
615/254-1616

MAIL TO:

- ____ All creditors and/or parties in interest
- ____ Debtor(s)
- ____ Attorney for debtor(s)
- ____ Trustee
- ____ Attorney for trustee
- ____ Attorney for plaintiff/movant
- ____ Attorney for defendant/respondent
- ____ All parties listed on bottom of order
- ____ All parties listed in cert. of service
- ____ As stated in order
- ____ Debtor's employer
- ____ U.S. Trustee

ALL MAILING TO BE DONE BY:
(NOTE: send copy of routing slip)

OCT 22 1991

INTERNAL ROUTING:

- ____ Chief Deputy Clerk
- ____ Courtroom Deputy
- ____ Calendar Clerk
- ____ Conversion Clerk
- ____ Financial Clerk
- ____ Judgment Book
- ____ Discharge Clerk

____ Copy to be picked up at front counter by: _____

____ Walk through

- ____ attorney for debtor
- ____ attorney for movant
- ____ trustee/attorney for trustee
- ____ Other: _____

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing FINDINGS OF FACT AND ORDER OF COURT ~~List of Witnesses and Exhibits~~ has been mailed to Mr. Thomas C. Nance, Attorney for Debtor, 30 Middleton Street, Nashville, Tennessee 37210, and to Ms. Susan R. Limor, Trustee, P. O. Box 2866, Nashville, Tennessee 37219, on this 16 day of October, 1991.

MORRIS LEVINE

120:007

RECORDERS MEMO
LEGIBILITY OF WRITING, TYPING OR PRINTING IN THIS DOCUMENT UNSATISFACTORY WHEN RECEIVED