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IN THE SIXTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

CITY OF GOODLETTSVILLE, TENNESSEE, Petitioner, v. JODA F. AUSTIN, JR., J. W. REYNOLDS and wife, LOUISE HEAD REYNOLDS, and THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE, Defendants.	)	No. 94C-2612

FINAL JUDGMENT

This case came on to be heard before the Honorable Thomas W. Brothers, Judge, on November 13, 1997, without a jury, upon the petition for condemnation, answers of the defendants (except the Defendant Metropolitan Government of Nashville and Davidson County, Tennessee, it having been made a party in order that all property taxes are paid as of the day of taking on May 8, 1997), testimony of witnesses, exhibits, stipulations, statements of counsel and the entire record.

From all of which it appears that the Defendants J. W. Reynolds and wife, Louise head Reynolds, deny any interest in the property and that the property taxes have heretofore been prorated and paid as of May 8, 1997.

And it further appearing that the Petitioner has heretofore deposited the sum of $427,850, of which the amount of $403,325 has been withdrawn by the Defendant Joda F. Austin, Jr.

The Court finds that the Defendant Austin is entitled to recover $386,912 for the land taken, $60,000 for the improvements taken, and $70,000 for moving expenses representing just compensation.

Accordingly, it is therefore ORDERED, ADJUDGED and DECREED that:

(1) The property described below is hereby divested out of the Defendants and all others who might claim an interest therein, and the same is hereby vested in the Petitioner:

Land in the 10th Civil District of Davidson County, Tennessee, lying within the corporate limits of the City

of Goodlettsville, and being shown as Tracts Nos. 1 and 2 on a survey prepared by Richard B. Omohundro, dated February 4, 1968. Tracts Nos. 1 and 2 are described according to said survey as follows:

Tract No. 1:

BEGINNING at an iron pin in the northerly margin of East Street (formerly Hudson Avenue), at a point 212.2 feet east of the center line of Dickerson Road; thence along the northerly margin of East Street, South 88 deg. 30' 153.2 feet to an iron pin; thence leaving said road, north 6 deg. west 354.3 feet to an iron pin; thence South 80 deg. 10' West 152.4 feet to an iron pin; thence South 6 deg. East 325 feet to an iron pin in the northerly margin of East Street, the point of beginning.

Tract No. 2:

BEGINNING at an iron pin in the northerly margin of East Street (formerly Hudson Avenue), the Southwest corner of this tract and the southeast corner of Tract No. 1, hereinabove described; thence along the northerly margin of East Street South 88 deg. 30' East 110.8 feet to an iron pin in the intersection of East Street and East Court (formerly Short Street); thence along the northwesterly margin of East Court, North 38 deg. 34' East 144.6 feet to an iron pin; thence, leaving said road, north 50 deg. 50' west 258.9 feet to an iron pin; thence north 38 deg. 34' East 150 feet to an iron pin in the southeasterly margin of Two Mile Pike; thence, leaving said pike, south 73 deg. 25' West 136.4 feet to an iron pin in the common rear corners of Tracts Nos. 1 and 2 on said survey; thence with the common line between said tracts, south 6 deg. East 354.3 feet to an iron pin in the northerly margin of East Street, the point of beginning.

Together with a 20 foot easement for the purpose of ingress and egress from Two Mile Pike to the herein described property. Said easement lies along the northerly margin of line of Tract No. 2, as shown on said survey, and fully described in Book 2593, page 25, Register's Office for said County.

Being the same property conveyed to Joda F. Austin, Jr., by deed from J. W. Reynolds and wife, Louise Head Reynolds, of record in Book 4209, Page 639, as corrected in Book 4247, Page 39, Register's Office, Davidson County, Tennessee.

Map 26-1, parcel 10 and Map 26-01-11.

(2) The Defendant Austin shall have and recover from and against the Petitioner a judgment in the amount of $516,912 of which the amount of $427,850 has been satisfied by deposit with the Clerk for which execution shall issue if necessary.

(3) The Defendant Austin shall be entitled to recover interest on the difference between the amount of the judgment and the amount deposited, such difference being $89,062, from May 8, 1995 until the same is paid as required by T.C.A. § 29-17-701(c).

(4) The Clerk is hereby directed to pay over to the Defendant Austin and his attorney, Clark H. Tidwell, the amount of $24,525

not heretofore withdrawn from the original deposit, together with the additional amount required to satisfy the judgment plus interest if such additional amount plus interest is paid through the Clerk.

(5) The Defendants J. W. Reynolds and wife, Louise Head Reynolds, and the Metropolitan Government of Nashville and Davidson County, Tennessee should be, and the same are hereby, dismissed as party defendants.

(6) The entry of this judgment resolves all of the issues in this case.

Enter this the ___ day of November, 1997.

Thomas W. Brothers, Circuit Judge

APPROVED FOR ENTRY:

LASSITER, TIDWELL & HILDEBRAND, PLLC

BY: _____
CLARK H. TIDWELL, BPR #2280
213 Fifth Avenue, North
Nashville, Tennessee 37219
(615) 259-9344
Attorney for Defendant Joda F. Austin, Jr.

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Final Judgment was mailed and/or faxed to Joe M. Haynes, Esq., Attorney for Petitioner, HAYNES, WALKER & FREEMAN, 140 North Main Street, P. O. Box 527, Goodlettsville, TN 37070, on this the 14th day of November, 1997.

mail

Clark H. Tidwell

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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 SIXTH Circuit Court for Davidson County, Tennessee, on the 02 day of DECEMBER , 19 97 , in the Case Number 94C2612 between CITY OF GOODLETTSVILLE, TENNESSEE Plaintiff, and AUSTIN, JODA F. JR. ET.AL Defendant, as same remains of record in Book 53B , Page 1611 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 09 day of FEBRUARY in the year one thousand nine hundred and ninety-eight and in the 222nd year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By B Gardner
Deputy Clerk

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IDENTIFICATION REFERENCE
98FEB20 AM 9:38
DAVIDSON COUNTY, TN