IN THE SIXTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

CITY OF GOODLETTSVILLE, TENNESSEE,	)	
Petitioner,	)	
v.	)	No. 94C-2613
GALBREATH BROTHERS PLUMBING COMPANY, INC., and THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE,	)	
Defendants.	)	

FILED
'98 FEB 17 PM 3:52
CLERK

FINAL JUDGMENT

This case came on to be heard before the Honorable Thomas W. Brothers, Judge, on January 22, 1998, without a jury, upon the petition for condemnation, answer of the landowner defendant Galbreath Brothers Plumbing Company, Inc., order of reference prorating from the deposit property taxes due and owing to 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 September 1, 1994, testimony of witnesses, exhibits, stipulations, statements of counsel and the entire record.

From all of which it appears by stipulation of the parties that the property hereinafter described, consisting of .48 acres or 20,909 sq. ft., was lawfully condemned and taken on September 1, 1994, leaving the amount of just compensation due to the landowner as the sole issue to be decided by the Court.

And it further appearing that the Petitioner has heretofore deposited the sum of $63,000 at the time the condemnation petition was filed, but the Court finds that the landowner defendant should be entitled to recover $95,000 as the fair market value of the property taken, representing just compensation.

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

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

98C0 03/24/98 11:01:01 CHECK 16.00

ENTERED THIS 17TH DAY OF FEBRUARY, 1998.

A certain tract or parcel of land in the 10th Civil District of Davidson County, Tennessee, City of Goodlettsville, described as follows, to-wit:

BEGINNING at a point in the westerly margin of Old Two Mile Pike a corner to the property of Buist Carr; thence S 86 deg. 10' W, 285 feet to a point; thence N 03 deg. 50' W, 50 feet to a point; thence N 86 deg. 10' E 240 feet to a point; thence with a curve to the right having a radius of 40 feet, a distance of 33.2 feet to a point; thence S 46 deg. 20' E, 35 feet to the point of beginning.

Being the same property conveyed to Galbreath Bros. Plumbing Co., Inc., by deed from Ladye D. Moore, of record in Book 7092, Page 726, Register's Office, Davidson County, Tennessee.

Map 26-01, Parcel 3.

(2) The landowner defendant shall have and recover from and against the Petitioner a judgment in the amount of $95,000 of which the amount of $63,000 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 $32,000, from September 1, 1994 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 landowner defendant and its attorney, Clark H. Tidwell, such additional amount to be deposited with the Clerk by the Petitioner.

(5) The Defendant Metropolitan Government of Nashville and Davidson County, Tennessee should be, and the same is hereby, dismissed as a party defendant.

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

Enter this the ___ day of January, 1998.

Thomas W. Brothers, Circuit Judge

MINUTES ENTERED THIS 17TH DAY OF FEBRUARY, 1998.

APPROVED FOR ENTRY:

LASSITER, TIDWELL & HILDEBRAND, PLLC

BY: Clark H. Tidwell

CLARK H. TIDWELL, BPR #2280
213 Fifth Avenue, North
Nashville, Tennessee 37219
(615) 259-9344
Attorney for Defendant Galbreath Brothers
Plumbing Company, Inc.

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 26th day of January, 1998.

Clark H. Tidwell

17TH DAY OF FEBRUARY, 1998.

BOOK 10851 PG 197

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 17 day of FEBRUARY , 19 98 , in the Case Number 94C2613 between CITY OF GOODLETTSVILLE, TENNESSEE Plaintiff, and GALBREATH BROTHERS PLUMBING COMPANY, INC. ET.AL Defendant, as same remains of record in Book 53C , Page 2447 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 19 day of MARCH in the year one thousand nine hundred and ninety-eight and in the 222nd year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

98 MAR 24 PM 1:49

IDENTIFICATION REFERENCE

98116008