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Dav. Co. Chancery Court
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DAVIDSON CHANCERY CT.

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

MARGARET R. BECKER

Plaintiff,

vs.

ROBERT E. HUNLEY, ET UX
(BOBBY HUNLEY)

Defendant.

F01-D

No. 97-1610-III

BOOK 11086 PAGE 645

ORDER GRANTING PLAINTIFF'S MOTION FOR DIRECTED VERDICT

This cause came to be heard this 4th day of June, 1998 before the Honorable Ellen Hobbs Lyle, Chancellor for Part III Chancery Court for Davidson County, Tennessee upon the oral Motion of the Plaintiff for a Directed Verdict, and upon hearing the statements of Counsel for both parties, the witnesses who testified in open Court, and from reviewing the Exhibits and the applicable statutes and pleadings, it appears to the Court and the Court finds that this Motion should be granted and the Court further finds as follows:

1. That the Petition filed by the Defendants, Robert E. Hunley and Betty S. Hunley should be dismissed and that any claim they may have to the 7 foot strip of land at issue (and more particularly described below) shall be and is barred by Tennessee Code Annotated §28-2-110;

2. The Court further finds that in reviewing the Defendants' case, even in a light most favorable to them, that there is no controversy and it cannot be controverted or disputed that the Defendant Hunleys failed to pay any state and county taxes for a period of more than twenty (20) years on the property in question;

3. On consideration whereof it is **ORDERED, ADJUDGED, AND DECREED** by the Court:

1. That the Plaintiff, Margaret R. Becker, is the owner in fee of and is entitled to the possession of the tract of land described herein below and has the right to the possession thereof. Said land so adjudged to the Plaintiff is described as follows:

That Plaintiff is the owner in fee of the following tract of land, recorded in Book 9367 Page 433, Register's office for Davidson County, Tennessee more particularly described as:

Being the south 7 feet of Lot 20 of Block 2 on the plan of Dabbs and Elliott's subdivision No. 1, Old Hickory, Tennessee, known as "Dupontonia" as of record in Book 547, page 97 of the Register's Office of Davidson County, Tennessee.

Said part of Lot No. 20 Fronts 7 feet on the east side of Old Hickory Blvd. and extends between parallel lines east 120 feet to an alley in the rear and measures 7 feet on said alley.

Being part of the same property conveyed to H. Cohen Furniture Company, Inc. by deed from Regina Cohen record in Book 1535 page 39, Register's Office for Davidson County, Tennessee.

Percy Cohen being the surviving heir of H. Cohen Furniture Company, Inc. and Regina Cohen.

2. That the Quitclaim Deeds previously recorded from Larry Cohen to Robert E. Hunley and Margaret R. Becker, Book 10530, Page 729, and from Ralph Cohen to Robert E. Hunley and Margaret R. Becker, Book 10525, Page 50, are hereby null and void and shall be striken from the record of the Register of Deeds Office.

3. That the Defendants, Robert E. Hunley and Betty S. Hunley shall remove from the property herein above described the privacy fence erected and concrete poured on said property at there own expense and shall take all reasonable steps to remove said fence and concrete immediately.

4. That the Defendants, Robert E. Hunley and Betty S. Hunley will pay all of the costs of the action, for which execution may issue, if necessary.

5. That this Court makes no finding as to the breach of contract action alleged in Plaintiff's Complaint and no relief is granted on that issue.

ENTERED this _____ day of _____, 1998.

Ellen Hobbs Lyle
CHANCELLOR

Approved for entry:

By: _____

WORRICK G. ROBINSON, IV, #15009
Attorney for Plaintiff
444 James Robertson Pkwy.
Nashville, TN 37219
(615) 726-0900

mail

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Order has been sent U.S. mail, Postage Pre-paid to attorney Jack Green, 141 Thompson Lane, Nashville, Tennessee 37211 on this the 9th day of June, 1998.

WORRICK G. ROBINSON, IV

I hereby certify that this is a true copy of original instrument filed in my office
This 28th day of August 1998
CLAUDIA C. BONNER
By

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FELIX Z. WILSON III REGISTER
DAVIDSON COUNTY, TN.
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