ORIGINAL

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

BOOK 11092 PAGE 456

WARREN SMITH,

Plaintiff,

vs.

BEATRICE A. SMITH, JACQUELINE A. SMITH, CHARLES F. SMITH, SANDRA SMITH WYGAND and Husband, ROBERT WYGAND, IDA VIRGINIA SMITH TEGTMEYER, and Husband, RAYMOND TEGTMEYER, BEVERLY CHARLOTTE SMITH CANTRELL, and husband, OTTO L. CANTRELL, JR., DEMPSEY BAXTER CRUDUP, PATRICIA CRUDUP NIECE, and husband, HENRY NIECE, KATHRYN CRUDUP TUCK, and husband, IRA THOMAS TUCK, MARK CRUDUP and wife, CARMEN CRUDUP, and PAUL HOLLAND and wife, ERLENE HOLLAND,

Defendants,

and

WARREN SMITH,

Plaintiff,

vs.

BEATRICE A. SMITH, JACQUELINE A. SMITH, CHARLES F. SMITH, SANDRA SMITH WYGAND, and husband, ROBERT WYGAND, and PAUL HOLLAND, and wife, ERLENE HOLLAND,

Defendants.

Case No. 97-2209-I

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DAVIDSON CO. CHANCERY CT.
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Dav. Co Chancery Court

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REGISTER
DAVIDSON COUNTY, TN.

CONSENT ORDER APPROVING SALE

This matter came on to be heard before the Honorable Irving H. Kilcrease, Jr., Chancellor, upon the petition, the answer, the joint motion of the parties for a final order of sale, the report of master, and all of the proceedings heretofore had herein, from all of which it appears to the satisfaction of the Court, as follows:

1. This action concerns certain real property in Davidson County, Tennessee, located at 214 and 216 Raymond Street in Nashville, and more fully described hereinbelow.

2. The interests of the parties to the above properties are as set out in the attached Exhibit A, which is incorporated by reference verbatim into this final order.

3. To the extent there are inconsistencies between the master's report and this Court's prior order of May 22, 1998, and this final order, this final order shall control.

4. The parties before the Court constitute all of the known parties in interest.

5. A sale for partition of the entire legal estate in the properties, at a price of Sixty Two Thousand Dollars ($62,500), Fifty Two Thousand Dollars ($52,000) of said total price being allocable to Lot 214 and Ten Thousand Five Hundred Dollars ($10,500) being allocable to Lot 216, and upon all of the terms and conditions hereinafter set out, is manifestly to the interest of all parties.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED by the Court as follows:

LOT 214 RAYMOND:

1. Lot 214 Raymond Street, shall be sold to Paul and Erlene Holland, according to the terms of the March 1, 1997, sales contract by and between Warren Smith and Paul and Erlene Holland (see collective exhibit C to the petition), except that the sales price shall be $52,000. This property is more specifically described as follows:

> Land in Davidson County, Tennessee, and improvements thereon, being Lot No. 214 and improvements, on the plan of Sunrise Heights First Addition, as of record in Book 421, page 2, Register's Office for said County. Said lot 214 fronts 50 feet on the southerly side of Raymond Street and runs back between parallel lines 150 feet to an alley. Being the same property conveyed to Mrs. Jennie T. Smith by deed from W. Weaver Smith, and wife, of record in Book 882, page 34, said Register's Office.

2. The sale of the real property in question shall be closed in the offices of an attorney or closing agent designated by the purchasers, and at such time as may be agreed upon by the parties, but in no event longer than sixty (60) days from the date of this order, and that upon receipt of a cashier's check from the

purchasers in the amount of the above sales price, the proceeds of said check shall be distributed by said the attorneys acting as escrow agent through their trust account as follows:

a. Taxes and legitimate claims of lien holders, if any;

b. Costs for the owner's title policy to the purchasers, and other usual, customary, reasonable, closing costs, as allocated in the parties' contract ;

c. The remaining funds shall be paid to the Clerk of this Court for distribution, pursuant to further orders of the Court.

3. Upon the closing of the said sale, fee simple title to Lot 214, Raymond Street, shall be vested in Paul and Erlene Holland, their heirs, successors and assigns, forever.

4. The Clerk and Master shall give a deed to the property to the Hollands if required by their lender or lender's title company.

LOT 216 RAYMOND

1. Lot 216 Raymond Street, shall be sold to Paul and Erlene Holland, according to the terms of the March 1, 1997, sales contract by and between Warren Smith and Paul and Erlene Holland, (see collective exhibit C to the petition) except that the sales price shall be $10,500. This property is more specifically described as follows:

> **216 Raymond Street:**
> Being lot 216 on the plan of Sunrise Heights Addition, as of record in Book 421, page 2, Register's Office of Davidson County, Tennessee. Said Lot No. 216 fronts 50 feet on the southerly side of Raymond Street and runs back between parallel lines 150 feet to an alley. Being the same property conveyed to Jennie Smith (deceased) by installment deed from Nettie S. Hill, Elizabeth Hill Gilreath and John S. Hill, dated December 12, 1944, of record in Book 1314, Page 167, Register's Office of Davidson County, Tennessee.

2. The sale of the real property in question shall be closed in the offices of an attorney or closing agent designated by the purchasers, and at such time as may be agreed upon by the parties, but in no event longer than sixty (60) days from the date of this order, and that upon receipt of a cashier's check from the purchaser

in the amount of the above sales price, the proceeds of said check shall be distributed by said the attorneys acting as escrow agent through their trust account as follows:

a. Taxes and legitimate claims of lien holders, if any;

b. Costs for the owner's title policy to the purchasers, and other usual, customary, reasonable, closing costs, as allocated in the parties' contract ;

c. That the remaining funds shall be paid back to the Clerk of this Court for distribution to the sellers, pending further orders of the Court.

3. That upon the closing of the said sale fee simple title to Lot 216, Raymond Street, shall be vested in Paul and Erlene Holland, their heirs, successors and assigns.

4. The Clerk and Master shall give a deed to the property to the Hollands, if required by their lender or lender's title company.

OTHER CLAIMS

Within twenty four (24) hours of the closing of the above sale, the defendants Holland shall pay into the Court the sum of $2,500, for distribution to the interest holders in Lot 214, pursuant to further orders of the Court, except that the plaintiff Warren Smith waives any rights to this $2,500. This sum shall be distributed before and without any reduction or set-off whatsoever. This sum shall be paid by the Hollands in full and final settlement of any claims or demands, actual or potential, against the Hollands, by any party, and any and all such claims and demands, whether denominated claims, counterclaims, or cross claims are hereby dismissed with prejudice. In consideration of Warren Smith's waiving any rights to this $2,500, all other parties release Warren Smith from any and all claims, except for claims for or concerning costs of maintaining the property and attorneys fees and costs related to this partition action, both of which issues are reserved for decision by the Court at a later time.

ENTERED, on this the ____ day of July, 1998.

CHANCELLOR

APPROVED FOR ENTRY:

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WEED, HUBBARD, BERRY & DOUGHTY

Douglas Berry (6927)
Suite 2900
Suntrust Center
Nashville, Tennessee 37219
(615) 251-5444

Attorneys for Defendants
Paul and Erlene Holland

I hereby certify that this is a true copy of original instrument filed in my office.
This 1st day of September 19 98
CLAUDIA C. BONNYMAN Clerk & Master
By Deputy Clerk

BASS, BERRY & SIMS

Beth A. Dunning (17337)
2700 First American Center
Nashville, TN 37238

Attorney for Defendants Sandra Smith Wygand
Robert Wygand, Beatrice A. Smith, and Jacque-
Line A. Smith

HAYNES & FREEMAN, PLC

Russell Freeman 13244
140 North Main Street
P.O. Box 527
Goodlettsville, TN 37070

Attorneys for Plaintiff Warren R. Smith

CERTIFICATE OF SERVICE

I do hereby certify that a true and exact copy of the foregoing has been mailed by first class mail, postage prepaid to:

Otto L. Cantrall, Jr.
25306 Gleen Oak Avenue

Sorrento, FL 32776

Patricia Crudup Niece
Route 2, Box 177A
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Mark Crudup
Route 2, Box 178
Gaheysville, VA 22840

Ira Thomas Tuck
1231 North Main Street
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Charles F. Smith
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Norfolk, VA 23507

Dempsey Baxter Crudup
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Greenback, TN 37742

Robert Wygand
4521 Wishurst Road
Virginia Beach, VA 23455

Ida Virginia Smith Tegtmeyer
9222 East Loma Linda Place
Tuscon, AZ 85749

Raymond L. Tetgmeyer
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Carmen Crudup
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Gaheysville, VA 22840

Kathryn Crudup Tuck
1231 North Main Street
Mocksville, NC 27028

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DOUGLAS BERRY

EXHIBIT A

Status of Title and Ownership Interests

Lot 214 Raymond Street (Improved)

As of March 12, 1998, title was vested in Jennie T. Smith by warranty deed from W. Weaver Smith and wife Allie Smith, dated May 1, 1931, of record in Book 882, page 34, Register's Office for Davidson County, Tennessee. Jennie T. Smith is deceased. Pursuant to the Last Will and Testament of Jennie T. Smith, this lot no. 214 was devised to Charles Weaver Smith and Warren Redmond Smith, her two grandsons, with a life estate reserved to their father Willie Weaver Smith, now deceased. Charles Weaver Smith survived Jennie T. Smith, but is now deceased. Three adult children and his wife survived him: his widow, Beatrice Smith; son Charles F. Smith; daughters, Jacqueline A. Smith, and Sandra Smith Wygand. Pursuant to a Quitclaim Deed dated May 19, 1998, of record in Book 10959, page 310, Register's Office for Davidson County, Tennessee, Charles F. Smith conveyed any and all interest possessed by him to his mother Beatrice Smith. Therefore, the interests and title to lot 214 are vested in the following people in the following undivided proportions:

1.	Warren Redmond Smith	1/2	(50.00%)
2.	Heirs of Charles Weaver Smith:		
	a. Beatrice Smith	5/18	(27.78%)
	b. Jacqueline A. Smith	1/9	(11.11%)
	c. Sandra Smith Wygand	1/9	(11.11%)
TOTAL		18/18	(100.00%)

Lot 216 Raymond Street (Unimproved)

As of March 12, 1998, title was vested in Jennie T. Smith, now deceased, by installment deed from Nettie S. Hill, Elizabeth Gilreath and John S. Hill dated December 12, 1944, of record in Book 1314, page 167, Register's Office for Davidson County, Tennessee. Pursuant to the Last Will and Testament of Jennie T. Smith, Lot 216 was devised to Willie Weaver Smith, her son, and to her two grandsons Charles Weaver Smith and Warren Redmond Smith, share and share alike. Willie Weaver Smith is now deceased. Willie Weaver Smith was survived by Charles Weaver Smith, now deceased, Warren Redmond Smith, Ida Virginia Smith Tegtmeyer, Beverly Charlotte Smith Cantrell, and Dorothy Marie Smith Crudup, now deceased. Three adult children and his wife survived Charles Weaver Smith: his widow, Beatrice Smith; son Charles F. Smith; daughters, Jacqueline A. Smith, and Sandra Smith Wygand. Pursuant to a Quitclaim Deed dated May 19, 1998, of record in Book 10959, page 312, Register's Office for Davidson County, Tennessee, Charles F. Smith conveyed any and all interest possessed by him to his mother Beatrice Smith. Three adult children and her husband survived Dorothy Marie Smith Crudup: her widower, Dempsey Baxter Crudup, daughters Patricia Crudup Niece, Kathryn Crudup Tuck and son Mark Crudup. Therefore, the interests and title to lot 216 are vested in the following people in the following undivided proportions:

1.	Warren Redmond Smith	6/15	(40.00%)
2.	Heirs of Charles Weaver Smith:		
	a. Beatrice Smith	30/135	(22.22%)
	b. Jacqueline A. Smith	12/135	(8.89%)
	c. Sandra Smith Wygand	12/135	(8.89%)
3.	Remaining Heirs of Willie Weaver Smith:		
	a. Ida Virginia Smith Tegtmeyer	1/15	(6.67%)
	b. Beverly Charlotte Smith Cantrell	1/15	(6.67%)
	c. Heirs of Dorothy Marie Smith Crudup:		
	Dempsey Baxter Crudup	1/45	(2.22%)
	Patricia Crudup Niece	2/135	(1.48%)
	Mark Crudup Niece	2/135	(1.48%)
	Kathryn Crudup Tuck	2/135	(1.48%)
TOTAL		135/135	(100.00%)