M. 438-507

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
PROBATE DIVISION

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RICHARD ... CLERK

IN RE: ESTATE OF JAMES H. TUCKER, JR.)
)
)
) NO. 93P-1609 ... D.C.

ORDER

BOOK 11366 PG. 555

This cause came on to be heard on the 8th day of January, 1999, before the Honorable Frank G. Clement, Jr., Judge, upon the Motion of Harline Landor (hereinafter Ms. Landor) and Judith Tucker Williams, beneficiaries of the above referenced estate, to vest fee all right, title and interest in the real property located at 1811 Primrose Avenue, Nashville, Tennessee 37212 in Ms. Landor and to modify the prior order of the Court with respect to the deed of trust and the allocation of the proceeds therefrom, to authorize the payment of claims, including the Public Administrator's fees, for the Court to adopt and make as findings the calculations set forth in the Motion as to the shares of each beneficiary, determine any sums to be assessed and/or surcharged against James Tucker, III and to authorize the payment of the appropriate sums to each beneficiary, the Motion filed on behalf of the Estate of Mary K. Kilcrease to assess attorney's fees against James H. Tucker, III, all parties and/or beneficiaries having been notified of said hearing, the announcement that counsel for the Estate of Mary K. Kilcrease, Harline Landor, Judith Tucker Williams and the Public Administrator have agreed upon the value of the Estate and expenses associated therewith, the funds available to the Estate, and the entire record herein, from all of which the Court adopts the allegations contained in said Motions and incorporates by reference herein said allegations in this Order. Further, the Court finds and **ORDERS** as follows:

1. That the value of this Estate is determined to be in the amount of $166,000.00.

2. That the expenses of said Estate include 1996 county taxes in the amount of $1934.63, 1997 county taxes in the amount of $1,825.65, 1998 pro rated county taxes in the amount of $1145.00, a vegetation lien in the amount of $502.98, previously awarded attorney's fees, funeral expenses and court costs in the amount of $7,410.20, and attorney's fees for the Public administrator in the amount of $6,394.50. Of these expenses

and fees, the Court finds that the 1996 county taxes, the 1997 county taxes, the 1998 pro rated county taxes, the vegetation lien and the previously awarded attorney's fees in the amount of $1830.00 have previously been paid.

3. That the value of the Estate after the previously enumerated expenses and fees totals $146,784.04.

4. That the Estate has cash available in the amount of $112,500.00 and that the Court authorizes and orders the payment of the sum of $6,394.50 to the Public Administrator, the payment of the sum of $5,405.20 in funeral expenses to Patton Brothers Funeral Home and the payment of the sum of $356.00 as court costs from these funds as expenses of the Estate.

5. That the Court determines and finds that the beneficiary share of James H. Tucker, III shall be reduced by $16,000.00 for funds missing from the Estate, a surcharge of $3,045.00 for attorney's fees for the Estate of Mary K. Kilcrease and a surcharge of $2,222.50 for attorney's fees for Harline Landor and Judith Williams.

6. That the Court finds and authorizes the payment of the following sums, including the allocation of attorney's fees as previously set forth herein, to the beneficiaries of this Estate as follows: (1) the Estate of Mary K. Kilcrease in the amount of $39,741.76 ~~$39,741.76~~; (2) Judith Tucker Williams in the amount of $37,808.01; (3) James H. Tucker in the amount of $15429.16; and (4) Harline Landor in the amount of $7,365.07, Ms. Landor previously having been awarded a credit against her share of the Estate for the purchase of the real property located at 1811 Primrose Avenue, Nashville, Tennessee 37202.

$ 39,741.76 TSC

7. That this Court modifies its prior order entered on or about July 22, 1998 regarding title to the real property located at 1811 Primrose Avenue, Nashville, Tennessee 37212, and hereby divests all right, title and interest in said real property from the heirs of Mary K. Kilcrease, Judith Tucker Williams, James H. Tucker, III, and/or the Estate of James H. Tucker, Jr. and hereby vests all right, title and interest in said real property in Harline Landor, subject to an existing deed of trust held by WMC Mortgage Corporation.

Said real property is more specifically described as follows:

> Land in Davidson County, Tennessee, being Lot No. 21, Block B on the Plan of Belmont Terrace Annex No. 4, as of record in Book 974, page 97, Register's Office for said County.
>
> Said Lot NO. 21 fronts 95 feet on the southwesterly side of Primrose

Avenue and extends back 176.4 feet on the southeasterly line and 194.5 feet on the northwesterly line to a dead line in the rear, measuring 85 feet thereon.

Being the same property conveyed to James H. Tucker, Jr. and wife, Earline M. Tucker by deed from Aubrey Hoyt Matthews and wife, Anna Wells Matthews of record in Book 4273, page 49, Register's Office for Davidson County, Tennessee.

IT IS SO ORDERED.

ENTERED this the 29 day of January, 1999.

FRANK G. CLEMENT, JR., JUDGE

APPROVED FOR ENTRY:

WILLIAMS AND DINKINS

BY

Floyd N. Price
REG. NO. 6475
Realtors Building, Suite 210
306 Gay Street
Nashville, TN 37201
(615) 244-3988

Attorneys for Harline Landor and Judith Tucker Williams

CERTIFICATE OF SERVICE

The undersigned certifies that copy of the foregoing Response has been mailed to Ronald K. Nevin Esquire, 404 James Robertson Parkway, Suite 1850, Nashville, Tennessee 37219, Mr. James H. Tucker, III, 2818 Surf Drive, Nashville, Tennessee 37207, Ms. Judith Tucker Williams, 2320 Arbor Street, Houston, Texas 77004, Suzette Peyton, Esquire, Manson and Associates, 1314 5th Avenue North, Nashville, Tennessee 37208 and George H. Cate, Jr., Esquire, 95 White Bridge Road, Suite 503, Cavalier Building, Nashville, Tennessee 37205 this the 20th day of January, 1999.

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IDENTIF. ↑ REFERENCE

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BILL GARNETT REGISTER
DAVIDSON COUNTY, TN.

PICK-UP

STATE OF TENNESSEE, DAVIDSON COUNTY

I Richard R. Rooker, Clerk of the Pretrial Court of
County, State aforesaid, do certify that the
foll, true and complete copy, of
office. Minute Book 502
Given under my hand and
Nashville, this 4 of

RICHARD R. ROOKER, CLERK

By Deputy Clerk

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