IN THE FOURTH CIRCUIT COURT FOR DAVISON COUNTY, TENNESSEE

JAMES M. HANEY, JR.

PLAINTIFF

V

CONNIE ROBERTS HANEY

DEFENDANT

99 JUL 27 PM 4:28

RICHARD R. ROOT, JR. CLERK

B Murray D.C.

NO. 97D-151

ORDER

This cause came to be heard on the 13th day of July, 1999, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee upon the Third-Party Complaint of the Third-Party Plaintiff, James M. Haney, Jr. against the Third-Party Defendant, Willam F. Rushing, and from the testimony of the Third-Party Plaintiff in open court, statements of counsel for the Third-Party Plaintiff and the entire record in this cause, the court finds as follows:

1. The Third-Party Defendant, William F. Rushing was duly served with service of process, and failed to respond in the time required by law.

2. Judgment by default was properly entered against the Third-Party Defendant, William F. Rushing prior to the hearing of this cause.

3. The Third-Party Defendant, William F. Rushing has accordingly been duly noticed of the hearing of this cause, but has failed to appear notwithstanding the adequacy of that notice.

4. Since the transfer of the marital real property located at 1613 17th Avenue South, Nashville, Davidson County, Tennessee 37203 by Defendant Connie Roberts Haney to the Third-Party Defendant, William F. Rushing on or about December 27, 1996 the Third-Party Plaintiff, James M. Haney, Jr. has been required to expend funds from his individual estate for the payment of property taxes, mortgage indebtedness, insurance and maintenance of and improvements to the real property.

5. Also since the transfer of the marital real property to

the Third-Party Defendant, William F. Rushing, the real property has been subjected to liens as a result of his alleged breach of the real estate sale contract for the said real property, and as a result of judgments previously entered by this Court against the Defendant Connie Roberts Haney in favor of the Third-Party Plaintiff James M. Haney Jr. for her failure to pay child support as ordered and for attorneys fees expended by the Third-Party Plaintiff in the prosecution of this divorce..

6. The total of the expenditures made by the Third-Party Plaintiff James M. Haney Jr. and the liens against the property equal or exceed the total equity value conveyed by Defendant Connie Roberts Haney to the Third-Party Defendant William F. Rushing.

7. The Court accordingly finds it to be equitable, having previously divested all right title and interest in and to the real property located at 1613 17th Avenue South out of Defendant Connie Roberts Haney, to likewise divest all right, title and interest in and to the real property located at 1613 17th Avenue South out of Third-Party Defendant William F. Rushing and vest same solely in Third-Party Plaintiff James M. Haney, Jr., subject to any mortgages thereon the said real property being more particularly described as follows:

Being the southerly 50 feet of the northerly 100 feet of the easterly part of Lot 58 in OB Hayes Plan of Large Lots call Rokeby of record in Book 21, Page 87, Register's Office for Davidson County, Tennessee.

Beginning on the westerly margin of 17th Avenue South, formerly Addison Street; at a point being 50 feet South of the corner of Lots No.'s 55 ND 58. Said point being the Southeast corner of the property conveyed to Laura Harris, by Deed form W. Dale Cleaves and Wife, of record in Book 772, Page 693, said Register's Office thence with the westerly margin of said Ave.; southwardly 50 feet thence westwardly 157 feet more or less to the easterly margin of a proposed alley thence with Harris southerly line; eastwardly 157 feet, more or less to the point of the beginning.

Being the same property conveyed to Ralph E. Knapp, unmarried by Deed from Elenor B. Handlaw of record in Book 6502, Page 440, Register's Office for Davidson County, Tennessee; being the same property conveyed to Connie R. Haney,, married by Deed from Susan R. Limor,, Trustee for Ralph Edward Knapp, of record in Book 8992, Page 886, Register's Office for Davidson County, Tennessee.

Being the same property conveyed to Connie R. Haney, married by QuitClaim Deed from James M. Haney, Jr., married of record in Book 10302, Page 605, Register's Office for Davidson County, Tennessee.

8. Costs of this cause attributable to the Third-Party Complaint shall be taxed to the Third-Party Defendant, William F. Rushing, for which execution may issue if necessary.

IT IS SO ORDERED, ADJUDGED AND DECREED.

ENTERED this 27th day of July 1999.

HONORABLE MURIEL ROBINSON
JUDGE OF THE FOURTH CIRCUIT COURT

APPROVED FOR ENTRY:

DANIEL C. MASTEN, #9815
Attorney for Plaintiff
4800 Charlotte Ave.
Nashville, Tennessee 37209
(615) 269-6383

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was mailed via United States Mail, postage prepaid to the following individuals on this 27th day of July 1999.

PICK-UP

Connie Roberts Haney
P.O. Box 1560
Ward Cove, Alaska 99928

William F. Rushing
P.O. Box 1560
Ward Cove, Alaska 99928

Thomas V. White, Esq.
Attorney at Law
21st Floor, First American Center
315 Deaderick Street
Nashville, Tennessee 37238-2100

DANIEL C. MASTEN

062601014
IDENTIFICATION REFERENCE
99 AUG 19 AM 8:48
BILL GARDE
DAVIDSON COUNTY, TN.
REGISTER

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 FOURTH Circuit Court for Davidson County, Tennessee, on the 27 day of JULY , 19 99 , in the Case Number 97D151 between HANEY, JAMES M. JR. Plaintiff, and HANEY, CONNIE ROBERTS ET.AL Defendant, as same remains of record in Vol. 753 , Page 138132 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 AUGUST in the year one thousand nine hundred and ninety-nine and in the 224th year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By A. Rooker
Deputy Clerk