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Dav. Co. Chancery Court

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

LEXIE LEE HILL,

Plaintiff,

vs.

EDDIE SANFORD

Defendant

No. 97-2594-II

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FINAL JUDGMENT

BOOK 11671 PAGE 366

This matter came on for trial to the Court without a jury on May 27, 1999 on the complaint to partition real estate, the answer and counterclaims filed by defendant, the testimony of witnesses and documentary evidence presented at trial, the briefs and arguments of counsel, and the entire record herein, from all of which the Court finds as follows:

(1) Plaintiff Lexie Hill and Carolyn Allgood were married in 1963, were never divorced, and were therefore still lawfully married at the time of Carolyn Allgood's death in 1996.

(2) Defendant Eddie Sanford married Aileen Sanford in 1953, and following his move to Nashville, in 1973 Eddie Sanford filed for divorce from Aileen Sanford. Although Mr. Sanford's divorce petition was dismissed in 1974 for failure to prosecute, he was unaware of this fact, and believed in good faith that he was divorced from Aileen Sanford.

(3) In 1976 Eddie Sanford married Carolyn Allgood, at which time Mr. Sanford mistakenly believed that both he and Carolyn Allgood were unmarried. Mr. Sanford was without fault in this belief, based upon a false statement made to him by Carolyn Allgood indicating that she had been divorced from Lexie Hill, and based upon his good faith mistake in thinking he had been divorced from Aileen Sanford.

(4) From the time Eddie Sanford married Carolyn Allgood until the time of her death, neither Carolyn Allgood or Lexie Hill made any effort to tell defendant that they were still married.

(5) In 1979 Eddie Sanford and Carolyn Sanford purchased a house at the 910 1/2 Jackson Street in Nashville, with the deed conveying the property to "Eddie Sanford and wife, Carolyn Sanford". At the time this property was purchased Mr. Sanford reasonably believed that he and Carolyn Sanford were lawfully married, and owned this property as husband and wife.

(6) Over the next 18 years Eddie Sanford paid the original mortgage loan on his home, and also paid off a loan taken out in 1986 to install siding on the house. The second mortgage loan was

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partly paid through payments made by defendant in a chapter 13 bankruptcy case filed in 1990.

(7) Lexie Hill never communicated with Eddie Sanford concerning his continuing marriage to Carolyn Allgood until sometime following her death in 1996, although Mr. Hill was aware that Eddie Sanford and Carolyn Allgood had married in 1976, and that they had purchased a house together. Further, prior to Carolyn Allgood's death Lexie Hill never took any legal action to challenge the valiidity of her marriage to Eddie Sanford.

(8) The doctrine of equitable estoppel bars Lexie Hill's claim of interest in the property at 910 1/2 Jackson Street, in that plaintiff brings his claim as a successor in interest to Carolyn Sanford. Thus, in that Eddie Sanford married Carolyn Allgood believing in good faith that they were entering into a lawful marriage, and that his error was caused in part by Carolyn Allgood's concealment of her true marital status, Lexie Hill is barred by equitable estoppel from profiting from Mr. Sanford's good faith mistake.

(9) The doctrine of laches would also bar Lexie Hill's claim in this case, based on his delay of over 20 years in taking action to challenge the validity of the Sanfords' marriage, despite being aware of the marriage since the late 1970's. As a result of Mr. Hill's delay, Mr. Sanford has been prejudiced in two ways: first, by the death of Carolyn Sanford and the resulting loss of her testimony in this dispute; secondly, insofar as Mr. Sanford made significant financial investments in his home that he presumably would not have made had he known that Mr. Hill and Carolyn were still married. Thus, Mr. Hill is barred by laches from profiting from his delay in bringing this action.

(10) As a result of their true marital status when they purchased the house at 910 1/2 Jackson Street, Eddie Sanford and Carolyn Sanford did not own the property as tenants by the entireties; rather, they held it as tenants in common. The Court does not find this to be an appropriate case to exercise its equitable power to reform this deed, as requested by Eddie Sanford in his counterclaim.

(11) The Court finds this is an appropriate case to impose either a resulting trust or constructive trust in favor of Eddie Sanford on the legal interest which Lexie Hill may have in the subject property by virtue of his status as an intestate heir of Carolyn Sanford, in that it would be unjust to award Mr. Hill any interest in this property based upon the facts recited above. Thus, Mr. Sanford is entitled to the relief sought in his countercomplaint to vest full title to this property in him.

IT IS THEREFORE ORDERED THAT,

(1) The claim of plaintiff Lexie Hill for partition and sale of the house and lot at 910 1/2 Jackson Street, Nashville, Tennessee is denied and hereby dismissed with prejudice;

(2) Any and all interest held by Lexie Lee Hill in the real estate at 910 1/2 Jackson Street, Nashville, Tennessee, said property being more fully described in the installment deed from Rufus E. Hughes to "Eddie Sanford and wife, Carolyn Sanford" dated September 24, 1979, of record in Book 5505 page 130, Registers Office for Davidson County, Tennessee, is hereby divested out of Lexie Lee Hill and vested in Eddie Sanford, such that Eddie Sanford is the sole owner of said property;

(3) The costs of this action shall be assessed against plaintiff Lexie Hill, for which execution may issue if necessary.

ENTER this ____ day of _____, 1999.

CHANCELLOR

I hereby certify that this is a true copy of original instrument filed in my office.
This 3rd day of September, 1999
CLAUDIA C. BONNYMAN, Clerk & Master
By BETH WELCH
Deputy Clerk

Approved for entry:

DRAKE HOLLIDAY, bpr#4668
Legal Aid Society of Middle Tennessee
800 Stahlman Bldg.
Nashville, TN 37201
615/780-7109
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been forwarded to Monte D. Watkins, 404 James Robertson Pkwy., #1515, Nashville, TN 37219, attorney for Plaintiff, by first class mail this 1st day of June, 1999.

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