BOX 17

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

IN RE:

Property Located At:
3845 EDWARDS AVENUE,
NASHVILLE, TN 37216

RUTH E. THOMAS,
LINDA JEAN FAGG, and
SHELLEY MARIE FAGG,

Petitioners,

vs.

BRANDI LeANN FAGG,
(A Minor Child),

Respondent.

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No. 99-2804-III FO

FILED
1999 OCT 14 PM 3:35
DAVIDSON COUNTY REGISTER
DAVIDSON COUNTY, TN.

06464488

ORDER

This cause came on to be heard on the 7th day of October 1999, before The Honorable Ellen Hobbs Lyle, Chancellor of the Chancery Court of Davidson County, Tennessee, at Nashville, Part III, upon the *Petition to Quiet Title* filed by the joint Petitioners, Ruth E. Thomas, Linda Jean Fagg, and Shelley Marie Fagg. Ruth E. Thomas, Linda Jean Fagg, and Shelley Marie Fagg, represented by The Honorable James L. Curtis. Brandi LeAnn Fagg, a minor child, was represented by the appointed guardian **ad litem**, Charles E. Morton, IV, who was present in Court at the hearing and had filed an *Answer of Guardian Ad Litem*. Further appearing before the Court was The Honorable Kevin Montgomery, the real estate attorney for Ruth E. Thomas.

Upon statements of all counsel involved in this cause and upon the review of the record, and upon the *Answer of the Guardian Ad Litem*, this Honorable Court found as follows:

1. That the real property located at 3845 Edwards Avenue, Nashville, Davidson County, TN 37216, is vested solely and in fee simple in Ruth E. Thomas, and the heirs of Jimmy Dale Fagg have no interest except as provided in this Order concerning the $5,000.00 monies to be paid to the Clerk and Master. The legal description of 3845 Edwards Avenue, Nashville, Davidson County, TN 37216 is as follows:

RECORDER'S NOTE
LEGIBILITY OF WRITING, TYPING OR
PRINTING IN THIS DOCUMENT
UNSATISFACTORY WHEN RECEIVED

Being Lot No. 9 on the plan of Maplewood Heights Resubdvision, of record in Book 4885, page 27, Register's Office for said County.

Said Lot No. 9 fronts 70.00 feet on the easterly margin of Edwards Avenue and extends back between parallel lines 300 feet to a line in the rear.

Being the same property conveyed to Jimmy Dale Fagg by deed from Thomas Edward Duke and wife, Delle Anne Duke, of record in Book 5676, page 482, Register's Office for said County.

2. Said property located at 3845 Edwards Avenue, Nashville, TN 37216, is the same property that was conveyed by the *Final Decree of Divorce* on June 6, 1983, before The Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee. Further that a subsequent *Agreed Order* modifying the *Final Decree* on or about July 15, 1991, also stated that the real property located at 3845 Edwards Avenue, Nashville, TN 37216, is, in fact, the property conveyed and is the real property of Ruth E. Thomas. The Court found that the original *Final Decree of Divorce* granted to Jimmy Dale Fagg a $5,000.00 lien against the home located at 3845 Edwards Avenue, Nashville, TN 37216, and that the subsequent *Agreed Order* modifying the *Final Decree* entered on or about July 15, 1991, converted the $5,000.00 lien to monies to be used by Shelley Marie Fagg for the continued education of Shelley Marie Fagg, as long as she attends college or a reputable vocational or trade school. The Agreed Order stated, however, in the event that Shelley Marie Fagg fails to commence said schooling within six (6) months of the date of her graduation from high school, then the $5,000.00 funds would be disposed of as set forth in the Final Decree. The Court found that Shelley Marie Fagg is scheduled to graduated from high school by way of home school studies in the spring of the year 2000.

3. The property located at 3845 Edwards Avenue, Nashville, TN 37216, is vested solely and titled to Ruth E. Thomas in fee simple subject to all validly recorded encumbrances thereon.

4. The $5,000.00 lien which is to be used for the education of Shelley Marie Fagg will be paid to the Registry of the Chancery Court Clerk and Master at the closing of the sale of 3845 Edwards Avenue, Nashville, TN 37216.

5. That Shelley Marie Fagg, upon meeting the requirements of the Agreed Order Modifying Final Decree, will be able to file a petition and an affidavit to secure the $5,000.00 funds held by the Clerk and Master and that a copy of the petition is to be forwarded to all attorneys of record, including the guardian ad litem, Charles E. Morton, IV, Esq., 125 Third Avenue, N., Franklin, TN 37064.

6. That should Shelley Marie Fagg not meet the requirements under said Agreed Order Modifying Final Decree, said $5,000.00 shall be paid to the heirs at law of Jimmy Dale Fagg.

7. All parties involved waived appeal in this cause and that this *Order* is intended by all parties to be a *Final Order*.

8. The Court has further considered the affidavit of Charles E. Morton, IV, Esq., and awards an attorney fee in the amount of $ 450.00, which is to be paid from the closing cost of the sale of the property at 3845 Edwards Avenue, Nashville, TN 37216, by Ruth E. Thomas.

9. The court costs of this matter are assessed against Ruth E. Thomas, for which execution may issue if necessary.

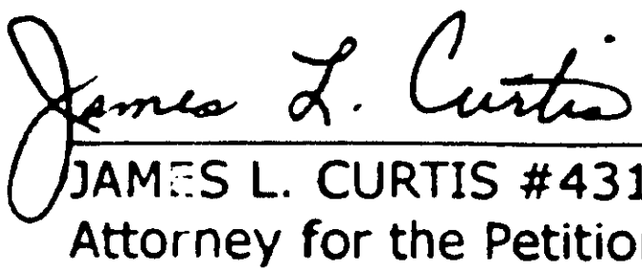
All of which is therefore accordingly **ORDERED, ADJUDGED** and **DECREED**.

ENTER this the ___ day of _____, 1999.

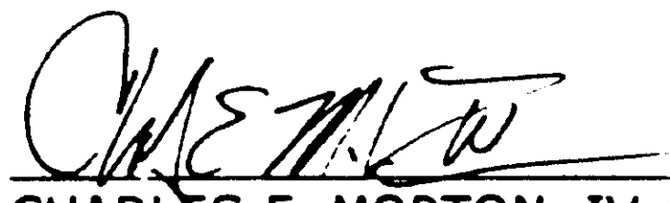
I hereby certify that this is a true copy of original instrument filed in my office.
This ___ day of _____ 19__
CLAUDIA C. BONNYMAN
By _____
Deputy Clerk

Ellen Hobbs Lyle
ELLEN HOBBS LYLE, CHANCELLOR

Approved for Entry:

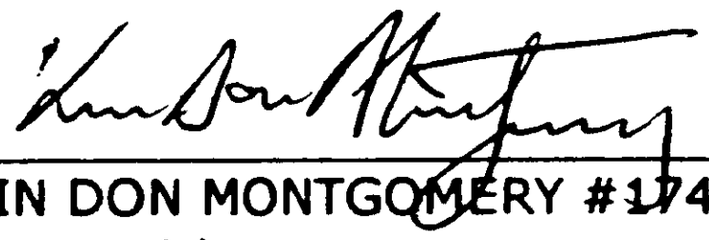


JAMES L. CURTIS #4317
Attorney for the Petitioners
214 Second Avenue, N./Suite 204
Washington Square
Nashville, TN 37201
(615) 256-4747



CHARLES E. MORTON, IV #18147
Attorney at Law
Guardian Ad Litem for Brand LeAnn Fagg,
A minor child
125 Third Avenue, N.
Franklin, TN 37064
(615) 794-4547

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KEVIN DON MONTGOMERY #17491
Attorney at Law
Real Estate Attorney for Ruth E. Thomas
4301 Hillsboro Road/Ste. 300
Nashville, TN 37215
(615) 269-6626

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Order has been forwarded by first class mail, postage prepaid to Mr. Charles E. Morton, IV, Esq., 125 Third Avenue, North, Franklin, TN 37064 and Mr. Kevin Don Montgomery, Esq., 4301 Hillsboro Road/Ste. 300, Nashville, TN 37215 on this the 11th day of October 1999.



JAMES L. CURTIS