IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

THOMAS MATTHEWS,
SANDRA LOUISE PARKER,
CYNTHIA MATHEWS,
ANTRANET MATTHEWS,
JOHN MATTHEWS, JR., and
MARVIN MATTHEWS,

Petitioners,

v.

THE GOODLETTSVILLE BENEVOLENT LODGE, NO. 16, which is listed as having title to the real property described as 413 Bell Road in the deed recorded in Book 584, Page 161, Register's Office for Davidson County;

The unknown heirs at law of THE GOODLETTSVILLE BENEVOLENT LODGE;

JAMES H. PILLOW, who is listed as having title to the real property described as unimproved property known as 411-413 Bell Road in deed of record in Book 4830, Page 321 Register's Office for Davidson County;

The unknown heirs at law of JAMES H. PILLOW;

BILL JONES who is listed as the Trustee in deed of record in Book 4869, Page 516, Register's Office for Davidson County;

The unknown heirs at law of BILL JONES;

C. ALEX MEACHAM, an individual to whom Bill Jones, Trustee, executed a Deed of Trust which secured to C. Alex Meacham, Trustee, of record in Book 4869, Page 518, Register's Office for Davidson County; and

All other persons or parties unknown claiming any right, title, estate, lien, or interest in the real estate described in the Petition herein,

Defendants.

NO: 99-1752-III

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M. TAX: $0.00 T. TAX: $0.00

AGREED ORDER VESTING TITLE AND POSSESSION OF 411 BELL ROAD, GOODLETTSVILLE, DAVIDSON COUNTY, TENNESSEE, IN PETITIONERS AND REFORMING DEED TO SAID REALTY

This cause came on to be heard before the Honorable Ellen Hobbs Lyle, Chancellor, on the 2nd day of December, 1999, upon the sworn petition filed by the Petitioners to reform a deed or, in the alternative, for adverse possession and to reform a deed; the appearance of the parties before this Court; and the entire record in this cause, from all of which the Court finds as follows:

1. The Respondents, each of them, were duly notified of this proceeding by service of process.

2. All persons to whom notice of this proceeding was required to be given under applicable law were properly notified.

3. The Petitioners are: THOMAS MATTHEWS, born on September 25, 1937, and resides at 308 South 6th Street, Nashville, Tennessee 37206; SANDRA PARKER, born on December 13, 1954, and resides at 555 North Dupont Avenue, #B44, Madison, Tennessee 37115; and CYNTHIA MATTHEWS, born on May 16, 1958, and resides at 350 Old Shackle Island Road, #D62, Hendersonville, Tennessee 37075. These three Petitioners are siblings. They have one sibling who is deceased, JOHN O. MATTHEWS, who was born on July 12, 1943 and died in 1997. This deceased sibling has three living children, all of whom are now adults: ANTRANET MATTHEWS, born on August 8, 1966, and resides at 1051A Petway, Nashville, Tennessee 37206; JOHN MATTHEWS, JR., born on June 16, 1977, and resides at 208 Graves Road, Goodlettsville, Tennessee 37072; and MARVIN MATTHEWS, born on May 10, 1978, and resides at 208 Graves Road, Goodlettsville, Tennessee 37072.

4. The Petitioners bought this cause of action to claim ownership of a parcel of realty known as 411-413 Bell Road, Goodlettsville, Davidson County, Tennessee 37072. They also brought this cause of action to obtain clear title to said realty. This real property consists of two adjacent tracts of land on Bell Street. These two adjacent tracts of land form on "L" shape. For ease in describing these tracts of land, the Petitioners have referred to the top tract as the "**top of the L**" and the bottom tract as the "**bottom of the L**".

5. The "**top of the L**" was transferred by Lee Viccione to Jack Rutherford on February 16, 1914 by deed recorded in Book 446, Page, 348, Register's Office for Davidson County. It then was transferred by Jack Rutherford to the Goodlettsville Benevolent Lodge, No. 16 on February 12, 1922 by deed recorded in Book 584, Page 161, Register's Office for Davidson County. This is the last deed of record with regard to this parcel of property. No other transfers of this property are recorded anywhere. At some unknown point in time, it became known as 413 Bell Road and came into the possession of Thomas Patton and his subsequent heirs, including the Petitioners.

6. The "**top of the L**" is more particularly described as follows:

> Beginning at the corner on Bell Street, fronting 50 feet on Bell Street, (bounded on west by Bell Street), running back (east) 115 feet bounded north by Jack Rutherford, bounded on east by Mrs. Williams, and bounded on South by Tom Patton, to the point of beginning.

7. The "**bottom of the L**" was transferred by L. Viccione to Tom Patton on January 2, 1913 by deed recorded in Book 433, Page 231, Register's Office for Davidson County. This property became known as 411 Bell Road and was in Tom a/k/a Thomas Patton's possession until his death on January 6, 1940.

8. On January 11, 1974, Lilli Mai Patton Russell, a widow, conveyed the "**bottom of the L**" to M. M. Green, Trustee, by deed of record in Book 4781, page 605, Register's Office for Davidson County. The legal description describes the "bottom of the L" only, however, it is described as "unimproved property at 411-413 Bell Street. The deed also describes her as the daughter of Tom Patton, however, the Petitioners assert that he had no children and that she was in fact the sister of Tom Patton. Lilli Mai Patton died on May 30, 1978.

9. On June 24, 1974, M. M. Green transferred the "**bottom of the L**" to James H. Pillow, by deed of record in Book 4830, Page 321 Register's Office for Davidson County. Again, the legal description contained in this deed was of the "bottom of the L" only. Again, this property was described as "unimproved property at 411-413 Bell Street".

10. On October 3, 1974, James H. Pillow transferred the "**bottom of the L**" to Bill Jones, Trustee, by deed of record in Book 4869, Page 516, Register's Office for Davidson County. On that same date, Bill Jones, Trustee, executed a Deed of Trust which secured to C. Alex Meacham, Trustee, an indebtedness in the original amount of $2,000.00 by instrument of record in Book 4869, Page 518, Register's Office for Davidson County. Again, the legal description contained in this deed was of the "bottom of the L" only. Again, this property was described as "unimproved property at 411-413 Bell Street".

11. For some unknown reason, these two tracts of land ("**the top of the L**" and **the bottom of the L**") were, at some unknown point in time, combined to form one parcel of land known as Parcel 68 on Map 018-16-0. This one parcel of land became known as 411 Bell Street; subsuming 413 Bell Street. The Metro Tax Assessor's Office treats this real property as one (1) parcel of land.

12. Also for some unknown reason, the above three transfers that took place in the 1970s of the "**bottom of the L**" were never made known to the Metro Tax Assessors' Office, which continues to show that the last owner is Thomas Patton and the last deed of record is in Book 433, Page 231, Register's Office for Davidson County.

13. On November 22, 1999, Respondent Bill Jones executed a quitclaim deed to the Petitioners releasing and quitclaiming any and all interest he had in the realty referred herein as the "**bottom of the L**". Said Quitclaim deed is recorded in Book 11753, Page 506, Register's Office for Davidson County.

14. On November 22, 1999, Respondent C. Alex Meacham, executed a Release of Interest to the Petitioners releasing any and all interest he had in the realty referred herein as the "**bottom of the L**". Said Release is recorded in Book 11763, Page 400, Register's Office for Davidson County.

15. In the aforementioned deeds, the "**bottom of the L**" was more particularly described as follows:

> Beginning at Mrs. Malone's southwest corner in the edge of Bell Street and running East with Mrs. Malone and Jack Rutherford's line one hundred and seventy seven (177) feet; thence south thirty (30) feet; thence west one hundred and seventy (170) feet to edge of Bell Street; thence north with said Bell Street fifty (50) feet to the beginning.

16. Between 1974 to the present, the Respondents never resided or was domiciled on the property known as 411-413 Bell Street in Nashville, Tennessee.

17. Between 1974 to the present, the Respondents had knowledge or notice that someone resided on the property known as 411-413 Bell Street in Nashville, Tennessee.

18. The Respondents did not pay any of the Metro property taxes on the property known as 411-413 Bell Street for tax years 1974 through 1998.

19. For the last thirty (30) years, the Petitioners and/or their predecessors in interest, have maintained possession and use of the two parcels of realty at issue for a continuous, uninterruptedly, open, visible, exclusive period with the full and actual knowledge of the Respondents and/or the predecessors in interest to the Respondents.

20. The Petitioners should be declared the legal owners of the herein-described two parcels of real property pursuant to the laws of the State of Tennessee applicable to the ownership of real estate by virtue of adverse possession as defined in Tenn. Code Ann. § 28-2-105, Tenn. Code Ann, § 28-2-109, and any other applicable adverse possession statutes as they have fully complied with all of the requirements of the adverse possession laws of the State of Tennessee.

21. The Petitioners are entitled to claim title to the real property at issue by adverse possession under Tenn. Code Ann. § 28-2-109 which provides a presumption of ownership from the payment of county property taxes.

22. The Petitioners have had continuous adverse possession of the real property at issue for over thirty (30) years and, as such, title of this property should vest in them.

23. The Petitioners are the rightful and lawful heirs-at-law of Thomas Patton. There are no other lawful heirs or next-of-kin to Thomas Patton in existence.

24. The Petitioners are the present and rightful owners of the two tracts of real property at issue. Any claims of the Respondents to the use and possession of this property are invalid as this property has been abandoned by them, and their ownership terminated by adverse possession. Accordingly, the Petitioners should be vested with possession, ownership of, and clear title to this real property. Specifically, Petitioners THOMAS MATTHEWS, SANDRA LOUISE PARKER, and CYNTHIA MATHEWS should each be vested with an undivided one-fourth (1/4) interest in said property and Petitioners ANTRANET MATTHEWS, JOHN MATTHEWS, JR., and MARVIN MATTHEWS, should each be vested with an undivided one-twelfth (1/12) interest in said property.

25. The two parcels of real property at issue and described herein should be combined and hereinafter referred to as one (1) parcel of real property known as 411 Bell Road, Goodlettsville, Davidson County, Tennessee 37072.

26. The Petitioners should receive clear title to 411 Bell Road, Goodlettsville, Davidson County, Tennessee 37072.

BASED ON THE ABOVE, IT IS ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The two parcels of real property at issue and described herein shall hereinafter be referred to as one (1) parcel of real property known as 411 Bell Road, Goodlettsville, Davidson County, Tennessee 37072.

2. The Petitioners are declared the legal owners of 411 Bell Road, Goodlettsville, Davidson County, Tennessee 37072 pursuant to the laws of the State of Tennessee applicable to the ownership of real estate by virtue of adverse possession as defined in Tenn. Code Ann. § 28-2-105, Tenn. Code Ann, § 28-2-109, and any other applicable adverse possession statutes. Specifically, THOMAS MATTHEWS, SANDRA LOUISE PARKER, and CYNTHIA MATHEWS shall each be vested with an undivided one-fourth (1/4) interest in said real property as tenants in common and ANTRANET MATTHEWS, JOHN MATTHEWS, JR., and MARVIN MATTHEWS shall each be vested with an undivided one-twelfth (1/12) interest in said real property as tenants in common.

3. The address of the new owners of 411 Bell Road, Goodlettsville, Davidson County, Tennessee 37072 is Thomas Matthews, et al., 411 Bell Road, Goodlettsville, Davidson County, Tennessee 37072.

4. The property tax bills shall be sent to Thomas Matthews, et al., at 411 Bell Road, Goodlettsville, Davidson County, Tennessee 37072.

5. The map and parcel number of 411 Bell Road, Goodlettsville, Davidson County, Tennessee 37072 shall be 018-16-0 068.00.

6. Said 411 Bell Road, Goodlettsville, Davidson County, Tennessee 37072, shall hereinafter be more particularly described as:

Beginning at the northwest corner in the edge of Bell Street running east one hundred and fifteen (115) feet; thence running south fifty (50) feet; thence running east fifty-five (55) feet; thence running south thirty (30) feet; thence running west one hundred and seventy (170) feet to edge of Bell Street; thence one hundred (100) feet north along Bell Street to the point of beginning.

Being a part of the same property conveyed to THOMAS MATTHEWS, SANDRA LOUISE PARKER and CYNTHIA MATTHEWS, ANTRANET MATTHEWS, JOHN MATTHEWS, JR., and MARVIN MATTHEWS from BILL JONES, by Quitclaim deed of record in Deed Book 11753, Page 506, Register's Office for Davidson County.

Being also a part of the same property conveyed to THOMAS MATTHEWS, SANDRA LOUISE PARKER and CYNTHIA MATTHEWS, ANTRANET MATTHEWS, JOHN MATTHEWS, JR., and MARVIN MATTHEWS from C. ALEX MEACHAM, by a Release of Interest of record in Deed Book 11763, Page 400, Register's Office for Davidson County.

Being also a part of the same property conveyed to THOMAS MATTHEWS, SANDRA LOUISE PARKER and CYNTHIA MATTHEWS, ANTRANET MATTHEWS, JOHN MATTHEWS, JR., and MARVIN MATTHEW from the Goodlettsville Benevolent Lodge, No. 16, by Order of the Chancery Court, case # 99-1752-III, of record in Book _____, Page _____, Register's Office for Davidson County.

This is improved property known as 411 Bell Road, Goodlettsville, Davidson County, Tennessee 37072.

The purpose of this transfer is to vest the ownership of the herein-described real property to THOMAS MATTHEWS, SANDRA LOUISE PARKER and CYNTHIA MATTHEWS, ANTRANET MATTHEWS, JOHN MATTHEWS, JR., and MARVIN MATTHEWS. Specifically, THOMAS MATTHEWS, SANDRA LOUISE PARKER and CYNTHIA MATTHEWS, each of them, shall be vested with a one-fourth (1/4) undivided ownership interest in said property as tenants in common; and ANTRANET MATTHEWS, JOHN MATTHEWS, JR., and MARVIN MATTHEWS, each of them, shall be vested with a one-twelfth (1/12) undivided ownership interest in said property as tenants in common.

7. The title to 411 Bell Road, Goodlettsville, Davidson County, Tennessee 37072, shall be deemed clear on the date of the entry of this Order.

8. All costs associated with this proceeding shall be taxed to the Petitioners for which execution may issue, if necessary.

ENTERED this _____ day of December, 1999.

HON. ELLEN HOBBS [illegible]

I hereby certify this is a true copy of original instrument filed in my office.
This [illegible] day of January 2000
CLAUDIA C. BONNYMAN Clerk & Master
By _____ Deputy

APPROVED FOR ENTRY:

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