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IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY, PART III

JAMES E. McGAUGH, JR.,	)	
	)	
Plaintiff/Counter-Defendant,	)	
	)	
VS.	)	**NO. 96-625-I(III)**
	)	
CHARLES F. GALBREATH and JOYCE L. GALBREATH,	)	
	)	
Defendants/Counter-Plaintiffs,	)	
	)	
VS.	)	
	)	
FIRST AMERICAN NATIONAL BANK and THOMAS LAWLESS,	)	
	)	
Counter-Defendants.	)	

FILED
2000 APR -4 PM 3:10
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.

Instr:20000418003899I Page: 1 OF 5
REC'D FOR REC 04/18/2000 4:20:12PM
RECORD FEE: $22.00
M. TAX: $0.00 T. TAX: $0.00

ORDER

This case was remanded by the Tennessee Court of Appeals Middle Section to the trial court to take whatever additional action was necessary to effect and finalize specific performance of a sale of real property from the defendants to the plaintiff. The real property is described as follows:

> A certain tract or parcel of land in Davidson County, State of Tennessee, described as follows: To Wit:
>
> Being Lot No. 3, including part of a 50-foot abandoned street dedication and part of the Old Gallatin Interurban Railroad right-of-way, all shown on the Plan of Due West Montague, as recorded in Book 547, Page 115, Register's Office for Davidson County, Tennessee; to which plan of record is hereby referred for a more complete and accurate description of said lot.
>
> Being the same premises conveyed to Charles Galbreath by deed from DH Restaurants, Inc., a Delaware Corporation, as of record in Book 7681, page 846, Register's Office for Davidson County, Tennessee.
>
> The premises are conveyed subject to the exceptions set forth in Exhibit A attached hereto.

In addition to specific performance, the parties on remand raised other issues, such as the plaintiff seeking recovery of additional attorneys' fees, defendant Galbreath seeking

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recovery of attorneys' fees, and Attorney Tom Lawless' request for Rule 11 sanctions. Those motions have been ruled on by this Court.

Tom Lawless has filed an appeal from this Court's denial of Mr. Lawless' request for Rule 11 sanctions. But no stay and posting of a bond, pursuant to Tennessee Rule of Civil Procedure 62, has been requested by Mr. Lawless to halt enforcement of specific performance in this case.

It is, therefore, ORDERED, that the following described property:

> A certain tract or parcel of land in Davidson County, State of Tennessee, described as follows: To Wit:
>
> Being Lot No. 3, including part of a 50-foot abandoned street dedication and part of the Old Gallatin Interurban Railroad right-of-way, all shown on the Plan of Due West Montague, as recorded in Book 547, Page 115, Register's Office for Davidson County, Tennessee; to which plan of record is hereby referred for a more complete and accurate description of said lot.
>
> Being the same premises conveyed to Charles Galbreath by deed from DH Restaurants, Inc., a Delaware Corporation, as of record in Book 7681, page 846, Register's Office for Davidson County, Tennessee.
>
> The premises are conveyed subject to the exceptions set forth in Exhibit A attached hereto.

is hereby divested out of Charles F. Galbreath and wife, Joyce L. Galbreath and vested in James E. McGaugh, Jr. as grantee, his heirs, assigns and successors in interest subject to provisions contained in Exhibit A and in this Court Order.

It is further ORDERED that the case, matters and issues of specific performance, payment for the property and distribution of proceeds and all related issues between plaintiff, James E. McGaugh, Jr., and the original defendant, Charles F. Galbreath and Joyce L. Galbreath, and counter-plaintiff, Charles F. Galbreath et ux. vs. counter-defendant, First American National Bank and counter-defendant, James E. McGaugh, Jr. is a final judgment and order by and between these parties and their issues.

It is noted by this Court that the issues between counter-plaintiff Charles F. Galbreath et ux, and counter-third-party defendant Thomas Lawless, are on appeal and are subject to the Tennessee Rules of Appellate Courts.

It is further ORDERED that this order is to decree and convey the above-property since the judgment has become final and has not been stayed during the pendency of the Lawless appeal.

It is further ORDERED that the Clerk & Master is authorized and directed to pay to Galbreath the $41,400.00 held by this Court plus interest, if any, and the $129,214.00 that plaintiff James E. McGaugh, Jr. is ordered to pay into this Court, likewise, shall be distributed to defendant Charles F. Galbreath and Joyce L. Galbreath, less court costs.

It is further ORDERED that the last month's rent of $1,600.00 previously paid by McGaugh is to be credited against the $180,000.00 purchase price.

It is further ORDERED that the $7,786.00 paid by McGaugh during the appeal be credited against the $180,000.00 purchase price.

It is further ORDERED that McGaugh is to pay Galbreath $129,214.00, through this Court through First American National Bank, now AmSouth Bank.

It is further ORDERED that the closing take place as soon as possible from the entry of this Order. If for some reason the closing takes place within three business days after this date, McGaugh is to pay $35.12 per day as interest on the amount owed.

It is further ORDERED that property tax adjustments are not a matter for closing.

It is further ORDERED that McGaugh shall pay for recording of this decree which is the deed to the property.

It is further ORDERED that defendant Charles F. Galbreath et ux, Joyce L. Galbreath, as Grantors, shall hold James E. McGaugh, Jr., as Grantee, and Mortgagor and First American National Bank, their assigns, successors and heirs, harmless, including attorneys' fees, from any liability as a result of this litigation.

It is further ORDERED that after this decree has been complied with, that the specific performance judgment, consideration for the purchase and all credits granted per agreement per this Order of this Court shall satisfy this Court of Specific Performance. The Clerk and Master shall file a copy of this Order with the Middle Tennessee Court of Appeals.

All court costs, including those incurred after remand of the case to this Court, are taxed to defendant Charles Galbreath.

I hereby certify that this is a true copy of original instrument filed in my office.
This 8th day of April 2022
CLAUDIA C. BONNYMAN, Clerk & Master
By _____ Deputy

ELLEN HOBBS LYLE
CHANCELLOR

cc: Thomas Stewart
Charles Galbreath
Thomas Lawless
Eric Helmers
Clerk and Master Claudia Bonnyman

RULE 58 CERTIFICATION
A Copy of this order has been served by U. S. Mail upon all parties or their counsel named above.

Deputy Clerk and Master
Chancery Court

4/4/22
Date

1111 Gallatin Pike, Madison, Tennessee

FILED
2000 APR -4 PM 3:10
DAVIDSON COUNTY CLERK
CLERK & MASTER CT.

EXHIBIT A

1. Such taxes for the then current year and assessments as are not due and payable.

2. Provisions of applicable buildings, zoning and health ordinances and all other applicable legal requirements, covenants, and easements and restrictions of record.

3. Encroachments, overlap boundary disputes and any other matters which would be disclosed by an accurate survey and inspection of the premises.

4. Easements, restrictions and reservations not shown by the public record, so long as the same do not prohibit or materially interfere with the current use of said premises.

5. Any liens for municipal betterment assessed after October 14, 1988.

6. Existing rights and obligations in party walls which are not the subject of written agreement.

7. Easement for highway and public utilities and drainage over and across premises as set out in Amendment to Council Bill No. 65-666, and as set out in instrument of record in Book 3962, Page 348, Register's Office for Davidson County, Tennessee.

8. Easement for sanitary sewer and/or storm drainage granted to metropolitan Government of Nashville and Davidson County, Tennessee, by Morris F. Estes, et ux across premises as set in instrument of record in Book 3371, Page 410, said Register's Office.

9. Easement for sanitary sewer and/or storm drainage granted to Metropolitan Government of Nashville and Davidson County, Tennessee by Morris F. Estes, et ux across premises as set out in instrument of record in Book 4122, Page 906, Register's Office of Davidson County, Tennessee.