IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE
20TH JUDICIAL DISTRICT

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Dav. Co. Chancery Court

DICK BROADCASTING COMPANY OF TENNESSEE, INC.,	
Plaintiff,	
v.	
UNKNOWN DEFENDANTS WITH RESPECT TO PROPERTY PART OF RUTLEDGE'S ADDITION TO NASHVILLE (1866), BEING LOTS NUMBERED 1,2,3,4,5,6,7,8,9,28,29,30,31,32,33,34,35 and 36	
Defendants.	

CASE NO.: 01-2531-III

FILED
2002 JAN 15 PM 4:00
DAVIDSON CO. CHANCERY CT.
DC&M

Davidson County ORDER
Recvd: 01/17/02 16:21 3pgs
Fees:17.00 Taxes:0.00
20020117-0007527

ORDER

This matter was before the Court upon the Plaintiff's Verified Complaint seeking to quiet title to a strip of real property approximately 5 feet by 315 feet within an area subdivided as Rutledge's Addition to Nashville (1866).

It appears to the Court that the Plaintiff sought service by publication because the names and whereabouts of the potential defendants being the descendants, relatives, heirs and assigns of those involved in transactions regarding the property at issue were unknown and could not be ascertained with reasonable diligence. An Order of Publication was entered providing for service and notice by publication to be published for four consecutive weeks in the *Nashville Record*. The Order of Publication was published on September 13, 20, 27 and October 4, 2001.

No person has filed any defense with the Court. No person has entered an appearance or otherwise indicated an intent to contest the relief sought by Plaintiff.

It is therefore **ORDERED** that a default is entered for failure of any person to plead or otherwise defend against the Plaintiff's Verified Complaint.

The Court has reviewed the Verified Complaint and the exhibits attached to the Verified Complaint and made a part of the record herein.

I hereby certify that this is a true copy of original instrument filed in my office.
This 17th day of January 2002
CLAUDIA C. BONNYMAN, Clerk & Master
By Deputy

171069.2

The Court finds that there never was a conveyance of the southerly five feet from lots 6 and 31 of Rutledge's Addition to Nashville (1866). Despite the exclusionary language contained in deeds conveying lots 1, 2, 3, 4, 5, 6, 31, 32, 33, 34, 35 and 36, no instrument was ever recorded actually conveying the southerly 5 feet of lots 6 and 31 that adjoined lots 7 and 30 of Rutledge's Addition to Nashville (1866). There is no evidence of a deed or other attempted conveyance of this portion of the property.

The Court finds that the southerly 5 feet of lots 6 and 31 of Rutledge's Addition to Nashville (1866) are and have always remained part of lots 6 and 31 and have never been conveyed separate from the lots 5 and 6 in total. The Court finds that this approximate 5 x 315 foot strip of real property has not been transferred and has always been conveyed along with the conveyances of lots 6 and 31.

It is therefore **ORDERED** that the title to the approximately 5 x 315 foot strip of property at the southerly end of lots 6 and 31 of Rutledge's Addition to Nashville (1866) as described in certain exclusionary language in deeds, is hereby quieted and deemed to be held and owned by the current record owner of lots 6 and 31, Citadel Broadcasting Company.

It is further **ORDERED** that any exclusionary language contained in a deed or survey to the contrary notwithstanding, the southerly boundary of lots 6 and 31 Rutledge's Addition to Nashville (1866) is and has always been the line where those lots originally adjoin lots 7 and 30 Rutledge's Addition to Nashville (1866) without regard to any exclusionary language or surveys showing otherwise.

It is further **ORDERED** that each and every conveyance since February 11, 1893, to the present that has included lots 6 and 31 Rutledge's Addition to Nashville (1866) is deemed to have and has conveyed the entirety of those lots to the grantee, including the conveyance from Dick Broadcasting Company of Tennessee, Inc.,to Grantee Citadel Broadcasting Company.

It is further **ORDERED** that all interests of the Defendants in the approximately 5 x 315 foot strip of property at the southerly end of lots 6 and 31 of

Rutledge's Addition to Nashville (1866) shall be and hereby is divested out of them and shall be and is vested in Grantee Citadel Broadcasting Company.

It is further **ORDERED** that costs are taxed to the Plaintiff for which execution may issue if necessary.

CHANCELLOR

APPROVED FOR ENTRY:

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