FILED

IN THE THIRD CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

2001 OCT 23 AM 9:16

RICHARD R. ROOKER, CLERK

K Ball D.C.

THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY,

Petitioner,

VS.

MALCOLM L. MIMMS, SR. and DONALD R. WOLFE, SR.,

Respondents.

NO. 00C-1575

Davidson County ORDER
Recvd: 03/05/02 14:53 4pgs
Fees:22.00 Taxes:0.00
20020305-0027564

AGREED FINAL ORDER

It appearing to the Court, as evidenced by the signatures of the parties' respective counsel affixed hereto and consistent with this Court's settlement conference agreement reached by the parties on September 27, 2001, that an agreement as to compensation for real property interest conveyed herein has been reached;

It is hereby **ORDERED, ADJUDGED** and **DECREED** by the Court that the Respondents have and recover the sum of $44,462.00, the same being the fair cash market value of the property described hereinbelow, petitioner having heretofore paid into Court the sum of $37,462.00 at the time of the filing of the Petition for Condemnation.

It is further **ORDERED, ADJUDGED** and **DECREED** by the Court that all of the title to the property described hereinbelow be, and the same is hereby, divested out of Respondent and all other persons claiming any adverse interest therein, and hereby is vested in The Metropolitan Government of Nashville and Davidson County, in fee simple, said property being more particularly described as follows:

Fee Simple

MAP & PARCEL NO. 92-7, 356 FIELD BOOK NO. 03W-10350

A parcel of land in Davidson County, Tennessee, described according to a survey made by Turner Engineering Company, Inc., dated November 27, 1968, as follows:

Being parts of Lots Nos. 44 and 46 on the Map of H. P. Bostick's First Addition, as of record in Book 21, page 31, Register's Office for said County and a strip of land lying between said lot and Jo Johnston Avenue and a part of the A. J. Warner Property, as of record in Book 57, page 41, said Register's Office, described together as follows:

Beginning at an iron pin in the northwesterly margin of 19th Avenue North and Jo Johnston Avenue; thence with the margin of said Avenue, South 60 deg. 41' West 155 feet to an iron pin; thence leaving said Avenue, North 24 deg. 26' West 127 feet to an iron pin; thence South 68 deg. 30' West 64 feet to an iron pin in the easterly margin of a 20-foot alley; thence with the margin of said alley, North 27 deg. 57' West 50 feet to an iron pin at the intersection of said alley and Milson Avenue, formerly Warner Street, thence along the southerly margin of said Avenue, North 65 deg. 15' East 223 feet to an iron pin at the intersection of said Avenue and 19th Avenue North; thence with the westerly margin of said Avenue, South 23 deg. 54' East, 168.0 feet to the beginning, containing 0.70 acres, more or less.

Being part of the same property conveyed to Malcolm L. Mimms, Sr. and Donald R. Wolfe, Sr. by Successor Trustee's Deed from W. Fred Williams, Successor Trustee, of record in Book 8464, page 848, Register's Office for Davidson County, Tennessee.

It further appearing to the Court that said above-described property may be subject to a lien for taxes due, interest and penalty, if any, owing to The Metropolitan Government of Nashville and Davidson County, and, in accordance with Tennessee Code Annotated, Section 26-5-108(b), the Clerk of the Court, prior to the payment of any part of the Judgment to Respondents, shall ascertain whether there are any taxes due and unpaid which are a lien upon said property, and shall issue to each of the officials charged with the collection of any tax which might be a lien on said property, a statement, giving the style and number of this cause, a description of the property, and the name of the party out of whom title is divested; whereupon each of said officials shall certify to said Clerk an itemized statement of taxes, interest and penalty, if any, which were a lien upon said land as of date of entry of the Agreed Order of Possession.

It is therefore **ORDERED, ADJUDGED** and **DECREED** that the Clerk is directed to pay, out the monies deposited by the Petitioner, any unpaid taxes that may

be determined to be owing by the above-referenced Respondents, and the Clerk shall pay any remaining funds to the Respondents.

It is further **ORDERED** by the Court that the costs of this cause be, and the same are hereby, taxed against the Petitioner, for all of which let execution issue if necessary. The Clerk of this Court shall make out and certify to The Metropolitan Government of Nashville and Davidson County, in care of the Department of Law, a copy of this Agreed Final Order, together with a costs bill for the lawful cost of this cause, for payment by the Metropolitan Government.

ENTERED this _____ day of October, 2001.

BARBARA N. HAYNES, JUDGE

APPROVED FOR ENTRY:

PHILIP D. BALTZ #5315
Metropolitan Attorney
222 Third Avenue North, Suite 501
Nashville, TN 37201
(615) 862-6341 80

Clark H. Tidwell, #2280
Attorney for Respondents
213 Fifth Avenue North, Suite 300
Nashville, TN 37219
(615) 259-9344

CERTIFICATE OF SERVICE

This is to certify that an exact copy of the foregoing Agreed Final Order has been forwarded by U.S. Mail to Mr. Clark H. Tidwell, Attorney for Respondents, 213 Fifth Avenue North, Suite 300, Nashville, TN 37219, on this the 1st day of October, 2001.

Philip D. Baltz

STATE OF TENNESSEE

I, RICHARD R. ROOKER, Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the Order heretofore entered in the THIRD Circuit Court for Davidson County, Tennessee, on the 23 day of OCTOBER , 2001 , in the Case Number 00C1575 between METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY Plaintiff, and MIMMS, MALCOLM L. SR. ET.AL Defendant,
as same remains of record in Vol. 2381 , Page 436652 of the Minutes of said Court.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 13 day of FEBRUARY in the year two thousand two and in the 225th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

