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

FILED
2001 OCT 23 AM 9:16
RICHARD R. ROOKER, CLERK
D.C.

THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY,

Petitioner,

VS.

MALCOLM L. MIMMS, SR., Trustee for the Benefit of JOSHUA G. MIMMS and MARISA K. MIMMS,

Respondents.

NO. 00C-1574

Davidson County ORDER
Recvd: 03/05/02 14:54 4pgs
Fees:22.00 Taxes:0.00
20020305-0027565

**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 Respondent have and recover the sum of $53,174.00, the same being the fair cash market value of the property described hereinbelow, petitioner having heretofore paid into Court the sum of $46,174.00 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, 351 FIELD BOOK NO. 03W-01585

Tract I:

Land in Davidson County, Tennessee, described as follows:

Beginning at a point on the north margin of Jo Johnston Avenue one hundred fifty six feet (156') east of the intersection of 20th Avenue North, running thence eastwardly with the northern margin of Jo Johnston Avenue, one hundred twenty-six (126') feet more or less to the property heretofore conveyed to Dr. Hyde; thence northwardly one hundred and eighty-three feet more or less to an alley; thence westwardly one hundred and twenty-six (126) feet east of 20th Avenue North, thence southwardly one hundred eighty-three (183) feet more or less to the beginning.

Tract II:

Land in the 3rd Ward of the City of Nashville, Davidson County, described as follows:

Beginning on the northerly margin of Jo Johnston Avenue, formerly Line Street, at a point 281 feet, more or less, east of the easterly margin of 20th Avenue North, formerly Crooked Avenue, said point being the southeast corner of 156 feet of ground conveyed to T. W. Hales, by deed from S. E. Philpot and wife, of record in Book 315, page 235, Register's Office for said County; thence with the northerly margin of said Avenue eastwardly 46 feet; thence at right angles, northwardly, 118 feet, thence at right angles, eastwardly 4 feet; thence atr right angles, northwardly 65 1/2 feet, more or less, to the southerly margin of an alley; thence with said alley, westwardly 50 feet to the northeast corner of said Hales property; thence with said Hales easterly line southwardly 183 - 1/2 feet, more or less, to the beginning.

Being part of the same property conveyed to Malcolm L. Mimms, Trustee for the benefit of Joshua G. Mimms and Marisa K. Mimms, by Special Warranty Deed from Third National Bank in Nashville, a national banking association, of record in Book 9315, page 105, 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 Respondent, 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 Respondent, and the Clerk shall pay any remaining funds to the Respondent

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 Respondent
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 Respondent, 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 00C1574 between METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY Plaintiff, and MIMMS, MALCOLM, TRUSTEE FOR THE BENEFIT OF JOSHUA G. MIMMS AND MARISA K. MIMMS Defendant,

as same remains of record in Vol. 2381 , Page 436648 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

