5th

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED
2002 SEP 16 AM 9:29
RICHARD R. ROOKER, CLERK

STATE OF TENNESSEE, ON RELATION OF THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION, FOR AND ON BEHALF OF SAID DEPARTMENT,

Petitioner,

vs.

HICKORY PLACE, LLC., and DAVIDSON COUNTY, TENNESSEE (For tax purposes only),

Defendants.

DOCKET NO. 02C1496

PROJECT NO. 19012-2152-44
IM-65-3(100)-87

TRACT NO. 67

JURY DEMAND

Davidson County ORDER
Recvd: 11/22/02 10:59 7pgs
Fees:37.00 Taxes:0.00
20021122-0145453

CONSENT JUDGMENT AND FINAL DECREE

It appearing to the Court from the respective signatures of the Counsel for the Commissioner of Transportation for the State of Tennessee and the signatures of the Defendants and/or their Counsel below that all matters in controversy between the parties have been compromised and settled, and that a Consent Judgment and Final Decree should be entered in this cause; that an initial tender of **SIX HUNDRED SEVENTY-SEVEN THOUSAND TWENTY-FIVE DOLLARS ($677,025.00)** was made on May 28, 2002, and subsequently disbursed to the Defendants; and that an Agreed Order of Possession was entered in this case on June 21, 2002.

And it further appears that Petitioner has deposited at or about the time of entry of this Judgment an additional sum of **TWO HUNDRED TWENTY-TWO THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS ($222,975.00)** with the Clerk of the Circuit Court in

this cause, for a total sum of **NINE HUNDRED THOUSAND DOLLARS ($900,000.00)** for the purpose of acquiring any and all property rights taken by virtue of this acquisition, including any incidental damages to the remainder, and that all of the rights and interest of the Defendants in and to the tract of land described should hereinafter be decreed and appropriated to the Petitioner, State of Tennessee, its successors and assigns, to have and to hold for the use and benefit of the State of Tennessee. Further, Defendant property owners warrant that there are no outstanding liens or claims against the property.

It further appears that there are no city or county taxes due on the subject tract.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED, that the Defendant, Hickory Place, LLC., have and recover of the State of Tennessee the sum of **NINE HUNDRED THOUSAND DOLLARS ($900,000.00)**, interest free, for the rights and interest taken and for all incidental damages to the remainder; and that the sum of **SIX HUNDRED SEVENTY-SEVEN THOUSAND TWENTY-FIVE DOLLARS ($677,025.00)** heretofore deposited by the State be credited against the Judgment in favor of said Defendant in addition to the sum of **TWO HUNDRED TWENTY-TWO THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS ($222,975.00)** that was deposited at or about the time of entry of this Judgment, which additional sum shall be disbursed to the Defendant Hickory Place, LLC. upon request of counsel for said Defendant.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the right, title, claim and interest of all Defendants in and to the property hereinafter described, to the extent and in the manner indicated in said description, be, and it is hereby, divested out of them, and vested in the State of Tennessee, said property being in Davidson County, Tennessee and being more particularly described in Exhibit "A" which is attached hereunto and incorporated by reference.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the **NINE HUNDRED THOUSAND DOLLARS ($900,000.00)** paid by the Petitioner is the total damages the Defendants are entitled to recover in this cause and includes all damages for the property taken together with any and all incidental damages to the remainder of the tract of land, including full settlement of all claims against Petitioner for compensation of any nature due the Defendants because of the construction or design of the roadway project for which this condemnation was necessary.

The Clerk of this Court will make out and certify to the State of Tennessee a copy of this Judgment, together with a costs bill for the lawful costs of this cause, for payment by the State of Tennessee.

ENTERED this 16 day of Sept, 2002.

CIRCUIT JUDGE

APPROVED BY:

Larry M. Teague (#005134)
Deputy Attorney General
Office of the Attorney General
Real Property and Transportation Division
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Nashville, TN 37202-0207
(615) 741-3493

Jonathan Harwell (#002935)
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EXHIBIT "A"

TRACT ONE:
Situated in Davidson County, Tennessee, being Lot No. 78 on the Plan of Echo Meadows, as of record in Book 2331, page 64, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate description of the metes and bounds of said lot.

Being the same property conveyed to OFFICE LEASING PARTNERSHIP with general partners being Lucy R. Carter, Charles A. Young, Stephen J. Wolf and Eric B. Dahlhauser, by Deed of record in Book 8230, page 909, and re-recorded in Book 8638, page 560, Register's Office for Davidson County, Tennessee.
AND FURTHER being the same property conveyed to HICKORY PLACE, LLC by deed from OFFICE LEASING PARTNERSHIP of record in Instrument No. 20020201-0014319
Register's Office for Davidson County, Tennessee.

TRACT TWO:
Being a tract of land lying in the First Civil District of Davidson County, Tennessee, being located at the northeasterly intersection of Old Hickory Blvd. and Intersection I-65. Said Tract or parcel being denoted on Davidson County Property Tax Map No. 42 as Parcel No. 12 and being more particularly described as follows:
BEGINNING on the northerly right of way of Old Hickory Blvd. at the southeasterly corner of Tract II (Parcel 42) on the plan of Park Hills, Phase One, as of record in Plat Book 6250, page 561, R.O.D.C., Tennessee, and the southwesterly corner of the herein described tract; thence leaving said right of way and running with the common line of tract II with the following four calls: N 25 degrees 58 minutes 53" E 267.10 feet; thence N 26 degrees 32' 55" E 848.42 feet; thence N 26 degrees 31' 39" E 369.19 feet to the northwesterly corner of the herein described tract; thence S 61 degrees 52' 35" E 161.32 feet to the westerly right of way of Interstate I-65; thence running along the westerly right of way of Interstate I - 65 as follows: S 7 degrees 42' 00" W, 452.09 feet; thence S 15 degrees 08' 11" W, 200.25 feet; thence S 35 degrees 3' 23" W 271.15 feet; thence S 56 degrees 41' 43" W 350.04 feet; thence S 20 degrees 58' 59" W 263.38 feet to the northerly right of way of Old Hickory Boulevard; thence with said right of way N 71 degrees 53' 34" W 155.51 feet to the point of beginning, according to survey by John Kohl & Company, P.C., dated 3/15/95, and known as Job Number 10201-249(2), containing 8.213 acres more or less.

Being the same property conveyed to Hickory Place LLC by deed of record in Book 9676, page 720 and Book 9676, page 724, Register's Office for Davidson County, Tennessee.

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D.C.

Included in the property description set forth hereinabove is a 3.793-acre parcel of land that has been specifically acquired for use in the improvement of the interstate interchange for I-65 at Old Hickory Boulevard in Davidson County, Tennessee, which parcel is more particularly described as follows:

Map: 42.00
Parcel: 12

FIRST CIVIL DISTRICT
DAVIDSON COUNTY, TENNESSEE

FEE SIMPLE

Beginning at the point of intersection of the existing north margin of Old Hickory Boulevard and the east boundary of the United Dominion Realty, L.P. property, said point being 83.78 feet left of Old Hickory Boulevard proposed centerline station 16+48.66; thence with said east boundary (1) North 23 degrees 36 minutes 36 seconds East 267.10 feet (2) North 24 degrees 11 minutes 04 seconds East 249 feet more or less to a point, said point being 127.60 feet right of I-65 Ramp "HE" proposed centerline station 23+53.54; thence with the proposed north margin of I-65 North 70 degrees 19 minutes 38 seconds East 247.29 feet to point, said point being 80.00 feet right of I-65 Ramp "HE" proposed centerline station 21+00; thence with the proposed northwest margin of I-65 North 40 degrees 20 minutes 26 seconds East 330.96 feet to a point, said point being 75.00 feet right of I-65 Ramp "HE" proposed centerline station 17+25; thence with the proposed west margin of I-65 (1) North 18 degrees 32 minutes 36 seconds East 216.16 feet (2) North 04 degrees 14 minutes 21 seconds East 341.87 feet to a point, said point being 126.63 feet right of I-65 Ramp "HE" proposed centerline station 12+10.12; THENCE WITH THE SOUTH BOUNDARY OF THE Pittco Properties, Incorporated property South 64 degrees 24 minutes 44 seconds East 21.45 feet to a point; thence with the existing west margin of I-65 southerly 653 feet more or less to a point; thence with the existing northwest margin of I-65 southwesterly 250 feet more or less to a point; thence with said existing north margin of Old Hickory Boulevard westerly 347 feet more or less to a point; thence with the existing west margin of I-65 southerly 264 feet more or less to a point, said point being 109.77 feet left of Old Hickory Boulevard proposed centerline station 18+01.42; thence with said existing north margin of Old Hickory Boulevard westerly 155 feet more or less to the point of beginning, contained 3.793 acres and being part of the same property conveyed by Gerald Tillet and wife, Betty Tillet, Nancy Jo. Glover Tillett, Judy Gail Tillet Young and husband, Ron Young to Hickory Place LLC., as of record in Book 9676, page 720, Register's Office of Davidson County, Tennessee.

The above described property is hereby condemned in fee simple, and all right of ingress and egress to, from and across the same and to and from abutting lands is hereby conveyed, and the lien for property taxes against the same is to be removed as provided for in Section § 67-5-203, Tennessee Code Annotated.

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 FIFTH Circuit Court for Davidson County, Tennessee, on the 16 day of SEPTEMBER , 2002 , in the Case Number 02C1496 between STATE OF TENNESSEE, ON RELATION OF THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION, FOR ANS ON BEHALF OF SAID DEPARTMENT Plaintiff, and HICKORY PLACE, LLC ET.AL Defendant, as same remains of record in Vol. 4754 , Page 877984 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 08 day of NOVEMBER in the year two thousand two and in the 226th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

