IN THE CHANCERY COURT FOR ROBERTSON COUNTY, TENNESSEE
AT SPRINGFIELD

FILED
CLERK & MASTER
FEB 25 2004
KENNETH HUDGENS
BY

IN RE:

THE ESTATE OF
LLOYD JONES,
Deceased.

Davidson County ORDER
Recvd: 03/16/04 10:37 9pgs
Fees:47.00 Taxes:0.00
20040316-0029740

ADMINISTRATOR:
EARL G. JONES

Docket # 17809

Signed Copy Requested

Order

This cause came on to be heard on the 19th day of February, 2004, before the Carol Catalano, Chancellor for the Chancery Court for Robertson County, Tennessee upon the Petition filed by Floyd Jones and Jerry N. Jones and upon the Temporary Injunction issued by this Court, from which the Administrator, Earl G. Jones, announced in open Court that he desired to represent himself and that he declined the benefit of legal counsel; and, from the admissions made by the Administrator, Earl G. Jones, in open Court, the statements of Homer R. Ayers, Attorney for the Petitioners, Floyd Jones and Jerry N. Jones, and the statements from Brian C. Neal, Attorney for AmSouth Bank, and from the entire record herein, the Court is of the opinion and finds:

A. That the decedent, Lloyd Jones, died intestate on August 13th, 2003 at the age of seventy-nine years, a citizen and resident of Davidson County, Tennessee; and,

B. That on November 17th, 2003, Earl G. Jones filed a Petition for Administration in the matter of the Estate of Lloyd Jones stating, under oath, that the residence of Lloyd Jones, at the time of his death, was 1007 Mays Drive, Greenbrier, Robertson County, Tennessee 37073 and that he, Earl G. Jones, was the only surviving heir-at-law of Lloyd Jones; and,

C. That by his own admission, Earl G. Jones now states that he has only one document suggesting that Lloyd Jones lived at 1007 Mays Drive, Greenbrier, Tennessee 37073, namely a Form 1099 for the taxable year 1992 which shows the payer's name and address as Doug Reddick Excavating, 1007 Mays Drive, Greenbrier, Tennessee 37073 and the recipient's name and address as Lloyd Jones, 1358 Cardinal Avenue, Nashville, Tennessee 37216, which document was submitted to the Court and filed as an exhibit to the admissions of Earl G. Jones; and,

D. That by his own admissions, the Administrator, Earl G. Jones, stated that besides the decedent, he had four other siblings, namely Floyd Jones, Clara Leola Spann, Marvin E. Jones, and Jerry N. Jones; and,

E. That the Petition for Administration filed by Earl G. Jones was erroneous in that there is no evidence that the decedent lived in Robertson County, Tennessee, and that the Letters of Administration issued by this Court to Earl G. Jones were, therefore, erroneously issued and should be nullified; and,

F. That a Quitclaim Deed executed by Earl G. Jones, ostentatiously under the authority of the Letters of Administration issued by this Court conveying the real property of the decedent, Lloyd Jones, located at 1358 Cardinal Avenue, Nashville, Tennessee 37216 to Earl G. Jones, individually, should be considered null and void and set aside by this Court, said Quitclaim Deed being filed for record as Instrument No. 20031126-0171873, Register's Office for Davidson County, Tennessee; and,

G. That the Court should remove Earl G. Jones as Administrator of the Estate of Lloyd Jones, deceased, cancelling the Letters of Administration issued to him; and,

H. That by the admissions of Earl G. Jones, all of the bank deposits at AmSouth Bank, including checking accounts and certificates of deposit, were deposited by Earl G. Jones into a new account identified as "Estate of Lloyd Jones, Earl G. Jones, Administrator, account number 0043721273, that the said account now has a present approximate balance in the amount of $61,702.63, and that the said account should continue to be frozen until AmSouth Bank receives new Letters of Administration from the Seventh Circuit Court for Davidson County, Tennessee (Probate Division) at Nashville; and,

I. That Earl G. Jones should be restrained and enjoined from transferring or disposing of any property of the Estate of Lloyd Jones, deceased, and should deliver all such property to the properly appointed Administrator or Administrators of the Estate of Lloyd Jones; and,

J. That Earl G. Jones should be required to prepare and file with the Clerk & Master for Robertson County, Tennessee an inventory of all of the personal property taken into his possession or known to him which belongs to Estate of Lloyd Jones, to include a location of all such property, on or before March 1st, 2004; and,

K. That Earl G. Jones should be found in contempt of Court and should be required to pay the reasonable attorney's fees incurred by Floyd Jones and Jerry N. Jones through the Law Office of Homer R. Ayers, Attorney, in connection with the proceedings of this case; and,

L. That the Complaint filed by Earl G. Jones against Floyd Jones, Jerry N. Jones, and AmSouth Bank should be dismissed by reason that this Court has no jurisdiction or venue over the things and matters complained of therein; and,

M. That this case should be transferred to the Seventh Circuit Court for Davidson County, Tennessee (Probate Division) at Nashville for further proceedings; and,

N. That all costs in connection with this matter should be assessed Earl G. Jones, for which execution may issue, if necessary.

IT IS, THEREFORE, **ORDERED, ADJUDGED**, AND **DECREED** AS FOLLOWS:

1. That the decedent, Lloyd Jones, died intestate on August 13th, 2003 at the age of seventy-nine years, a citizen and resident of Davidson County, Tennessee;

2. That jurisdiction or venue in this case is in Davidson County, Tennessee and that the Clerk & Master is Ordered to transfer this file to the Seventh Circuit Court for Davidson County, Tennessee (Probate Division) at Nashville;

3. That the Letters of Administration issued by this Court to Earl G. Jones are nullified and will be of no force or effect, whatsoever;

4. That a Quitclaim Deed executed by Earl G. Jones conveying the real property of the decedent, Lloyd Jones, located at 1358 Cardinal Avenue, Nashville, Tennessee 37216 to Earl G. Jones, individually, filed for record as Instrument No. 20031126-0171873, Register's Office for Davidson County, Tennessee is null and void and is hereby set aside by this Court;

5. That Earl G. Jones is removed as Administrator of the Estate of Lloyd Jones, deceased;

6. That account number 0043721273, in the approximate amount of $61,702.63, in the name of "The Estate of Lloyd Jones, Earl G. Jones, Administrator" will continue to be frozen by AmSouth Bank until new Letters of Administration issued by the Seventh Circuit Court for Davidson County, Tennessee (Probate Division) at Nashville are received by AmSouth Bank;

7. That Earl G. Jones is hereby ***RESTRAINED*** and ***ENJOINED*** from transferring or disposing of any property of the Estate of Lloyd Jones, deceased, and is directed to deliver all such property to the Administrator or Administrators of the Estate of Lloyd Jones, when Letters of Administration are issued by the Seventh Circuit Court for Davidson County, Tennessee (Probate Division) at Nashville;

8. That Earl G. Jones is Ordered to prepare and file with the Clerk & Master for Robertson County, Tennessee an inventory of all of the personal property taken into his possession or known to him which belongs to Estate of Lloyd Jones, to include a location of all such property, on or before March 1st, 2004;

9. That Earl G. Jones is found in contempt of Court for his filing, under oath, of an erroneous Petition for Administration of the Estate of Lloyd Jones, deceased, in this Court;

10. That for his contempt of Court, Earl G. Jones is Ordered to pay to Homer R. Ayers, Attorney for the Petitioners, Floyd Jones and Jerry N. Jones, his reasonable attorney's fees in the amount of $ 5,192.58, for which execution may issue, if necessary;

11. That the Complaint filed by filed by Earl G. Jones against Floyd Jones and Jerry N. Jones is hereby dismissed for lack of jurisdiction and venue;

12. That the Complaint filed by filed by Earl G. Jones against AmSouth Bank is hereby dismissed for lack of jurisdiction and venue; and,

13. That all costs in connection with this matter are assessed Earl G. Jones, for which execution may issue, if necessary.

ENTERED this the 25 day of February, 2004.

CAROL CATALANO, CHANCELLOR

APPROVED FOR ENTRY:

HOMER R. AYERS, Attorney at Law
303 Frances Street, P.O. Box 904
Goodlettsville, Tennessee 37070-0904
(615) 859-2500
Prof. Resp. No. 2580

HOMER R. AYERS, Attorney for Petitioners,
Floyd Jones and Jerry N. Jones

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Order has been forwarded via U.S. Mail, first class postage prepaid, to Earl G. Jones at his home at 4958 Edmondson Pike, E-24, Nashville, TN 37211, to Mr. Brian C. Neal, Attorney for AmSouth Bank, at his office at 424 Church Street, Suite 1600, Nashville, TN 37219-2308, to Mr. Floyd Jones at his home address of 1608 Berrywood Road, Nashville, TN 37216, to Ms. Clara Leola Spann at her home address of 356 Willard Dr., Nashville, TN 37211, to Mr. Marvin E. Jones at his home address of 1202 Peachtree St., Smyrna, TN 37167, and to Mr. Jerry N. Jones at his home address of 2911 Simmons Ave., Nashville, TN 37211, on this the 23rd day of February, 2004.

Homer R. Ayers, Attorney

STATE OF TENNESSEE
ROBERTSON COUNTY

I, Kenneth Hudgens, Clerk & Master of the Chancery Court of said County, do hereby certify that the foregoing instrument contains a true and complete copy of [illegible] as same appears of record of file therein Book _____ Page _____ of the records of said County, Tennessee
Given under my hand and seal this [illegible] day of March, 2004

KENNETH HUDGENS, Clerk & Master

By _____ DC

Homer R. Ayers, Attorney at Law
303 Frances Street, P.O. Box 904
Goodlettsville, TN 37070-0904

Invoice submitted to:
Estate of Lloyd Jones
1608 Berrywood Road
Nashville, TN 37216

February 23, 2004

Invoice #4672

Professional Services

		Hrs/Rate	Amount
12/2/2003	Search deed records -- Register's Office for Davidson County, Tennessee	0.60 175.00/hr	105.00
	Conference with Jerry Jones and Floyd Jones; phone call to Ken Hudgens, Clerk & Master, Robertson County	1.30 175.00/hr	227.50
12/3/2003	Prepare Petition with exhibit, Summons, and Cost Bond	2.60 175.00/hr	455.00
12/4/2003	Attend hearing -- Chancery Court for Robertson County, Tennessee on Injunction	2.20 175.00/hr	385.00
	Prepare Bond, have Bond executed and filed in the Clerk & Master's Office of Robertson County, Tennessee	2.30 175.00/hr	402.50
	Travel to Edmondson Pike and serve Earl G. Jones	1.80 175.00/hr	315.00
12/5/2003	Prepare service on both summons and forward originals to Clerk & Master of Robertson County	0.20 175.00/hr	35.00
	Travel to Inglewood and serve the manager of the Inglewood branch of AmSouth Bank	1.20 175.00/hr	210.00
12/15/2003	Conference with Floyd Jones; calls to Jerry Jones; conference with Jerry Jones	0.70 175.00/hr	122.50

		Hrs/Rate	Amount
12/15/2003	Phone calls to Jerry N. Jones (2); prepare Affidavits for Clara Spann and Marvin E. Jones; conference with Earl G. Jones and accept Petition filed by Earl G. Jones; Answer to Petition filed by Earl G. Jones	2.90 175.00/hr	507.50
12/16/2003	Phone call to Jerry Jones; prepare for hearing	0.60 175.00/hr	105.00
12/17/2003	Prepare Order and letter to Earl G. Jones	1.20 175.00/hr	210.00
	Attend hearing -- Temporary Injunction	2.20 175.00/hr	385.00
1/22/2004	Letter to heirs	0.40 175.00/hr	70.00
2/18/2004	Prepare for hearing	2.10 175.00/hr	367.50
2/19/2004	Attend hearing on Petition & Temporary Injunction in the Chancery Court for Robertson County, Tennessee; conference with Floyd Jones, Clara Leola Spann, Marvin E. Jones, and Jerry N. Jones	3.40 175.00/hr	595.00
2/23/2004	Prepare Order	1.70 175.00/hr	297.50
	Finalized (revised Order and filed with Clerk & Master for Robertson County, TN)	1.50 175.00/hr	262.50
	For professional services rendered	28.90	$5,057.50
	Additional Charges :		
12/15/2003	Photocopies (Dec. 3 thru Dec. 15)		83.40
12/18/2003	Photocopying expense		9.90
2/19/2004	Photocopying expense -- exhibits for hearing		13.20
2/23/2004	Photocopying expense Copies of Order to heirs and attorneys		22.50
	Postage expense		6.08
	Total costs		$135.08
	Total amount of this bill		$5,192.58

	Amount
Balance due	$5,192.58