Davidson County ORDER
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20040405-0037981

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IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT

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Dav. Co. Chancery Court

FOUT

NATIONAL TAX ASSISTANCE CORPORATION)
)
Plaintiff,)
)
vs.)
)
DORSEY RUDD; THE UNKNOWN SPOUSE OF)
DORSEY RUDD; THE OCCUPANTS OF 210 WILEY)
STREET, NASHVILLE, TENNESSEE 37210)
)
Defendants.)

CASE NO. 02-1328-III

FILED
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CHANCERY CT.

ORDER OF JUDGMENT

This case came before this Court upon the Complaint of Plaintiff, National Tax Assistance Corporation against the Defendants Dorsey Rudd, the unknown spouse of Dorsey Rudd who did not file and answer or otherwise appear or defend, despite proper service made upon them. Plaintiff through its counsel filed a Motion for Default on October 14, 2003 and the Defendants have not responded to said Motion.

NOW THEREFORE on presentation of sufficient evidence, and good cause shown, the Court finds as follows:

1. This Court has jurisdiction of the parties, the property and of this cause of action because the real property in question is located in Davidson County, Tennessee.

2. Pursuant to the Final Decree of this Court in Case No. 00-781-III the Plaintiff, at all times since October 23, 2001, has held legal title in fee simple, subject only to the Defendants' right of redemption, to certain real property located in Davidson County, Tennessee, being more particularly described as follows (hereinafter the "Property"):

LAND IN DAVIDSON COUNTY, TENNESSEE BEING LOT NUMBER 48 ON THE PLAN OF OVERLOOK ESTATES, BLOCK A OF RECORD IN BOOK 8443, PAGE 105, REGISTER'S

OFFICE FOR DAVIDSON COUNTY, TENNESSEE, TO WHICH PLAN REFERENCE IS HEREBY MADE FOR A MORE COMPLETE AND ACCURATE DESCRIPTION.

BEING THE SAME PROPERTY CONVEYED TO NATIONAL TAX ASSISTANCE CORP., AND DIVESTED OUT OF DORSEY B. RUDD AND ANY AND ALL UNKNOWN HEIRS-AT-LAW OR DIVISEES, BY FINAL DECREE CONFIRMING SALE, RECORDED JANUARY 12, 2001, OF RECORD AT INSTRUMENT #20010112-0004061, IN THE REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

LEGAL DESCRIPTION TAKEN FROM PREVIOUS DEED OF RECORD IN BOOK 8680, PAGE 122, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

3. On September 13, 2000, the Clerk and Master for Davidson County, Tennessee sold the Property to Plaintiff due to the Defendants' failure to pay *ad valorem* real property taxes, pursuant to the Order of this Court entered on June 12, 2000 and filed for record on Page 870 of Tax Minute Book 85.

4. The Clerk and Master filed a Report of Sale on September 19, 2000, and the Final Decree Confirming Sale was ordered by this Court on October 23, 2000 under Case No. 00-781-III. The Final Decree is attached hereto as Exhibit A. The Defendants or any other party having an interest in the Property failed to redeem the Property within the time allowed by law.

5. Any and all interest of the Defendants in and to the above described Real Property whether legal or equitable have been and are hereby terminated by virtue of the Final Decree and the Defendants' (or any other parties having an interest in said Property) failure to redeem the Property and that all such interests of the Defendants and their heirs, successors and assigns have been wholly and effectually extinguished and barred by virtue of the Final Decree in Case No. 00-781-III.

6. None of the Defendants or their heirs, successors and assigns are entitled to adverse possession of the Real Property under T.C.A. §28-2-101 *et seq.* by virtue of the fact that neither of the Defendants or their heirs, successors and assigns are in possession of the Property

or have possessed the Property for a period of time in excess of that required by law, and that Plaintiff is therefore seized and possessed of the Real Property free of, and wholly discharged from, any and every such claim, demand, or encumbrance.

7. There are no Occupants of 210 Wiley Street, Nashville, Tennessee 37210 and the Complaint against them should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED and, DECREED as follows:

A. Any and all interest of the Defendants their heirs, successors and assigns and any and all persons claiming by, through or under any of them, or any combination of them, in and to the following described real property is hereby divested from said Defendants, their heirs, successors and assigns and any and all persons claiming by, through or under them and fee simple absolute title to said real property is hereby vested in the Plaintiff; said real property is described as follows:

BEING LOT NUMBER 48 ON THE PLAN OF OVERLOOK ESTATES, BLOCK A OF RECORD IN BOOK 8443, PAGE 105, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE, TO WHICH PLAN REFERENCE IS HEREBY MADE FOR A MORE COMPLETE AND ACCURATE DESCRIPTION.

BEING THE SAME PROPERTY VESTED IN NATIONAL TAX ASSISTANCE CORP., AND DIVESTED OUT OF DORSEY B. RUDD AND ANY AND ALL UNKNOWN HEIRS-AT-LAW OR DIVISEES, BY FINAL DECREE CONFIRMING SALE, RECORDED JANUARY 12, 2001, OF RECORD AT INSTRUMENT #20010112-0004061, IN THE REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

NOTE: LEGAL DESCRIPTION TAKEN FROM PREVIOUS DEED OF RECORD IN BOOK 8680, PAGE 122, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

B. That there are no occupants of 210 Wiley Street, Nashville, Tennessee 37210 and the Complaint against them is dismissed.

C. All costs are taxed against Plaintiff for which execution may issue if necessary.

ENTER THIS _____ DAY OF _____, 20____.

Hon. Ellen Hobbs Lyle, Chancellor

DATE: _____

APPROVED FOR ENTRY:

Robert S. Coleman, Jr.
(Tenn. Bar No. 19694)
Robert S. Coleman, Jr., P.A.
1405 North Pierce, Suite 306
Little Rock, Arkansas 72207
(501) 663-6200
(501) 663-6201 (fax)

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 1 DAY OF April 2004
KRISTI SCOTT, CLERK & MASTER.
BY _____ DEPUTY

CERTIFICATE OF SERVICE

I, Robert S. Coleman, Jr., certify that a true and correct copy of the foregoing was placed in the U. S. Mail with sufficient postage affixed hereto, as to guarantee proper delivery on this 15th day of February, 2004, to the following:

Dorsey Rudd
The Unknown Spouse of
Dorsey Rudd
210 Wiley Street
Nashville, TN 37210

The Tenants of
210 Wiley Street
Nashville, TN 37210

Robert S. Coleman, Jr.