Davidson County ORDER
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Box 5
414502

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE

NATIONAL TAX ASSISTANCE CORPORATION)
)
Plaintiff,)
)
vs.) CASE NO. 03-908-II
)
THE ESTATE OF CHARLES O'GUIN; THE)
UNKNOWN SPOUSE OF CHARLES O'GUIN; THE)
UNKNOWN HEIRS OF CHARLES O'GUIN;)
ANDREW O'GUIN; JANIE LOUISE O'GUIN;)
METROPOLITAN GOVERNMENT OF NASHVILLE)
AND DAVIDSON COUNTY, DEPARTMENT OF)
CODES ADMINISTRATION; JEFFREY L. HALE;)
THE UNKNOWN SPOUSE OF JEFFREY L. HALE;)
WILLIAM D. TAYLOR; RONDA F. TAYLOR;)
PHILLIP KIRK,)
)
Defendants.)

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ORDER OF JUDGMENT

This case came before this Court upon the Complaint of Plaintiff, National Tax Assistance Corporation against the Defendants, The Estate of Charles O'Guin, the unknown spouse of Charles O'Guin, the unknown heirs of Charles O'Guin, William D. Taylor, and Ronda F. Taylor, who did not file and answer or otherwise appear or defend, despite proper service made upon them. Phillip Kirk appears before the Court by and through this agreed Order. Plaintiff through its counsel filed a Motion for Default on October 16, 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. 99-705-II the Plaintiff, at all times since December 14, 1999, has held legal title in fee simple, subject only to the

b 2

Defendants' right of redemption, to certain real property located in Davidson County, Tennessee, being more particularly described as follows (hereinafter the "Property"):

> BEING LOT NO. 909 AND THE EASTERLY 12-1/2 FEET OF LOT NO. 911 OF BLOCK NO. 140, PLAN NO. 1 OF WEST NASHVILLE, AS OF RECORD IN BOOK 57, PAGES 74 AND 75, REGISTER'S OFFICE FOR SAID COUNTY.
>
> SAID LOT AND PART OF SAID LOT ADJOINS AND FRONTS TOGETHER 37-1/2 FEET ON THE NORTHERLY SIDE OF KENTUCKY AVENUE AND RUN BACK BETWEEN PARALLEL LINES 150 FEET TO AN ALLEY.

3. On October 13, 1999, 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 August 23, 1999 and filed for record on Page 15 of Tax Minute Book 84.

4. The Clerk and Master filed a Report of Sale on October 27, 1999, and the Final Decree Confirming Sale was ordered by this Court on December 14, 1999 under Case No. 99-705-II. 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. 99-705-II.

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 5004 Kentucky Avenue, Nashville, TN 37209 and the Complaint against them should be dismissed.

8. Defendant, Andrew O'Guin, has no interest in the subject Property and Personal Property and Fixtures and the Complaint against him should be dismissed.

9. Defendant, Janie Louise O'Guin, has no interest in the subject Property and Personal Property and Fixtures and the Complaint against her should be dismissed.

10. Defendant, Jeffrey L. Hale, has no interest in the subject Property and Personal Property and Fixtures and the Complaint against him should be dismissed.

11. Defendant, The Unknown Spouse of Jeffrey L. Hale, has no interest in the subject Property and Personal Property and Fixtures and the Complaint against him should be dismissed.

12. Defendant, Metropolitan Government of Nashville, and Davidson County, Department of Codes Administration has been dismissed by prior order.

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 NO. 909 AND THE EASTERLY 12-1/2 FEET OF LOT NO. 911 OF BLOCK NO. 140, PLAN NO. 1 OF WEST NASHVILLE, AS OF RECORD IN BOOK 57, PAGES 74 AND 75, REGISTER'S OFFICE FOR SAID COUNTY.

SAID LOT AND PART OF SAID LOT ADJOINS AND FRONTS TOGETHER 37-1/2 FEET ON THE NORTHERLY SIDE OF KENTUCKY AVENUE AND RUN BACK BETWEEN PARALLEL LINES 150 FEET TO AN ALLEY.

B. That there are no occupants of 5004 Kentucky Avenue, Nashville, TN 37209 and the Complaint against them is dismissed.

C. Defendant, Andrew O'Guin, no longer has an interest in the property and the Complaint against him is dismissed.

D. Defendant, Janie Louise O'Guin, no longer has an interest in the property and the Complaint against her is dismissed.

E. Defendant, Jeffrey L. Hale, no longer has an interest in the property and the Complaint against him is dismissed.

F. Defendant, The Unknown Spouse of Jeffrey L. Hale, no longer has an interest in the property and the Complaint against her is dismissed.

G. Defendant, Metropolitan Government of Nashville, and Davidson County, Department of Codes Administration has already been dismissed from this case.

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

ENTER THIS _____ DAY OF _____, 2004.

Carol L McCoy

Chancery Judge
DATE: _____

APPROVED FOR ENTRY:

Robert S. Coleman, Jr.
Tennessee 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)

COPIES TO ATTORNEYS AND PRO SE LITIGANTS
AT THE ABOVE ADDRESSES
DATE 3-3-04 CLERK [illegible]

I HEREBY CERTIFY THAT THIS IS A TRUE COPY
OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 21st DAY OF March 2004
CRISTI SCOTT, CLERK & MASTER
BY [illegible]
DEPUTY

Phillip Kirk by [signature] with permission

Phillip Kirk
Tennessee Bar No. 6471
102 Woodmont Boulevard, Suite 200
Nashville, Tennessee 37205
(615) 463-3244

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 _____ day of _____, 2004, to the following:

The Estate of Charles O'Guin
5004 Kentucky Avenue
Nashville, TN 37209

The Unknown Spouse of
Charles O'Guin
5004 Kentucky Avenue
Nashville, TN 37209

The Unknown Heirs of Charles
O'Guin
5004 Kentucky Avenue
Nashville, TN 37209

Phillip Kirk
5004 Kentucky Avenue
Nashville, TN 37209

Andrew O'Guin
195 53rd Ave. North
Nashville, TN 37209

William D. Taylor
Route 5, South Harpeth Rd.
Nashville, TN 37221

Ronda F. Taylor
Route 5, South Harpeth Rd.
Nashville, TN 37221

Janie Louise O'Guin
4202 Murphy Road
Nashville, TN 37209

Metropolitan Government of
Nashville, and Davidson County,
Department of Codes
Administration
Metro Howard Building
700 2nd Avenue South
Nashville, TN 37210

Jeffrey L. Hale
134 Timber Hills Road
Hendersonville, TN 37075

The Unknown Spouse of
Jeffrey L. Hale
134 Timber Hills Road
Hendersonville, TN 37075

[signature]
Robert S. Coleman, Jr.