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**IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE**

**NATIONAL TAX ASSISTANCE CORPORATION**

**Plaintiff,**

**vs.**

**GARY N. BULLOCK; PAULA M. BULLOCK; FAMILY MORTGAGE SERVICES, INC.; JOHN BRUNO; D.W. MCCACKIN; FORD CONSUMER FINANCE CO., INC. N/K/A CITIFINANCIAL, INC.; JAMES L. FUQUA, JR.; TENANTS OF 400 ELM STREET, NASHVILLE, TENNESSEE 37203,**

**Defendants.**

FOUT

**CASE NO. 02-1326-III**

FILED
2004 APR 26 PM 4:29
CLERK & MASTER DAVIDSON COUNTY CT.

**ORDER OF JUDGMENT**

This case came before this Court upon the Complaint of Plaintiff, National Tax Assistance Corporation against the Defendants, Gary N. Bullock, Paula M. Bullock, Family Mortgage Services, Inc., Ford Consumer Finance Co., Inc. n/k/a Citifinancial, Inc., and the Tenants Of 400 Elm Street, Nashville, Tennessee 37203, who did not file and answer or otherwise appear or defend, despite proper service made upon them. James L. Fuqua, Jr., D.W. McMackin, and John Bruno appear before the Court by and through their respective attorneys. Plaintiff through its counsel filed a Motion for Default on October 14, 2003, and Gary N. Bullock, Paula M. Bullock, Family Mortgage Services, Inc., Ford Consumer Finance Co., Inc. n/k/a Citifinancial, Inc., and the Tenants Of 400 Elm Street, Nashville, Tennessee 37203 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. 00-781-111 the Plaintiff, at all times since August 29, 2000, has held legal title in fee simple, subject only to the Defendants'

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

> PROPERTY IN DAVIDSON COUNTY, TENNESSEE, BEING THE WESTERLY 50 FEET OF THE NORTHERLY 200 FEET OF LOT NO. 39 OF BLOCK "I" ON THE PLAN OF FOREST PARK SUBDIVISION OF RECORD IN BOOK 843, PAGE 44, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.
>
> SAID PORTION OF LOT #39 FRONTS ON THE SOUTHERLY MARGIN OF ELM STREET AND EXTENDS BACK BETWEEN PARALLEL LINES 200 FEET TO A DEAD LINE IN THE REAR MEASURING 50 FEET THEREON.
>
> BEING THE SAME PROPERTY VESTED IN NATIONAL TAX ASSISTANCE CORP. AND DIVESTED OUT OF GARY N. & PAULA M. BULLOCK, AND ANY AND ALL UNKNOWN HEIRS-AT-LAW OR DEVISEES, BY FINAL DECREE CONFIRMING SALE, DATED AUGUST 21, 2000, RECORDED OCTOBER 5, 2000, INSTRUMENT NO. 20001005-0099232, IN THE REGISTER' S OFFICE FOR DAVIDSON COUNTY. TENNESSEE.

3. On July 19, 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 May 30, 2000 and filed for record on Page 564 of Tax Minute Book 85.

4. The Clerk and Master filed a Report of Sale on July 24, 2000, and the Final Decree Confirming Sale was ordered by this Court on August 29, 2000 under Case No. 00-781-111. 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 Gary N. Bullock, Paula M. Bullock, Family Mortgage Services, Inc., Ford Consumer Finance Co., Inc. n/k/a Citifinancial, Inc., and the Tenants Of 400 Elm Street, Nashville, Tennessee 37203 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 said Defendants' (or any other parties having an interest in said Property) failure to redeem the Property and that all such interests of said Defendants and their heirs, successors and assigns have been wholly and effectually extinguished and barred by virtue of the Final Decree in Case No. 00-781-111.

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 400 Elm Street, Nashville, Tennessee 37203 and the Complaint against them should be dismissed.

8. Defendant, James L. Fuqua, Jr., has no interest in the subject Property and Personal Property and Fixtures and the Complaint against him should be dismissed. James Fuqua, Jr. denies any involvement in this matter and denies any liability.

9. Defendant, John Bruno, has no interest in the subject Property and Personal Property and Fixtures and the Complaint against him should be dismissed.

10. Defendant, D.W. McMackin, has no interest in the subject Property and Personal Property and Fixtures and the Complaint against him should be dismissed.

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

A. Any and all interest of Gary N. Bullock, Paula M. Bullock, Family Mortgage Services, Inc., Ford Consumer Finance Co., Inc. n/k/a Citifinancial, Inc., and the Tenants Of 400 Elm Street, Nashville, Tennessee 37203, 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:

> PROPERTY IN DAVIDSON COUNTY, TENNESSEE, BEING THE WESTERLY 50 FEET OF THE NORTHERLY 200 FEET OF LOT NO. 39 OF BLOCK "I" ON THE PLAN OF FOREST PARK SUBDIVISION OF RECORD IN BOOK 843, PAGE 44, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE.

SAID PORTION OF LOT #39 FRONTS ON THE SOUTHERLY MARGIN OF ELM STREET AND EXTENDS BACK BETWEEN PARALLEL LINES 200 FEET TO A DEAD LINE IN THE REAR MEASURING 50 FEET THEREON.

BEING THE SAME PROPERTY VESTED IN NATIONAL TAX ASSISTANCE CORP. AND DIVESTED OUT OF GARY N. & PAULA M. BULLOCK, AND ANY AND ALL UNKNOWN HEIRS-AT-LAW OR DEVISEES, BY FINAL DECREE CONFIRMING SALE, DATED AUGUST 21, 2000, RECORDED OCTOBER 5, 2000, INSTRUMENT NO. 20001005-0099232, IN THE REGISTER' S OFFICE FOR DAVIDSON COUNTY. TENNESSEE.

B. That there are no occupants of 400 Elm Street, Nashville, Tennessee 37203 and the Complaint against them is dismissed.

C. The complaint against Defendant, James L. Fuqua, Jr., ~~no longer has an interest in the property and the Complaint against him~~ is dismissed with prejudice. EHL

D. Defendant, John Bruno, no longer has an interest in the property and the Complaint against him is dismissed with prejudice. EHL

E. Defendant, D.W. McMackin, no longer has an interest in the property and the Complaint against him is dismissed with prejudice. EHL

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

ENTER THIS _____ DAY OF _____, 2004.

Ellen Hobbs Lyle
Chancery Judge

DATE: 6/23/04

CC:

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)

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 23 DAY OF June 2004
CRISTI SCOTT, CLERK & MASTER
BY _____ DEPUTY