6th

IN THE CIRCUIT COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY
SIXTH CIRCUIT

2004 JUN 30 AM 10:5
RICHARD R. ROOKER, CLERK

MADISON SUBURBAN UTILITY DISTRICT OF DAVIDSON COUNTY, TENNESSEE,	)	
Petitioner,	)	
vs.	)	**No. 04C-1184**
JAMES T. HAMSLEY,	)	**Jury Demand**
Defendant.	)	**PICK-UP**

Davidson County ORDER
Recvd: 07/13/04 09:16 5pgs
Fees:27.00 Taxes:0.00
20040713-0083071

ORDER OF CONDEMNATION AND APPROPRIATION

This matter was heard upon the Petition for Condemnation filed by the Petitioner for the purpose of acquiring, by exercise of the power of eminent domain, certain real property owned by the Defendant, to be used for the purpose of enhancing the security of Petitioner's water treatment plant. Said property is described as follows:

> Being part of Lot No. 34 and all of Lots 35, 36, 37, 38, 39, and 40 on the Map of Andrew Jackson's Addition to Montague Park, as of record in Book 547, pages 83 and 84, Register's Office for said County, and part of the Old Haysboro Park Lot on the Plan of Montague Park, as of record in Book 421, page 141, said Register's Office, being Lots Nos. 1 and 2 and a part of the southerly part of Lot No. 3 on the unrecorded subdivision of said Haysboro Park Lot, described altogether from a copy of a survey made by George W. Watkins, Surveyor, dated September 29, 1959, as follows:
>
> Beginning at the southwest corner of Beach Avenue and Fernbank Drive; thence with the southwesterly margin of Beach Avenue, 113 feet, more or less, to the easterly margin of a rock wall; thence southwesterly along the easterly margin of said wall, a distance of 190 feet, more or less to a point in the northerly margin of Indian Trail,

said point being in the front line of Lot No. 34, and being easterly 6.4 feet, more or less, from the southwest corner of Lot 34 on Andrew Jackson's Addition, of record as aforesaid; thence easterly along said margin of said Indian Trail, a distance of 280 feet, more or less, to the southeast corner of Lot No. 40; thence north 29 degrees 20 minutes east along the easterly line of Lot 40 and said line extended a distance of 30 feet to the northerly line of a strip 2 feet wide reserved out of Montague Park Subdivision; thence north 6 degrees west, 252 feet to the point of beginning at the southwest corner of Beach Avenue and Fernbank Drive.

Being the same property conveyed to James Thomas Hamsley by deed from Earl Hawkins, of record in Book 4346, Page 7, Register's Office for Davidson County, Tennessee, and by quitclaim deed from Eunice Overstreet, of record in Book 5201, page 583, Register's Office for Davidson County, Tennessee.

It appearing to the Court that, under the applicable laws of the State of Tennessee, Petitioner has the right of condemnation of the real property described above for the public use as prayed for; that at least five (5) days have now elapsed since service of the Notice of Petition for Condemnation on the Defendant and the Petitioner's right to take has not been questioned; and that the Petitioner is entitled to immediate ownership and possession of that real property as described above, by the exercise of the power of eminent domain, and that a writ of possession should issue, if necessary.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that Petitioner's cause be, and the same hereby is, sustained and the real property described above is hereby declared condemned as of this date under the laws of the State of Tennessee applicable to eminent domain; that the real property described above is hereby appropriated to the use of Petitioner; that fee simple absolute title to the real property described above is hereby vested in Petitioner; that Petitioner shall have immediate possession of the real property described above, and a writ of possession shall issue upon the request of the Petitioner; and that Petitioner shall have the right to exercise its property

rights acquired herein by going upon the real property described above to take whatever action it deems appropriate, including, but not limited to, the installation of fencing, lighting, and any other security device.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this action is retained in this Court in order that all further and future proceedings, orders, and decrees may be made according to law.

This document may be recorded in the Office of the Davidson County Register of Deeds, and indexed with James T. Hamsley as the GRANTOR and The Madison Suburban Utility District of Davidson County, Tennessee, as the GRANTEE.

Thomas W. Brothers, Judge

SUBMITTED FOR ENTRY:

Jonathan C. Stewart (BPR# 018907)
221 Fourth Avenue North, Suite 510
Nashville, Tennessee 37219
Tel: (615) 255-7443
Fax: (615) 296-0372
Attorney for Petitioner, The Madison Suburban Utility District of Davidson County, Tennessee

1480 (04003-001).0001.wpd

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been served on the following person(s), via the method(s) checked, on June 22, 2004:

[ ] Hand
[✓] Mail
[ ] Facsimile
[ ] Overnight Courier (FedEx)

James T. Hamsley
1104 Gallatin Avenue
Nashville, TN 37206

Jonathan C. Stewart

1480 (04003-001).0001.wpd

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 SIXTH Circuit Court for Davidson County, Tennessee, on the 30 day of JUNE , 2004 , in the Case Number 04C1184 between MADISON SUBURBAN UTILITY DISTRICT OF DAVIDSON COUNTY, TENNESSEE Plaintiff, HAMSLEY, JAMES T. Defendant, as same remains of record in Vol. 5652 , Page 1554640 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 13 day of JULY in the year two thousand four and in the 228th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

