FB12
JCR

Davidson County DEEDQC
Recvd: 09/22/04 10:07 13pgs
Fees:67.00 Taxes:0.00

20040922-0113884

QUITCLAIM DEED

Address New Owner as Follows:	Send Tax Bills To:	Map-Parcel No.
Robert E. Harwell, Jr. and		
AmSouth Bank, as Co-Trustees	(same)	Map 57
315 Deaderick Street		Parcel 1
Nashville, Tennessee 37237-0402		

This instrument prepared by: WALLER LANSDEN DORTCH & DAVIS, A Professional Limited Liability Company, 511 Union Street, Suite 2100, Nashville, Tennessee 37219-1760

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration for this transfer is $ -0-.

Affiant

Subscribed and sworn to before me, this the 9th day of September, 2004.

NOTARY PUBLIC

My Commission Expires: 7/21/07

JEANETTE J. RAMER NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

FOR AND IN CONSIDERATION of Ten Dollars ($10.00), and other good and valuable consideration, AmSouth Bank, successor by merger to First American National Bank, Robert E. Harwell, Jr., Jonathan McKelvey Harwell, and Coleman A. Harwell, II, as Co-Trustees of the Robert E. Harwell Family Trust under the Will of Robert E. Harwell, dated April 12, 1965 ("Grantors"), by their presents, do hereby quitclaim and convey as Co-Trustees of the aforementioned Trust, unto Robert E. Harwell, Jr. and AmSouth Bank, as Co-Trustees of the Robert E. Harwell, Jr. Separate Share Trust established under the Will of Robert E. Harwell dated April 12, 1965, an undivided one-third interest, of their right, title and interest, in and to the following described land in Davidson County, Tennessee:

TRACT NO. I:
A tract of land in the 13th, formerly 25th Civil District of said County, Tennessee, described according to a survey made by Erle Brake County Surveyor, Sept. 21st, 1933, as follows:

Beginning at a sweet gum and beech pointer the original southwest corner of the James M. Simpkins line and in a corner of James W. Howington's land; thence eastwardly 92 poles; thence southwardly 36 poles; thence eastwardly 87 poles to the center of Sulphur Creek, thence with the center of said creek with its various meanders as follows: North 24 degrees East 11 poles, North 47 degrees East 13 poles; North 4 degrees East 18 poles, North 33 degrees East 19 poles, North 25 degrees East 18 poles, North 36 degrees East 16 poles, North 21 degrees East 22 poles to B. F. Young's northwest corner, continuing with the center of said creek North 21 degrees East 15 poles and North 17 degrees West 10 poles, to the center of Bull Run Road, thence with the center of said road as follows: North 63 degrees West 42 poles, North 41½ degrees West 23 poles, North 34¼ degrees West 25 poles North 46 degrees West 8 poles, North 25½ degrees West 10 poles, North 41 degrees West 12 poles North 12 degrees West 8 poles, North 35¼ degrees West 7 poles, North 56 degrees West 14 poles North 63¾ degrees West 9 poles, North 42½ degrees West 10 poles North 43¼ degrees West 6 poles, North 58½ degrees West 7 poles, North 39½ degrees West 24-5/10 poles, North 9¾ degrees West 9-5/10 poles North 21¾ degrees West 13 poles North 39 degrees West 3-9/10 poles, thence leaving said road and running westwardly 83-5/10 poles, more or less to a large hickory in the southwest corner of the old Allen Simpkins tract, thence southwardly 50 poles to a hickory; thence South 71 degrees East 4-

5/10 poles to a walnut and hickory thence southwardly 200 poles to the beginning. Containing 291-93/100 acres, more or less.

Included in the above description and excluded herefrom is that tract of land conveyed to James O. Simpkins by deed from Cornelia E. Turner and husband of record in Book 954, page 463, Register's Office for said County described according to a survey made June 9th, 1936, by John Wilks Civil Engineer as follows: Beginning at a culvert on the westerly margin of Old Hickory Boulevard and running thence South 18 degrees West with the westerly margin of said Boulevard 300 feet; thence North 87 degrees West 1268 feet to a small ash; thence North 4 degrees West 613 feet to a walnut thence North 70 degrees East 410 feet to a hickory; thence South 63 degrees East 100 feet; thence East 200 feet; thence South 63 degrees East 300 feet thence South 67 degrees East 200 feet; and thence South 55 degrees East 300 feet to the beginning, containing 19½ acres, more or less.

Tract No. I being the same property conveyed to Robert E. Harwell by deed from Cornelia E. Turner and husband, Edwin B. Turner, of record in Book 1011, page 30, Register's Office for Davidson County, Tennessee, the said Robert E. Harwell having since died. Under the Last Will and Testament of Robert E. Harwell, of record in Book 4089, page 581, said Register's Office, said property was conveyed to Robert E. Harwell, Jr., Jonathan McKelvey Harwell, Coleman A. Harwell, II, and First American National Bank of Nashville, Tennessee, as Co-Trustees. AmSouth Bank is the successor by merger to First American National Bank of Nashville, Tennessee.

TRACT NO. II:
Situated in the 13th Civil District of Davidson County, Tennessee, and being the strip of the C. C. Roberts and wife land lying on the southwesterly side of the New Bull Run Road, and being a part of the property transferred by Jno. H. Waddell, Et Ux, to C. C. Roberts, Et Ux in installment deed recorded in the Register's Office of Davidson County, Tenn. Jan. 24, 1936, noted in book 45, page 606, and recorded in book 989, page 48. This strip of land being more particularly described as follows: Beginning at a point in the Old Hickory Blvd. which is a corner of the C.C. Roberts and wife, Margaret Roberts, land and running in a northwesterly direction with the New Bull Run Road (which has just been surveyed, graded, and completed) to a point in the north line of the said C. C. Roberts and wife, Margaret Roberts, land; thence west to a certain point in the C. C. Roberts and wife land which is also the northeast corner of the said Robert E. Harwell land; thence in a southeasterly direction following the northeasterly boundary of the Robert E. Harwell land to the beginning. The intention of this conveyance is to convey to Robert E. Harwell all of the land on the southwesterly side of the New Bull Run Road which has been cut off by the New Bull Run Road from the C. C. Roberts and wife, Margaret Roberts, land, and to make the New Bull Run Road the boundary between the C. C. Roberts and wife, Margaret Roberts, land and the Robert. E. Harwell land.

Tract No. II being the same property conveyed to Robert E. Harwell by deed from C. C. Roberts and wife, Margaret Roberts, of record in Book 1082, page 290, said Register's Office, the said Robert E. Harwell having since died. Under the Last Will and Testament of Robert E. Harwell, of record in Book 4089, page 581, said Register's Office, said property was conveyed to Robert E. Harwell, Jr., Jonathan McKelvey Harwell, Coleman A. Harwell, II, and First American National Bank of Nashville, Tennessee, as Co-Trustees. AmSouth Bank is the successor by merger to First American National Bank of Nashville, Tennessee.

INCLUDED IN THE ABOVE DESCRIBED TRACTS OF LAND, BUT EXPRESSLY EXCLUDED FROM THIS CONVEYANCE are the following described tracts of land:

Tract I:
Being situated in the 13th (formerly 25th) Civil District of said County and State, beginning at the intersection of the south boundary line of the right of way of the Bull Run Road with the east right of way line of Old Hickory Boulevard; thence running in a southerly direction with the east margin of Old Hickory Boulevard 200 feet; thence easterly in a straight line at right angles with the Old Hickory Boulevard to the middle of Sulphur Creek; thence in a northerly direction with the meanders of said creek to a point where said creek strikes the southerly right of way line of said Bull Run Road; thence westerly with the said southerly right of way line of said Bull Run Road to the point of beginning.

Tract II:
Being situated in the Thirteenth, formerly Twenty-Fifth, Civil District of said County and State, and fronting 350 feet on the easterly margin of Old Hickory Boulevard and more particularly described as follows:

Beginning at an iron pipe on the northeast corner of the intersection of Old Hickory Boulevard and a private lane leading to the house situated on the property of Grantors, lying west of Old Hickory Boulevard, and running thence from said iron pipe along the easterly margin of Old Hickory Boulevard 350 feet to a point; running thence, at a right angle to Old Hickory Boulevard, to the center of Sulphur Creek; thence with said creek as it meanders to the northerly margin of said private lane; thence with the northerly margin of said private lane to the point of beginning, showing 350 feet front on said Old Hickory Boulevard and 350 feet, more or less, along the center of said creek.

IN WITNESS WHEREOF, Grantors have executed this instrument on the 26th day of February, 2004.

AmSouth Bank, as Co-Trustee of the Robert E. Harwell Family Trust under the Will of Robert E. Harwell, dated April 12, 1965

BY: _____
Douglas A. Kirby, Vice President

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Douglas A. Kirby, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged himself to be Vice President of AmSouth Bank, as Co-Trustee of the Robert E. Harwell Family Trust under the Will of Robert E. Harwell dated April 12, 1965, the within named bargainor, an Alabama state bank, and that he as such Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the bank by himself as Vice President.

Witness my hand and seal, at office in Nashville, Tennessee, this the 26th day of August, 2004.

_____
NOTARY PUBLIC

My Commission Expires: 7/21/07

NANETTE L. RAMER NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

985402.1

Robert E. Harwell, Jr., as Co-Trustee of the
Robert E. Harwell Family Trust under the
Will of Robert E. Harwell dated April 12,
1965

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named Robert E. Harwell, Jr., as Co-Trustee of the Robert E. Harwell Family Trust under the Will of Robert E. Harwell dated April 12, 1965, the bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and seal, at office in Nashville, Tennessee, this the 26 day of February, 2004.

NOTARY PUBLIC

My Commission Expires: 1/29/05

NOTARY PUBLIC AT LARGE

985402.1

Jonathan McKelvey Harwell, as Co-Trustee of the Robert E. Harwell Family Trust under the Will of Robert E. Harwell dated April 12, 1965

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named Jonathan McKelvey Harwell, as Co-Trustee of the Robert E. Harwell Family Trust under the Will of Robert E. Harwell dated April 12, 1965, the bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and seal, at office in Nashville, Tennessee, this the 26 day of February, 2004.

NOTARY PUBLIC

My Commission Expires: 1/29/05

NOTARY PUBLIC AT LARGE

985402.1

Richard R. Rooker, Circuit Court Clerk/Probate Court Clerk for Davidson County, Tennessee, for and in the name of Coleman A. Harwell, II, as Co-Trustee of the Robert E. Harwell Family Trust under the Will of Robert E. Harwell dated April 12, 1965, pursuant to direction of the Court per attached order

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named Richard R. Rooker, Circuit Court Clerk/Probate Court Clerk for Davidson County, Tennessee, to me known to be the person who executed the foregoing instrument for and in the name of Coleman A. Harwell, II, as Co-Trustee of the Robert E. Harwell Family Trust under the Will of Robert E. Harwell dated April 12, 1965, pursuant to direction of the Court, the bargainor, and acknowledged that he executed the same for the purposes therein contained.

Witness my hand and seal, at office in Nashville, Tennessee, this the 3RD day of September, 2004.

Michelle Sawyer
NOTARY PUBLIC

My Commission Expires: 7/19/08

MICHELLE SAWYER NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

985402.1

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE, PROBATE DIVISION

2004 AUG 27 AM 9:10

RICHARD R. ROOKER, CLERK

In re:	)	
	)	
Trust Under Last Will and	)	
Testament of Robert E. Harwell	)	**No. 02P-1928** D.C.
And Trust Under Last Will and	)	
Testament of Jane McKelvey	)	
Harwell Clements.	)	

ORDER

This matter came on for further hearing on the 27th day of August, 2004, upon the Petitioners' Motion to Enforce Order. Charles A. Trost appeared on behalf of the Petitioners. Coleman A. Harwell II, Respondent, appeared *pro se*. The Court was advised that on August 26, 2004, Mr. Harwell and Holly Bell, Trust Officer for Fifth Third Bank, met with Matt Harris, a member of Mr. Trost' law firm who had prepared the deeds to be executed to split the Family Trusts under the Wills of Robert E. Harwell and Jane McKelvey Harwell Clements into three separate share trusts, one each for the benefit of Robert E. Harwell, Jr. and his issue, Jonathan M. Harwell and his issue, and Coleman A. Harwell II and his issue. At the conclusion of that meeting, Mr. Harwell declined to execute the deeds and has not resigned as a Co-Trustee as heretofore Ordered by the Court. Mr. Harwell requested that the Court allow him additional time until Wednesday, September 1, 2004, to confer further about his concerns.

It is therefore ORDERED that:

1. Coleman A. Harwell II is deemed and hereby declared to have resigned as Co-Trustee of the Separate Share Trusts established under Robert Harwell's Will created for Jonathan M. Harwell and Robert E. Harwell, Jr. and their respective issue as he was ordered to do in paragraph 5 of the Amended Agreed Order entered herein on December 8, 2003.

2. The ~~Probate Master, Robert Bradshaw~~ CIRCUIT COURT CLERK / PROBATE COURT CLERK RICHARD ROOKER, is authorized and directed to execute on behalf of and in the name of Coleman A. Harwell II the deeds prepared by attorney Matt Harris dividing the real property owned in the Family Trust under Will of Robert Harwell into three equal shares to be held as tenants-in-common, one share for the benefit of Robert E. Harwell, Jr. and his issue, one share for the benefit of Jonathan M. Harwell and his issue, and one share for the benefit of Coleman A. Harwell II and his issue, and to deliver said deeds when executed to their respective Co-Trustee owners for recordation; provided that if Mr. Coleman A. HAR executes and delivers said deeds on or before September 1, 2004, such execution and delivery of deeds shall render the Court's direction to the CLERK ~~Probate Master~~ moot.

All other matters are reserved.

Honorable Randy Kennedy,
Seventh Circuit Judge (Probate)

1045731.1

APPROVED FOR ENTRY:

Charles A. Trost (#4079)
L. Bryan Howard (#10486)
Waller Lansden Dortch & Davis, PLLC
Suite 2700, Nashville City Center
511 Union Street
Nashville, Tennessee 37219-1760
(615) 850-8911

Attorneys for AmSouth Bank, Robert H. Harwell, Jr. and Jonathan M. Harwell, as Co-Trustees, Petitioners

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and exact copy of the foregoing Order to be served by U.S. Mail, postage prepaid, on the following parties:

Coleman A. Harwell, II
P. O. Box 210438
Nashville, Tennessee 37221

K. LeMoyne B. Harwell
2513 Sunset Place
Nashville, TN 37212

Robert E. Harwell, Jr.
4416 Sheppard Place
Nashville, Tennessee 37205-3814

Jonathan Harwell, Esq.
Harwell, Howard, Hyne, Gabbert & Manner, PC
315 Deaderick Street, Suite 1800
Nashville, Tennessee 37238

Elizabeth R. Mayhall
Vice President and Senior Trust Officer
AmSouth Bank
400 AmSouth Center
317 Deaderick Street
Nashville, Tennessee 37237

Holly Bell, Trust Officer
Fifth Third Bank
210 E. Main Street
Franklin, Tennessee 37064

Allen D. Lentz, Esq.
Gullett, Sanford, Robinson & Martin, PLLC
230 Fourth Avenue North, Third Floor
Post Office Box 198888
Nashville, Tennessee 37219-8888
Attorney for Jonathan M. Harwell, Individually

Harris A. Gilbert, Esq.
Wyatt, Tarrant & Combs, LLP
2525 West End Avenue, Suite 1500
Nashville, Tennessee 37203
Attorney for Robert E. Harwell, Individually

This 27th day of August, 2004.

Charles G. Frost
Attorney for Petitioners

CERTIFICATE OF SERVICE

I, R.H. Bradshaw, Jr., Probate Master, do hereby certify, as evidenced by my signature below, that a true and exact copy of the foregoing signed Order has been forwarded via United States Mail, first class, with sufficient postage thereto, on this, the 31st day of August, 2004, to the following parties:

Mr. Charles A. Trost
Mr. Bryan Howard
Suite 2700, Nashville City Center
511 Union Street
Nashville, TN 37219

Mr. Coleman A. Harwell, II
P.O. Box 210438
Nashville, TN 37221

Mr. K. LeMoyne B. Harwell
2513 Sunset Place
Nashville, TN 37212

Mr. Robert E. Harwell, Jr.
4416 Sheppard Place
Nashville, TN 37205-3814

Mr. Jonathan Harwell
Attorney at Law
1800 AmSouth Center
315 Deaderick Street
Nashville, TN 37238

Ms. Elizabeth R. Mayhall
Attorney at Law
400 AmSouth Center
315 Deaderick Street
Nashville, TN 37237

Ms. Holly Bell
Fifth Third Bank
210 East Main Street
Franklin, TN 37064

Mr. Allen Lentz
Attorney at Law
P.O. Box 198888
Nashville, TN 37219-8888

Mr. Harris A. Gilbert
Attorney at Law
Suite 1500
2525 West End Avenue
Nashville, TN 37203

R.H. Bradshaw, Jr.
Probate Master

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 SEVENTH Circuit Court for Davidson County, Tennessee, on the 27 day of AUGUST , 2004 , in the Case Number 02P1928 between AMSOUTH BANK ET.AL Petitioner, and HARWELL, ROBERT E. (TUW) ET.AL Respondent, as same remains of record in Vol. 5687 , Page 1623991 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 02 day of SEPTEMBER in the year two thousand four and in the 228th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

