492212

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

CUMBERLAND TRUST & INVESTMENT COMPANY, AGENT AND TRUSTEE, and LINDA DONOHO, as SPECIAL TRUSTEE, of the WILLIAM J. DONOHO, JR. TRUST DATED JUNE 20, 2002, and as Executrix of the ESTATE OF WILLIAM J. DONOHO, JR.

Plaintiffs,

v.

DON WARE and wife LYNN WARE, JAMES BLACKWOOD, MILDRED DONOHO, KENNETTE SWEENEY, P M TRUCK SERVICE, INC., P-M TRUCK SERVICE, INC., and ALL OTHER PERSONS, UNKNOWN, claiming any right, title and interest in and to the real property described in paragraph 3 of this Complaint,

Defendants.

FILED
2005 MAY 12 PM 1:33
DAVIDSON CO. CHANCERY CT.

FO-7

No. 04-343041

TT

Davidson County ORDER
Recvd: 05/23/05 10:55 4 pgs
Fees:22.00 Taxes:0.00
20050523-0057643

ORDER TO QUIET TITLE

This cause came to be heard on the12th day of May, 2005 before the Honorable Carol McCoy, Chancellor, upon the Complaint of Cumberland Trust & Investment Company, Agent and Trustee of the William J. Donoho, Jr. Trust Dated June 20, 2002, and Linda Donoho, as Special Trustee of the William J. Donoho, Jr. Trust Dated June 20, 2002, and as Executrix of the Estate of William J. Donoho, Jr. to quiet title to certain real estate located in Davidson County, Tennessee, at 895 Elm Hill Pike, Nashville, Tennessee, more particularly described as follows, (and hereinafter referred to in this Order as the "Property"):

Land in Davidson County, Tennessee, being Lot No. 2 on the Plan of Revised Section Two, Murfreesboro Road Inn Property, recorded in Book 6200, Page 448 of the Register's Office for Davidson County, Tennessee.
Beginning at an old iron rod in the southerly margin of Elm Hill Pike, approximately 230 feet west of its intersection with P'Poole Avenue, said rod being the northeast corner of the Chilton Enterprises, Inc. property as recorded in Book 4120, Page 5, Register's Office for Davidson County, Tennessee.
Thence along said margin S 87 degrees - 02' - 15" E - 41.98 feet to a new iron rod;
Thence leaving said margin and along the southwesterly margin of Reserve Parcel "A", P'Poole Heights, Section 1 S 42 degrees - 29' - 01" E - 207.30 feet to a new iron rod, being the northwest corner of the Third National Bank property as recorded in Book 4350, Page 115, Register's Office of Davidson County, Tennessee;
Thence along said Bank's property line S 44 degrees - 02' - 00" E - 87.83 feet, to a new iron rod;
Thence S 02 degrees - 25' - 00" W 309.41 feet to a new iron rod;
Thence N 71 degrees - 57' - 00" W - 57.16 feet to a new iron rod;
Thence leaving said Bank's line and with the easterly line of the Murfreesboro Road Inn Property, Lot 1 as recorded in Book 4955, Page 70, Register's Office of Davidson County, Tennessee, N 21 degrees - 24' - 14" E - 133.61 feet to an old iron rod;
Thence N 68 degrees - 34' - 32" W - 228.75 feet to an old iron rod;
Thence N 03 degrees - 35' - 50" W - 9.43 feet to an old iron rod on the southerly margin of the easterly terminus of an 18 foot alley;
Thence leaving said Inn property, N 02 degrees - 07' - 03" W - 18.35 feet to an old iron rod, being the northwest corner of said alley and the southwest corner of the aforementioned Chilton property;
Thence along Chilton's westerly line N 02 degrees - 07' 03" W - 274.10 feet to the point of beginning.
This is improved property known as 895 Elm Hill Pike, Nashville, TN.

Upon the statements of counsel in open court, the pleadings and the entire record in this cause, the court hereby finds as follows.

It appearing that all defendants having been served by personal service of process or by proper notice by publication; and,

It further appearing that none of the Defendants having denied that the true and lawful owner of said Property is Linda Donoho, as Special Trustee of the William J. Donoho, Jr. Living Trust Dated June 20, 2002; and,

It further appearing, the Plaintiffs should be awarded the relief requested;

It is, therefore, ORDERED, ADJUDGED AND DECREED by the court that:

1. That the Defendants and all persons claiming under any of them, or any combination of them, or their successors, heirs and assigns, be forever barred from asserting any and all claims to an estate or interest in the Property described in this Order; and,

2. That Plaintiff Linda Donoho, as Special Trustee of the William J. Donoho, Jr. Trust Dated June 20, 2002, is declared to be the sole and lawful owner of the Property and is vested with absolute and unencumbered clear title in fee simple to the Property; and,

3. That the sole and complete right to possession of the Property described in this Order be awarded to the Plaintiff Linda Donoho, as Special Trustee of the William J. Donoho, Jr. Trust Dated June 20, 2002 and that the Plaintiff shall have the sole right to possess, lease and sell said Property by Warranty Deed or otherwise as owner in fee simple.

4. That the costs of this cause are hereby assessed against the Plaintiff.

Entered this the ____ day of _____, 2005.

Carol L. McCoy

Hon. Carol McCoy, Chancellor

APPROVED FOR ENTRY:

Lesa H. Skoney

LESA H. SKONEY (#12983)
Tune, Entrekin & White
17TH Floor, First American Center
Nashville, TN 37238
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Attorneys for Plaintiff

I HEREBY CERTIFY THAT THIS IS A TRUE COPY
OF ORIGINAL INSTRUMENT FILED IN MY OFFICE
THIS 23 DAY OF MAY
CRISTI SCOTT, CLERK & MASTER
BY Linda Bailey
DEPUTY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order has been mailed by first class mail, postage prepaid to the following parties:

Runcie Clements
Michelle Diamond
Cumberland Trust & Investment Co.
104 Woodmont Blvd.
Nashville, TN 37205

Linda H. Donoho
23 Seahorse Lane
Vero Beach, FL 32960

Don H. Ware
Lynn Ware
100 Cypress Point
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Raymond Throckmorton III
Attorney for James Blackwood
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H. Mark Hartzog
Attorney for Mildred Donoho and Kennette Sweeney
Hartzog & Silva, PLC
Fifth Avenue North and Fair Street
P.O. Box 664
Franklin, TN 36065-0664

P M Truck Service, Inc.
895 Elm Hill Pike
Nashville, TN 37210

this 12th day of May, 2005.

Lesa H. Skoney