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

RICHARD R. ROOKER, C

JOHN FRANK HEATH, III and ALICE JOYCE HEATH GOAD, Administrators and Petitioners,	)	
VS.	)	**Rule No. 03P-881**
JOAN MARIE HEATH GARDNER, SHELIA DIANE HEATH EARLS, LINDA FAYE HEATH WOODRUFF, GERALD LEE HEATH, JR., SHARON LYNN MARTIN, CHRISTOPHER MICHAEL HEATH, LEIGH ANN HEATH SKINNER and BRENDA KAY HEATH,	)	
Defendants.	)	

Davidson County ORDER
Recvd: 07/27/05 11:46 6 pg:
Fees:32.00 Taxes:0.00
20050727-0087538

ORDER

This cause came on to be heard the 24th day of June 2005 before the **Honorable Randy Kennedy**, Judge of the Seventh Circuit Court for Davidson County, Tennessee upon the motion filed by the Administrators and Petitioners asking the Court to approve the sale of **99 Lyle Lane, Nashville, Tennessee**, the real property known as Tract A which is subject to this partition suit, testimony of witnesses, statement of counsel and upon the entire record.

From all of which the Court finds that all heirs at law of **Emma Lane Heath** and all persons having an interest in said property have been made parties to the lawsuit, either as petitioners or as defendants, and that the parties own the fee simple title to the hereinafter described property. Personal service of process has been had on all defendants including defendant, **Brenda Kay Heath**, who was made a defendant and who waived personal service and agreed to be bound by all Court proceedings that had been previously entered by an order

entered August 15, 2003. An order of default was entered on June 25, 2003 against all defendants. The contract offered by the petitioners as Exhibit "A" to the motion appears by its terms and conditions to be fair and reasonable in light of the property appraisal, Exhibit "B," statement of a mortgage company, Exhibit "C" and the Metropolitan Assessor's appraisal, Exhibit "D" of the motion. Further, the Court finds that the Court should divest all right, title and interest in the hereinafter described real property out of the defendants and into the petitioners, for the specific and sole purpose, and no other, of facilitating the execution of the Warranty Deed and other closing documents by the petitioners.

It is therefore **ORDERED, ADJUDGED** and **DECREED** by the Court that the contract of sale, Exhibit "A" to the motion be and hereby is accepted and approved, that all right, title and interest in the hereinafter described real property be and hereby is divested out of the defendants, **Joan Marie Heath Gardner, Shelia Diane Heath Earls, Linda Faye Heath Woodruff, Gerald Lee Heath, Jr., Sharon Lynn Martin, Christopher Michael Heath, Leigh Ann Heath Skinner** and **Brenda Kay Heath** and into petitioners, **John Frank Heath, III** and **Alice Joyce Heath Goad** for the specific and sole purpose, and no other, to facilitate the execution of the Warranty Deed and other closing documents by the petitioners. The named Defendants and Petitioners are the owners in fee simple of the hereinafter described property. Upon execution of the Warranty Deed as set out on the contract Exhibit "A" any and all right, title and interest in the property known as 99 Lyle Lane, Nashville, Tennessee, and described herein be and hereby is divested out of the named defendants and petitioners and into the purchaser, **The Buddhist Temple, Inc.**

It is further **ORDERED** by the Court that the parties' interest in said real property herein described is as follows, to wit:

John Frank Heath, III as one-seventh; **Alice Joyce Heath Goad** as one-seventh; **Joan Marie Heath Gardner** as one-seventh; **Shelia Diane Heath Earls** as one-seventh; **Linda Faye Heath Woodruff** as one-seventh; **Brenda Faye Heath** as one-seventh; **Gerald Lee Heath, Jr.** as one twenty-eighth; **Sharon Lynn Martin** as one twenty-eighth; **Christopher Michael Heath** as one twenty-eighth; **Leigh Ann Heath Skinner** as one twenty-eighth.

It is further **ORDERED** that upon the completion of the sale, upon the terms of the approved contract, Exhibit "A" to the motion filed June 3, 2005 the Court hereby in all respects confirms the sale.

It is further **ORDERED** that the net sales proceeds be placed in the Attorney Trust Account of Collins, Hedgepath, Lee & Young and no further accounting shall be made to the Court as the petitioners' attorney is authorized to pay all costs and disburse the funds.

The property is described to wit:

TRACT A:

LAND in the 6th Civil District of Davidson County, Tennessee, being a 3.21, more or less, acre tract according to a survey dated September 19, 1973, by Petty & Petty, and described as follows:

BEGINNING at an iron pin in the southerly margin of Lyle Lane, said beginning point being a corner to the Lyle Lane Church of Christ, of record in Book 4311, Page 579, said Register's Office; thence South 8 degrees 37 minutes West 246 feet to a pin; thence continuing with the westerly line of the Lyle Lane Church of Christ South 6 degrees 20 minutes West 587 feet to an iron pin; thence North 84 degrees 25 minutes West 183 feet to an iron pin; thence North 62 degrees 52 minutes West 67 feet to an iron pin; thence North 15 degrees 28 minutes East 602 feet to an iron pin; thence South 72 degrees 33 minutes East 57 feet to an iron pin; thence North 15 degrees 25 minutes East 236 feet to an iron pin in the southerly margin of Lyle Lane; thence with the southerly margin of same, South 78 degrees 30 minutes East 67 feet to the point of beginning.

BEING the same property conveyed to Tom G. Coleman, Jr., Trustee, with full power to sell, mortgage, transfer or otherwise convey without the joinder or disclosure of any beneficiaries, by deed from Louise Sanders Heath, a one-half undivided interest and George A. Heath, William Douglas Heath, Lucien C.

Heath and Frank Heath, Jr., a one-eighth undivided interest each, of record in Book 4959, Page 698, Register's Office for Davidson County, Tennessee and to Harry McNutt, Trustee by Quitclaim Deed from Tom G. Coleman, Jr., Trustee and in the same Quitclaim Deed instrument to Frank Heath, Jr. and wife, Emma Lane Heath, by Harry McNutt, Trustee, of record in Book 4960, Page 67, Register's Office for Davidson County, Tennessee, Frank Heath, Jr. having predeceased Emma Lane Heath, who is now deceased.

This is improved property knows as **99 Lyle Lane, Nashville, Tennessee**, Map 106-14, Parcel 124, 6DA-8560.

ENTERED this 24 day of June 2005.

JUDGE

Approved for Entry:

COLLINS, HEDGEPATH, LEE & YOUNG

Richard R. Hedgepath, Sr. BPR #2304
Attorney for Petitioner
4800 Charlotte Ave.
Nashville, TN 37209
(615) 269-3454

Certificate of Service

As evidenced by my signature below, I certify that a true and exact copy of the foregoing document has been hand-delivered or forwarded by United States Mail, first class, with sufficient postage, on this the 24th day of June 2005 to the following:

John Frank Heath, III
7436 River Road Pike
Nashville, TN 37209

Alice Joyce Heath Goad
99 Lyle Lane
Nashville, TN 37210

Joan Marie Heath Gardner
397 Village Green Dr.
Nashville, TN 37217

Shelia Diane Heath Earls
c/o Carla Dile
1003 Madden Ct.
Fairview, TN 37062

Linda Faye Heath Woodruff
Rt. #2, Box 2378
West Port, NY 12993

Gerald Lee Heath, Jr.
7221 Indian Creek Rd.
Nashville, TN 37209

Sharon Lynn Martin
7165 Anderson Rd.
Fairview, TN 37062

Christopher Michael Heath
716 Mason Tucker Dr.
Smyrna, TN 37167

Leigh Ann Heath Skinner
7165 Anderson Rd.
Fairview, TN 37062

Ms. Dotri Shaw-Hargrove
501 Haylong Ave.
Mt. Pleasant, TN 38474

Richard Hedgepath, Sr.

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 24 day of JUNE , 2005 , in the Case Number 03P881 between HEATH III, JOHN FRANK ET.AL Petitioner, and EARLS, SHELIA DIANE ET.AL Respondent, as same remains of record in Vol. 5845 , Page 1946220 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 15 day of JULY in the year two thousand five and in the 229th year of American Independence.

RICHARD R. ROOKER, Clerk

By _____ Deputy Clerk

SEAL

RICHARD R. ROOKER CIRCUIT COURT CLERK