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

2005 JUN 30 AM 10:41

IN THE MATTER OF:)
)
VERNITA BUCHANAN STARSTINE,) Docket No: 05P-466

D.C.

Respondent.

Davidson County ORDER
Recvd: 07/28/05 12:10 6 pgs
Fees:32.00 Taxes:0.00
20050728-0088321

ORDER AUTHORIZING RICHARD WAYNE RICHARDSON TO ACQUIRE TITLE TO PROPERTY LOCATED AT 458 EWING DRIVE, NASHVILLE, TENNESSEE

This cause came on to be heard before the Honorable Randy Kennedy, Probate Judge, on the 30th day of June, 2005, upon the Petition of Richard Wayne Richardson to be authorized to acquire title to conservatorship property located at 458 Ewing Drive, Nashville, Tennessee, the testimony of the petitioner in open court, an appraisal of the property made by Brian L. Garcia on July 21, 2003, and the entire record in this conservatorship. From the foregoing, it appears to the Court as follows:

1. By order entered in this cause on April 7, 2005, the Petitioner, Richard Wayne Richardson, was appointed conservator of the person and property of the Respondent, Vernita Buchanan Starstine.

2. Vernita Buchanan Starstine has been diagnosed by her physicians as being in a persistent vegetative state, from which she is not expected to recover.

3. Conservatorship property includes a residence at 453 Ewing Drive, Nashville, Tennessee 37207. At the time of the respondent's illness, the home was

occupied by Vernita Buchanan Starstine, by her minor daughter, Khalea Michelle Buchanan, by her brother, Richard Wayne Richardson, and by their mother, Ollie J. Richardson.

4. The home continues to be occupied by the Petitioner, his mother, and the minor child of the Respondent. In order to keep the mortgage payments from going into default and possible foreclosure, the Petitioner has made four monthly payments of $1,338.99 each for the months of March, April, May and June.

5. AMC Mortgage Company, Inc. holds a first and second mortgage on the property. A letter from the mortgage company dated 6/12/05 discloses that the mortgage balances owed as of 5/30/05 were $122,525.36 on the first mortgage and $3,008.49 on the second mortgage. The Petitioner has been advised that if he is permitted to acquire title to the property, using financing in his own name for which he has already qualified, the loan would be in an amount sufficient to discharge the mortgage balances as of 5/30/05, plus $3,000.00 as a penalty for early discharge of the existing mortgages. In his efforts to protect the property, the Petitioner has exhausted his own funds and is in no position to make any additional payment if he is allowed to acquire title to the property.

6. The Petitioner has filed with the Court an appraisal on the property as of 7/21/03 indicating a market value of $135,000.00. For tax purposes, the re-appraisal of the property made in 2005 is in the amount of $132,200.00.

7. In the event the Petitioner should be permitted to acquire title to the property, he has committed himself to maintain the property as a home not only for himself but for the minor daughter of the Respondent and for the mother of the Petitioner and Respondent.

8. Notice of this proceeding has been furnished to Merrilyn Feirman, P. O. Box 150793, Nashville, TN 37215, in her capacity as the Guardian Ad Litem for Khalea Michelle Buchanan in the Juvenile Court, who has filed no objection to the relief being sought by the Petitioner.

The Court is of the opinion that it would be in the best interests of the conservatorship and of the minor daughter of the Respondent for the Petitioner to be permitted to acquire title to the property in his individual name, with the outstanding mortgage balances presently owed upon the property being discharged as an obligation of the conservatorship. It appears to the Court that the Petitioner will be able to make the monthly payments upon the new mortgage in his name and will be able to preserve the property as a home for himself, for the minor daughter of the Respondent, and for the mother of the Petitioner and the Respondent.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The petition of Richard Wayne Richardson to be permitted to acquire title to the property at 458 Ewing Drive, Nashville, Tennessee, is hereby granted.

2. The Petitioner, Richard Wayne Richardson, is hereby authorized to execute a Warranty Deed as conservator to himself individually, provided the existing mortgage debts owed by the Respondent are discharged in order that they may no longer be an obligation of the conservatorship.

3. For the reasonable care and protection of Khalea Michelle Buchanan, the minor daughter of the Respondent, Vernita Buchanan Starstine, the Petitioner, Richard Wayne Richardson, shall be obligated to maintain the property at 458 Ewing Drive, Nashville, TN 37207 and to provide a proper home for Khalea Michelle Buchanan until she attains legal age.

Entered this ___ day of June, 2005.

RANDY KENNEDY, JUDGE

APPROVED FOR ENTRY:

/George H. Cate, Jr.

GEORGE H. CATE, JR., No: 2775
95 White Bridge Road
Suite 503, Cavalier Building
Nashville, TN 37205
(615) 352-8677
(615) 352-8617 (Fax)
Attorney for the Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order was mailed, postage prepaid, on this 30th day of June, 2005 to:

Merrilyn Feirman
Guardian Ad Litem for Khalea Michelle Buchanan
P. O. Box 150793
Nashville, TN 37215

George H. Cate, Jr.
George H. Cate, Jr.

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 30 day of JUNE , 2005 , in the Case Number 05P466 between RICHARDSON, RICHARD WAYNE Petitioner, and STARSTINE, VERNITA BUCHANAN Respondent, as same remains of record in Vol. 5848 , Page 1952209 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 18 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

