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

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JUL 19 2005
Dav. Co. Chancery Court

CITIFINANCIAL MORTGAGE COMPANY, INC.,

Plaintiff

v.

F04D
Case No. 04-1371-III

FILED
2005 JUL 25 PM 3:56
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.

GRAY LOUIS MYERS;
JANE FAYE MYERS;
ERNEST B. WILLIAMS, IV, as Trustee;
FLYNN TITLE, INC., as Trustee;
THE CIT GROUP/CONSUMER FINANCE, INC.; and
GEORGE D. MITCHELL,

Defendants

Davidson County ORDER
Recvd: 01/23/06 10:13 3 pg
Fees:17.00 Taxes:0.00
20060123-0008206

ORDER FOR DEFAULT JUDGMENT AGAINST DEFENDANTS GRAY L. MYERS, JANE F. MYERS, ERNEST B. WILLIAMS IV, GEORGE D. MITCHELL AND CIT GROUP/CONSUMER FINANCE

This cause of action having been submitted to the Court upon the Motion for Default Judgment on behalf of the Plaintiff CitiFinancial Mortgage Company, Inc., against Defendants Gray L. Myers, Jane F. Myers, Ernest B. Williams IV, as Trustee, George D. Mitchell and The CIT Group/Consumer Finance. Upon review of the record, the Order for Publication indicating proper service for the time and in the manner required by law, this Court finds that:

1. The above named Defendants could not be served with the ordinary process of law, therefore a copy of the order for publication was published in the *Nashville Record* for four consecutive weeks, the last publication date being April, 28, 2005.

2. The Defendants have failed to plead or otherwise respond as required by the Tennessee Rules of Civil Procedure.

3. The above named Defendants failed to appear and defend, and the Plaintiff's Motion for Default Judgment is well taken and proper and therefore granted.

IT IS THEREFORE ORDERED AND ADJUDGED that the CitiFinancial Deed of Trust be reformed to contain the proper legal description; to wit:

> Land in Davidson County, Tennessee, being Lot No. 15 on the Plan of Corinne Place Resubdivision, as of record in Book 3700, Page 43, in the Register's Office for Davidson County, Tennessee.
>
> Said Lot No. 15 fronts 50 feet on the Westerly side of Dunn Avenue and extends back 157.74 feet on the Northerly line and 167.27 feet on the Southerly line, to be Easterly right of way of the Tennessee Central Railroad measuring 50.89 feet thereon.
>
> Also known as: 2206 Dunn Avenue, Nashville, Tennessee 37211.

IT IS FURTHER ORDERED, that the CitiFinancial Deed of Trust be declared fully enforceable as if the deed had been originally recorded with the legal description contained therein; that the CitiFinancial Deed of Trust be declared to constitute a lien upon the property superior and paramount to the interest of Defendants Myers, Williams, Flynn Title, Inc. The CIT Group/Consumer Finance and George D. Mitchell.; that the CIT Group Deed of Trust be declared satisfied and paid in full and that any and all interest in the property be extinguished and that the property in unencumbered thereby; that the Mitchell Deed of Trust be declared satisfied and paid in full and that any and all interest in the property be extinguished and that the property in unencumbered thereby; that the Defendants be required to pay attorney's fees and costs, for all of which execution may issue.

ENTERED this _____ day of _____ 2005.

Ellen Hobbs Lyle
CHANCELLOR

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 7th DAY OF Jan 20 06
CRISTI SCOTT, CLERK & MASTER
BY _____ DEPUTY

APPROVED FOR ENTRY:

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 18 day of June 2005, a true and correct copy of the foregoing was sent by U.S. Mail, postage pre-paid, to Gray L. Myers & Joan F. Myers, at their last known address at 2206 Dunn Avenue, Nashville, TN 37211; George D. Mitchell at his last known address at 700 18th Avenue, Nashville, TN 37203; Ernest B. Williams IV at his last known address at 401 Church Street, Suite 2021, Nashville, TN 37219; Michael Radford, *Attorney for Flynn Title, Inc.*, Flynn & Radford PC, Seven Springs I, Suite 150, 320 Seven Springs Way, Brentwood, TN 37027; and to Peggy Mehr, CIT Group, Inc., Specialty Finance, 1 CIT Drive, Livingston, NJ 07039.

Jason Mangrum