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APR 10 2006

Dav. Co. Chancery Court

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

ARLENE FELTS,	)	
	)	
Plaintiff,	)	F8-4
	)	
v.	)	**CASE NO. 06-345 -II**
	)	7T
MARIE FRIEDBERG,	)	
	)	
Defendant.	)	

FILED
2006 APR 13 PM 2:00
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.
D.C.M.

Davidson County ORDER
Recvd: 04/21/06 08:05 5 pgs
Fees:27.00 Taxes:0.00
20060421-0045680

DEFAULT JUDGMENT

This cause came to be heard on the 7th day of April, 2006, before this Honorable Court, upon Plaintiff's Motion for Default Judgment. It appearing to the Court from the record, statements of counsel for the Plaintiff, affidavits submitted by the Plaintiff and the record as a whole that the Defendant was duly served with a copy of the Complaint in this cause on the 13h day of February, 2006 and a copy of the Motion for Default was mailed to Defendant on the 22nd day of March, 2006 and that she failed to plead, appear, or otherwise defend, and that the relief sought by Plaintiff shall be ordered.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT, the deed Defendant executed and delivered to Plaintiff on June 30, 1972, of record in Deed Book 4615 at page 563 in the Register's Office for Davidson County is so written as to convey a parcel of real property whose description is as follows:

> **Land in the 13th Civil District of Davidson County, Tennessee, described according to a copy of a survey made by Ralph W.C. Lambert, Surveyor, dated February 19, 1955 as follows:**
>
> **Beginning at an iron spike in the center of Bull Run Road, said iron spike being the southwest corner of the premises conveyed**

to Sadie Gallaher and husband, by deed from C. A. Roberts and wife, of record in Book 2333, page 166, Register's Office for said County; thence north 53° east, 300 feet to a sugar tree; thence north 23° east, 265 feet to a persimmon tree; thence north 10° 30' east, 716 feet to a poplar tree, thence south 87° east, 639 feet to a concrete monument; thence south with the Old Allen Simpkins line, 935 feet to an iron pin; thence north 81° west 300 feet to an iron pin; thence north 83° 35' west 442 feet to an iron pin and sassafras tree; thence south 20° 35' west, 210 feet to an iron pin and walnut tree; thence south 49° 35' west, 300 feet to an iron pin in the center of Bull Run Road; thence north 34° 45' west, 70 feet to the point of beginning, containing 15 acres, more or less.

Included in the above description but excluded therefrom is a tract of land containing 4.05 acres, more or less, conveyed to Sam Friedberg and Marie Friedberg by deed from Clyde R. Elliott of Record in Book 3905, page 594, Register's Office for Davidson County. Tenn.

Being the same property conveyed to Sam Friedberg and wife, Marie Friedberg by deed from Attorneys Title Company, Inc. as of record in Book 4294, page 32, Register's Office for Davidson County, Tennessee.

IT IS FURTHER, ORDERED, ADJUDGED AND DECREED THAT, the deed contained a scrivener's error and that the deed shall be reformed to include the conveyance to Plaintiff of a 4.05 acre tract of real property which was excluded in the deed of Record in Book 4615, page 563, in the Register's Office for Davidson County, Tennessee whose description is a follows:

Being in the 13th Civil District of said County and being described according to a survey by John B. Spaudling, Engineer, dated June 10, 1965 as follows:

Beginning at an iron spike in the center of Bull Run Road bearing South 34° 45' East 50 feet from the southwest corner of the original tract conveyed to the grantor herein by deed of record in Book 3531, page 525 and Book 3677, page 109, Register's Office for said County; thence leaving said Road the following calls and distances: North 54° 30' East 184.0 feet, North 44° 12' East 80.0 feet, North 21° 44' East 85.0 feet, North 27° 40'East 151.0 feet, North 29° 50' East 100.0 feet, North 26° 10'East 400.0 feet, North 40° 00'East 100.0 feet, North 64° 40'

East 538.0 feet to a concrete monument; thence with an existing fence line North 87° 00' West 639.0 feet to a poplar tree; thence continuing with a fence line South 10° 30'West 716 feet; thence South 23° 00' West 265 feet to a 30" sugar maple tree; thence South 53° 00' West 300 feet to a point in the center of Bull Run Road; thence with the center line of said Road South 34° 45' East 50 feet to the point of the beginning, containing 4.05 acres, more or less.

Being the same property conveyed to Sam Freidberg and Wife by deed from Clyde R. Elliott of Record in Book 3905, page 594, said Register's Office.

Being part of the same property conveyed to Clyde R. Elliott and Roy E. Perry, Jr, by deed from Michael J. Lugrich and wife, Lelia E. Lugrich, of record in Book 3531, page 525, said Register's Office and the said Roy E. Perry, Jr. having since conveyed his interest in said lands to Clyde R. Elliott by deed of record in Book, 3677, page 109, said Register's Office.

IT IS FURTHER, ORDERED, ADJUDGED AND DECREED THAT, the following words are removed from the deed of Record in Book 4615, page 563, in the Register's Office for Davidson County:

Included in the above description but excluded therefrom is a tract of land containing 4.05 acres, more or less, conveyed to Sam Friedberg and Marie Friedberg by deed from Clyde R. Elliott of Record in Book 3905, page 594, Register's Office for Davidson County. Tenn.

IT IS FURTHER, ORDERED, ADJUDGED AND DECREED THAT, Plaintiff has paid the Metropolitan Government of Nashville and Davidson County, Tennessee real property taxes on the 4.05 acres for a period of more than twenty years and has held a legal and equitable interest in the real property and has continuously, exclusively, openly, notoriously and adversely possessed the real property and that pursuant to Tenn. Code Ann. §28-2-109, she is the lawful owner of said property and shall be awarded sole and complete possession of said property whose description is as follows:

Being in the 13th Civil District of said County and being described according to a survey by John B. Spaudling, Engineer, dated June 10, 1965 as follows:

Beginning at an iron spike in the center of Bull Run Road bearing South 34° 45' East 50 feet from the southwest corner of the original tract conveyed to the grantor herein by deed of record in Book 3531, page 525 and Book 3677, page 109, Register's Office for said County; thence leaving said Road the following calls and distances: North 54° 30' East 184.0 feet, North 44° 12' East 80.0 feet, North 21° 44' East 85.0 feet, North 27° 40'East 151.0 feet, North 29° 50' East 100.0 feet, North 26° 10'East 400.0 feet, North 40° 00'East 100.0 feet, North 64° 40' East 538.0 feet to a concrete monument; thence with an existing fence line North 87° 00' West 639.0 feet to a poplar tree; thence continuing with a fence line South 10° 30'West 716 feet; thence South 23° 00' West 265 feet to a 30" sugar maple tree; thence South 53° 00' West 300 feet to a point in the center of Bull Run Road; thence with the center line of said Road South 34° 45' East 50 feet to the point of the beginning, containing 4.05 acres, more or less.

Being the same property conveyed to Sam Freidberg and Wife by deed from Clyde R. Elliott of Record in Book 3905, page 594, said Register's Office.

Being part of the same property conveyed to Clyde R. Elliott and Roy E. Perry, Jr. by deed from Michael J. Lugrich and wife, Lelia E. Lugrich, of record in Book 3531, page 525, said Register's Office and the said Roy E. Perry, Jr. having since conveyed his interest in said lands to Clyde R. Elliott by deed of record in Book, 3677, page 109, said Register's Office.

IT IS FINALLY, ORDERED, ADJUDGED AND DECREED THAT, the court costs shall be taxed to Plaintiff for which execution may issue.

APPROVED FOR ENTRY:

SOBEL, POSS, MOORE & SMITH. PLLC

A. Michelle Poss

A. Michelle Poss #19547
Attorney for Plaintiff
501 Great Circle Rd, St.220
P.O. Box 280927
Nashville, TN 37228
(615) 242-4477

ENTERED THIS _____ day of _____:2006

Carol L. McCoy
Chancellor

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was forwarded, via U.S. Mail, postage prepaid, to Ms. Marie Friedberg, Defendant, 5072 Bull Run Road, Ashland City, Tennessee 37015 on this the 10th day of April, 2006.

A. Michelle Poss
A. Michelle Poss

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 10 DAY OF April, 2006
CRISTI SCOTT, CLERK & MASTER
BY _____ DEPUTY