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Dav. Co. Chancery Court

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

Bookkeeping

DR. MARCEL ELUHU and SHIRLEY HARDY COLE, EXECUTRIX FOR THE ESTATE OF DR. ROBERT E. HARDY	)	
Plaintiffs,	)	AF
	)	**No. 02-255-I**
v.	)	
ANTHONY J. CEBRUN,	)	
Defendant.	)	

Davidson County ROS
Recvd: 03/07/07 14:25 5 pgs
Fees:28.00 Taxes:37.00
20070307-0028285

FILED
2007 MAR -5 PM 1:06
CLERK & MASTER
CHANCERY CT.
DC&M

amended **ORDER CONFIRMING SALE**

This cause came on to be heard before the Honorable Claudia C. Bonnyman, at the regularly scheduled motion docket for Part I of the Chancery Court for Davidson County, Tennessee on February 23, 2007 upon Plaintiffs' Motion to Confirm Sale by Clerk & Master. The Report of the Sale by the Clerk and Master ["the Report"] is as follows:

> An order was entered in this case on July 17, 2006 directing the Clerk and Master to sell the following described property:
>
> > Land in Davidson County, Tennessee being Lot No. 13 and the westerly 1/2 of Lot No. 15 on the map of Kinnaird and Bransford Subdivision of record in Book 57, Page 156, Register's Office, Davidson County, Tennessee, according to a survey by John Kohl, dated July 5, 1985, as follows:
> >
> > Said Lot No. 13 and the westerly 1/2 of Lot No. 15, together front 75 feet on the northerly side of Russell Street, and run back between parallel lines 170 feet to an alley.
> >
> > Being the same property conveyed to Anthony Jerome Cebrun by warranty deed from John F. Provost, Jr. And Terri R. Provost, of record in Book 7457, Page 317, Register's Office for Davidson County, Tennessee.

OK
CD

This is improved property known as 813 Russell Street in Nashville, Tennessee 37206.

TERMS OF SALE:

To be sold to the highest and best bidder on a credit of not less than six months nor more than two years, taking from the purchaser notes for the purchase money drawing interest from the date of sale and retaining a lien on the land as further security for the purchase money. The real property shall be sold on the credit aforesaid in bar of all right of redemption. When said sale is made on the credit aforesaid and confirmed by the Court, no right of redemption or repurchase shall exist in the defendant, in any of his creditors, or in the intervenor, Kara M. Cebrun. The title of the purchaser shall be absolute, subject only to prior mortgages and liens. The deed conveying the property to the purchaser shall recite that the conveyance is made subject to prior mortgages. If the property is sold to the plaintiffs pursuant to credit bids on their judgment the deed shall recite that it is also subject to the attorney's lien of Winston S. Evans. The amount of Mr. Evans' lien shall be determined at the hearing confirming the sale.

I respectfully report that I advertised for the required time in the Nashville Record, a newspaper published in Nashville, stating that at 501 Broadway in Nashville, Tennessee at 12:00 o'clock noon, on Thursday, February 1, 2007, I would sell the above described property upon the stated terms. I held the sale as ordered and the property was sold to DR. MARCEL ELUHU AND SHIRLEY HARDY COLE, CO-EXECUTRIX FOR THE ESTATE OF DR. ROBERT HARDY AS TENANTS IN COMMON for $10,000.00. The purchaser, being the beneficiary of the sale, was required to pay costs only, which has been done.

Respectfully Submitted,

CRISTI SCOTT, Clerk and Master

By: Christy Daniel
Deputy Clerk and Master

No objection or exception to the Motion or the Report was filed. Upon consideration of the Motion, the entire record, the Report, and the fact that no objection to the Report or the Motion was filed, the Court finds that the Motion is well taken and should be granted.

Therefore, the sale, as reported by the Clerk & Master, is approved and confirmed in all respects.

It is ordered adjudged and decreed, by the Court that all right, title and interest of the Defendant, Tony Cebrun ["Cebrun"] and any interest of Kara Mackey Cebrun ["Ms. Cebrun"] in and to said property be divested out of them and each of them, and be vested in the purchasers, Dr. Marcel Eluhu and Shirley Hardy Cole, Co-Executrix for the Estate of Dr. Robert Hardy as tenants-in-common, in fee simple forever; provided however that their interest and ownership is subject to the lien of Winston S. Evans and Evans, Jones & Reynolds, P.C. for attorney's fees. The amount of that lien shall be $58,391.05.

It is further ordered that, upon request by the purchasers, a proper and legal conveyance of all the property so sold be executed and delivered by the Clerk & Master to the purchasers to whom the same was sold and who are the Plaintiffs in this case; provided however, the conveyance shall be made subject to the lien of Winston S. Evans and Evans, Jones & Reynolds, P.C. for attorney's fees in the amount of $58,391.05. Inasmuch as there is no stay of the judgment, the conveyance shall be delivered forthwith and without waiting the customary 30 days.

On application of Dr. Marcel Eluhu and Shirley Hardy Cole, Co-Executrix for the Estate of Dr. Robert Hardy as tenants-in-common, a writ of possession will be issued to put them into the possession of said property.

IT IS SO ORDERED.

Claudia C. Bonnyman, Chancellor

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 5 DAY OF March 2007
CRISTI SCOTT, CLERK & MASTER
BY _____ D.C. DEPUTY

Approved for Entry:

Winston S. Evans (#6281)
EVANS, JONES & REYNOLDS, P.C.
1810 One Nashville Place
150 Fourth Avenue North
Nashville, TN 37219-2424
(615) 259-4685

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **ORDER CONFIRMING SALE** has been served via **Facsimile Transmission, Confirmation by U.S. Mail** upon:

Stephanie Williams, Esq.
MANSON, JONES & ASSOCIATES
2280 Metrocenter Blvd., Suite 300
Nashville, TN 37228

and via **Electronic Mail, confirmation by Hand-Delivery** upon:

Anthony Cebrun
813 Russell St.
Nashville, TN 37203
E-Mail: ajcadams@iafrica.com

this 1 day of March, 2007.

Winston S. Evans

347700.003.ls

Tax Bills
Marcel Eluhu
150 4th Av N
Suite 1810
Nashville TN 37219

STATE OF TENNESSEE
COUNTY OF DAVIDSON

The actual consideration or true value, whichever is greater for this transfer is $ 10,000.00 .

Affiant

Subscribed and sworn to before me, this the 7th Day of March 2007

Notary

My Commission Expires: 9-25-2010

LISA V. SPIESS
STATE OF TENNESSEE
NOTARY PUBLIC
DAVIDSON COUNTY