This Instrument prepared by:
Weiss & Weiss, Attorneys at Law
761 Old Hickory Boulevard, Suite 301
Brentwood, Tennessee 37027

Davidson County AFFIDAVIT
Recvd: 04/05/07 09:56 12 pgs
Fees:62.00 Taxes:0.00
20070405-0040783

# AFFIDAVIT IN FURTHERANCE OF TITLE

This Affidavit is being given of the 4th day of April, 2007, for the purposes of clarifying the vesting of title to certain real property located at 204 Cliffdale Road, Nashville, Tennessee 37214 (hereinafter "Subject Property").

Comes now Scott D. Weiss, who having first been duly sworn according to law, deposes and says:

1. I am a citizen of and licensed to practice law in the State of Tennessee.

2. The Subject Property was originally granted to Robert C. Duteau et ux Barbara W. Duteau by Deed from James H. Beale et ux Marie B. Beale, of record in Book 5109, Page 785, Register's Office for Davidson County, Tennessee; and

3. The said Robert C. Duteau was subsequently divested of all of his right, title and interest in and to the Subject Property by Final Decree of Absolute Divorce filed in the Fourth Circuit Court for Davidson County, Tennessee as Case No. 81D-3032, said Final Decree of Absolute Divorce being attached as Exhibit "A"; and

4. The said Barbara W. Duteau was subsequently re-married to Fred Sloan, Jr., and assumed the name Barbara W. Sloan; and

5. The said Barbara W. Sloan having since died, her Last Will and Testament being offered to Probate by Petition to Probate dated August 22, 2003, and filed in the Seventh Circuit Court for Davidson County, Tennessee as Case No. 03P-1369; and

6. An Agreed Order to Probate the said Estate of Barbara W. Sloan was entered on May 27, 2004. Said Agreed Order grants a Life Estate in and to the Subject Property to the said Fred Sloan, Jr., said Order being attached hereto as Exhibit "B." As of the date first written above, the said Fred Sloan, Jr., continues to reside at the Subject Property.

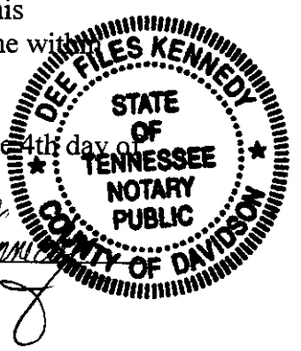
**FURTHER AFFIANT SAITH NOT.**

SCOTT D. WEISS

**STATE OF TENNESSEE )**
**COUNTY OF DAVIDSON )**

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named, Scott D. Weiss, the bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who did say upon oath that the facts recited in this Affidavit are all true to the best of his knowledge, information and belief and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Brentwood, Tennessee, on this the 4th day of April, 2007.




Notary Public

My Commission Expires: 01/03/2011

244/389

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
1982 JAN 20 AM 7:46
GEORGE L. ROONEY, CLERK
D.C.

| | | |
|---|---|---|
| BARBARA WILSON DUTEAU | ) | |
| | ) | |
| Plaintiff | ) | |
| | ) | |
| | ) | |
| VS. | ) | NO. 81D-3032 |
| | ) | |
| | ) | |
| ROBERT CHARLES DUTEAU | ) | |
| | ) | |
| Defendant | ) | |

FINAL DECREE OF ABSOLUTE DIVORCE

This cause came on to be heard on Tuesday, January 19, 1982, before the Honorable Benson Trimble, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the original and Amended Complaints filed by the Plaintiff, Barbara Wilson Duteau, for an Absolute Divorce and other relief from the Defendant, Robert Charles Duteau; the Plaintiff having been unsuccessful in her attempts to serve the Defendant with ordinary service of process, and constructive service of process having been obtained by newspaper publication in The Nashville Record on October 22, October 29, November 5, and November 12, 1981; and the Defendant having failed to make Answer or otherwise plead within the time allowed by law, and a default judgment having been taken against him; and upon testimony of the Plaintiff and her two witnesses in open Court, and the statements of her counsel, and the entire record in this cause, from all of which the Court finds that the Plaintiff has proven herself to be entitled to an Absolute Divorce from Defendant, on the grounds of desertion, and further that Plaintiff is entitled to be awarded all of Defendant's right, title and interest in and to the parties' house and lot known as 204 Cliffdale Road, Nashville, Tennessee 37214, and all of the household furnishings therein. It is, therefore,

ORDERED, ADJUDGED and DECREED that the Plaintiff, BARBARA WILSON DUTEAU, is awarded an Absolute Divorce from the Defendant, ROBERT CHARLES DUTEAU, on the grounds of desertion, and the bonds of matrimony heretofore existing between them are forever and perpetually dissolved. It is further

ORDERED, ADJUDGED and DECREED that all of Defendant ROBERT CHARLES DUTEAU'S right, title and interest in and to that real property known as 204 Cliffdale Road, Nashville, Tennessee 37214, more particularly described below, is divested from him, and awarded to the Plaintiff, BARBARA WILSON DUTEAU, subject to any indebtedness thereon:

> Being Lot No. 18 and part of an abandoned street adjoining same on the Revised Map of Cliffdale Subdivision, as of record in Book 974, Page 49, Register's Office for Davidson County, Tennessee, described according to survey by John Kohl, Surveyor, January 26, 1977, more described as follows:

Beginning at a point in the north margin of Crestwood Road and the West margin of Cliffdale Road; running thence northwestwardly, along the westerly maring of Cliffdale Road; 59.2 feet to a point; thence north 86 deg. west 196.5 feet to a point at the southwest corner of Lot No. 19; thence south 4 deg. 30' west 100 feet to a point at the northwest corner of Lot No. 17; thence south 86 deg. east 150 feet to a point at a turn in Crestwood Road; thence with same, north 61 deg. east 97.3 feet to the beginning.

BEING the same property conveyed to Robert C. Duteau and wife, Barbara W. Duteau, by Deed dated January 26, 1977, from James H. Beale and wife, Marie B. Beale, as of record in Book 5109, page 785, Register's Office for Davidson County, Tennessee.

It is further ORDERED, ADJUDGED and DECREED, that Plaintiff is hereby awarded sole right, title and interest in and to, all of the parties' household furnishings, free and clear from any claim by Defendant.

The costs of this cause are taxed against the Plaintiff, for which let execution issue if necessary.

ENTER this the 28 day of January, 1982.

BENSON TRIMBLE, Judge

APPROVED FOR ENTRY:

ROBINSON & GWIN, ATTORNEYS

BY: John T. Gwin
John T. Gwin
Attorney For Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the following Final Decree of Absolute Divorce has been sent by U.S. Mail, postage prepaid, to the last known address of the Defendant, that being Robert Charles Duteau, c/o Roberta Duteau, 6457 Fort Carolina Road, Apt. 126, Jacksonville, Florida 32211 this the 26 day of January, 1982.

John T. Gwin
John T. Gwin

**STATE OF TENNESSEE**

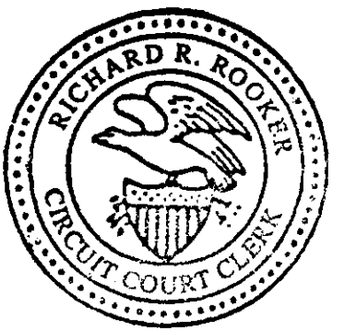
I, **RICHARD R. ROOKER,** Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the Order heretofore entered in the FOURTH Circuit Court for Davidson County, Tennessee, on the 28 day of JANUARY , 1982 , in the Case Number 81D3032 between DETEAU, BARBARA Plaintiff, and DETEAU, ROBERT Defendant, as same remains of record in Vol. 124A , Page 389 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 01 day of DECEMBER in the year two thousand three and in the 227th year of American Independence.

**RICHARD R. ROOKER,** Clerk,

By _____ Deputy Clerk

SEAL



FILED

2004 MAY 27 AM 7:51

RICHARD R. ROOKER, CLERK

D.C.

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

| | | |
|---|---|---|
| IN RE: | ) | |
| | ) | |
| ESTATE OF | ) | |
| BARBARA W. SLOAN, | ) | No. 03P1369 |
| | ) | NOTICE OF ENTRY REQUIRED. |
| Deceased. | ) | |

## AGREED ORDER TO PROBATE

~~This cause came on to be heard on the ____ day of _____, 2004, by the~~ IT APPEARING TO THE COURT THAT ALL INTERESTED PARTIES AND COUNSEL AS EVIDENCED BY THEIR SIGNATURES ARE IN ~~Honorable David R. Kennedy, Judge of the Seventh Circuit Court for Davidson County, Tennessee,~~ AGREEMENT WITH RESPECT TO ~~upon~~ the Petition of Fred Sloan, Jr. and the Answer and Counter-Petition filed by Kimberly H. Lawson. ~~It~~ & IT FURTHER appearing to the Court:

RLC

1. That a Petition to Probate the Will of Barbara W. Sloan was filed on or about August 22, 2003. Such Petition was filed by Fred Sloan, Jr., the surviving spouse of Barbara W. Sloan, deceased. It sought the appointment of Fred Sloan, Jr., as the Executor of the Will; and

2. That a dispute arose between Fred Sloan, Jr. ("Petitioner") and the children of the deceased. In their resolution of the dispute, the Petitioner, Kimberly H. Lawson ("Counter-Petitioner") and Counter-Petitioner's siblings, the remaining children of the deceased ("the Children") have agreed as evidenced by their signatures and those of counsel of record affixed hereto, that the Petition will be voluntarily dismissed and that Fred Sloan, Jr., will decline to serve as Executor in favor of Counter-Petitioner who was named in the writing sought to be admitted to probate as Alternate Executor, and that Petitioner will be granted a life estate in the improved property owned by the deceased known as 204 Cliffdale Road, Nashville, Tennessee 37214.

The Court finds and the parties further agree:

3. That Kimberly H. Lawson produced in Open Court a paper writing purporting to be the Last Will and Testament of Barbara W. Sloan, deceased, said paper writing bearing date of July 12, 2003, having the name of Barbara W. Sloan signed thereto as Testatrix, being subscribed by Judy A. Berrera, Barbara S. Porter, and Charles L. Shannon, Sr., as attesting witnesses.

4. That it appearing to the Court from testimony of the aforesaid witnesses taken upon affidavits as authorized by and in accordance with Tennessee Code Annotated §32-2-110, that each of the witnesses did subscribe his or her respective name as an attesting witness to the said paper writing, that the said paper writing was written during the lifetime of Barbara W. Sloan, deceased, and published, signed and subscribed by her in the presence of the attesting witnesses; that Barbara W. Sloan was then of sound mind, and that, at her request, said attesting witnesses signed said paper writing in her presence and in the presence of each other on July 12, 2003.

5. That the paper writing bears the true signature of Barbara W. Sloan; that her usual place of domicile and residence at the time of her death was Davidson County, Tennessee, and that she died in this county on July 19, 2003, at the age of seventy (70) years.

6. That the Will does not excuse the making and filing of an inventory or any accountings. However, the parties, including all residuary beneficiaries, have agreed that the filing of such inventory and accounting be waived.

7. That the writing contains the following language "I leave my husband Fred Sloan Jr. the property located at 204 Cliffdale Road, Nashville, Tennessee 37214, with a Lifetime estate if

necessary," and that the language written by Mrs. Sloan sets forth her intent to grant to Fred Sloan, Jr. a lifetime estate interest in the property located at 204 Cliffdale Road, Nashville, Tennessee 37214.

It is, therefore, ORDERED, ADJUDGED and DECREED by consent by the Court that:

1. The Petition to Probate filed by Fred Sloan, Jr., is dismissed and Fred Sloan, Jr. is released from any further obligation in connection with the estate.

2. The paper writing dated July 12, 2003, purporting to be the Last Will and Testament of Barbara W. Sloan, deceased, is declared to be her Last Will and Testament and is admitted to probate.

3. Kimberly H. Lawson is appointed Executrix of the Estate of Barbara W. Sloan to serve without bond and without the necessity of making and filing an inventory or any accounting.

RK UPON MAKING PROPER OATH, WITH AN ATTORNEY BEFORE THE PROBATE COURT CLERK.

4. The Clerk is directed to issue Letters Testamentary to Kimberly H. Lawson without bond. The Executrix shall file an estate status report with the Clerk annually on the anniversary of the entry of this Order so long as the estate remains open.

THIS 27 day of ~~April~~ MAY, 2004.

**David R. Kennedy**
**Circuit Judge**

Approved for Entry:

Danny J. Baxter, BPR # 21157
Attorney for Kimberly Lawson
1000 Northchase Drive, Suite 301
Goodlettsville, Tennessee 37072
(615) 859-7500

James C. Dale III, BPR # 2686
Attorney for Fred Sloan, Jr.
221 Fourth Avenue North
Nashville, Tennessee 37219
(615) 255-7443

David Gabbard, Pro Se

Sheryl Law, Pro Se

Wendy Benson, Pro Se

Jimmy Gabbard, Pro Se

CERTIFICATE

I HEREBY CERTIFY that a copy of the foregoing Order has been mailed this 12th day of May, 2004, to the parties named below.

James C. Dale, III

Miss Sheryl Law
5013 Gordon Avenue
Monona, Wisconsin 53716

Ms. Kimberly H. Lawson
1007 Calvert Street
Nashville, Tennessee 37216

Mr. David Gabbard
169 Winterberry Circle
Manchester, Tennessee 37355

Mr. James Gabbard
6255 Kenwood Drive
Goodlettsville, Tennessee 37072

Ms. Wendy Benson
292 Star Boulevard
Nashville, Tennessee 37115

# CERTIFICATE OF SERVICE

CASE NO. 03P-1369

Pursuant to Rule 58 of the Tennessee Rules of Civil Procedure, I hereby certify that I have mailed a copy of the foregoing ORDER to the parties/counsel listed below this the 27TH day of MAY, 2004.

RICHARD R. ROOKER, CLERK

BY: _____, D.C.

DANNY J. BAXTER
ATTORNEY AT LAW
1000 NORTHCHASE DRIVE, SUITE 301
GOODLETTSVILLE, TN 37072

JAMES C. DALE, III
ATTORNEY AT LAW
221 FOURTH AVENUE NORTH
NASHVILLE, TN 37219

SHERYL LAW
5013 GORDON AVENUE
MONONA, WI 53716

DAVID GABBARD
169 WINTERBERRY CIRCLE
MANCHESTER, TN 37355

WENDY BENSON
292 STAR BOULEVARD
NASHVILLE, TN 37115

JAMES GABBARD
6255 KENWOOD DRIVE
GOODLETTSVILLE, TN 37072

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 27 day of MAY , 2004 , in the Case Number 03P1369 between SLOAN JR.,FRED ET.AL Petitioner, and SLOAN, BARBARA W Respondent, as same remains of record in Vol. 5642 , Page 1535331 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 22 day of NOVEMBER 2005

SEAL

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk