FILED

2007 APR 30 AM 8:32

KRONEA BAKER, CLERK

D.C.

Seventh Circuit Court of Davidson County, Tennessee

At Nashville

Richard B. Hope and Betty Hope, Rick Ledbetter and Lori Ledbetter,	)	
	)	No. 07P-508
Petitioners.	)	

Order

This case came before the Court on April 18, 2007, the Honorable Judge Randy Kennedy presiding. Present at the hearing were the Petitioners and their attorney Timothy L. Takacs. From the statement of counsel, the sworn petition and the entire record, the Court finds that the parties conveyed a parcel of property due to a mutual mistake. Mr. and Mrs. Hope hired an attorney to do their wills who then counseled them to make a gift of their homestead, a conveyance that resulted in a gift tax. The attorney's advice was incorrect. The parties relied on the errant advice, in good faith, through no fault of their own. The Petitioners request that the Court set aside the transfer *ab initio* and return the parties to their original position. After reviewing the evidence presented, the Court has determined that there was a mutual mistake and that the petition should be GRANTED.

WHEREFORE, IT IS ORDERED, that the deed with which the Petitioners Hope conveyed their residence to the Petitioners Ledbetter dated August 24, 1998, of record in Record Book 11141, Page 108, Register's Office for Davidson County, Tennessee (copy of the deed being attached to the Petition), is set aside *ab initio*. The parties are returned to their original position. The Register's Office of Davidson County, Tennessee is directed to correct the records to reflect the ownership by Richard B. and Betty Hope of the property described in this order and the Parties are directed to cooperate with the Register's Office in filing any paperwork necessary to show that Hopes are the owners of the property.

It is so ORDERED this 30 day of April, 2007.

Davidson County ORDER
Recvd: 05/09/07 13:00 5 pgs
Fees:27.00 Taxes:0.00

20070509-0055786

Randy Kennedy, Judge

Approved For Entry:

BY: _____

Timothy L. Takacs, B.P.R. #7294
Attorney for Petitioners
201 Walton Ferry Road
Hendersonville, Tennessee 37075
615-824-2571
ttakacs@tn-elderlaw.com

THIS INSTRUMENT PREPARED BY:
RICH[illegible] E. NORMAN, JR.,ATTORNEY AT LAW
4220 [illegible]nsville Road, Nashville, TN. 37
(615) 834-4300

QUITCLAIM DEED

BOOK 11141 PAGE 108

New Owner:	Send Tax Bills.	Map & Parcel Nos.
Lori Ledbetter	Same	148-14
4890 Packard Drive	Same	079.00
Nashville, TN. 37211	Same	

Map

For and in Consideration of One Dollar ($1.00), cash in hand paid, the receipt of which is hereby acknowledged, Richard B. Hope and wife, Betty R. Hope, by the presents do hereby quitclaim and convey unto, Lori Ledbetter, and all her successors and assigns, all their right, title and interest in and to the following described tract of land in Davidson County, Tennessee:

Being Lot No. 32 on the Plan of Blanchard Heights, of record in Book 2663, pages 62 and 63, Register's Office for said County.

Said Lot No. 32 fronts 90.8 feet on the south side of Packard Drive and runs back 352.7 feet on the west line and 356.84 feet on the easterly line which is a broken line to a dead line in the rear on which it measures 48.9 feet.

Being the same property conveyed to Richard B. Hope and wife, Betty R. Hope by deed from M.T. Melvin, and Wife Mary S. Melvin of record in Book 2928, page 267, Register's Office for Davidson County, Tennessee.

The said Grantors, Richard B. Hope and wife, Betty R. Hope hereby retain a life estate in said property.

9146 10/05 0101 03CHECK 10.00

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration or value, whichever is greater, for this this transfer is -0-.

Richard B. Hope
Affiant

Subscribed and sworn to befcre me this the 24th day of October, 1998.

My Commission Expires:

7-30-02

Richard E. Norman
Notary Public

0495738
IDENTIF. & REFERENCE
98 OCT -5 AM 9:46
[illegible] REGISTER
DAVIDSON COUNTY, TN

Said property is conveyed subject to such limitations, restrictions, and encumbrances as may affect the premises.

Witness our hands this the 24th day of August, 1998.

Richard B. Hope

Richard B. Hope

Betty R. Hope

Betty R. Hope

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public, in and for said County and State, Richard B. Hope and Betty R. Hope, the within name bargainors, with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this the 24th day of August, 1998.

My Commission Expires:

7-27-02

Richard E. Jenkins

Notary Public

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ibmpts

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 FINAL ORDER heretofore entered in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 30 day of APRIL , 2007 , in Case Number 07P508 between HOPE, RICHARD B. ET.AL Petitioner, and HOPE/LEDBETTER DEED Respondent, as same remains in the records 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 MAY 2007

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

