IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

2007 FEB 27 PM 1:52

JOSLYN ALLEN STEWART,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 04D-1579
	)	
KAREN E. STEWART,	)	NOTICE OF ENTRY REQUESTED
	)	
Defendant.	)	

Davidson County ORDER
Recvd: 06/07/07 13:04 8 pgs
Fees:37.00 Taxes:0.00
20070607-0068419

ORDER

This cause came to be heard on the 16th day of December, 2005 before the Honorable Muriel Robinson, Judge, Fourth Circuit Court for Davidson County, Tennessee on the *pro se* motion filed by Wife for relief from the final decree. From the record, statements of respective counsel, and testimony of the parties, the Court finds that the signature and notary pages of the marital dissolution agreement contain multiple signatures for the Husband, a single signature for the Wife, and disparities in dates between 2004 and 2005, to the extent that a question is raised as to whether the Wife re-affirmed the marital dissolution agreement after any expiration of the one hundred twenty (120) day waiver of service of process for a general appearance and default judgment before the court, pursuant to T.C.A. 36-4-103(2). The Court further finds that page nine (9) of the marital dissolution agreement is missing from the final decree, raising a question as to whether Wife, or the parties, intended to include additional provisions in the final decree. The Court further finds that the final decree of divorce should therefore be set aside. The Court further finds that the parties executed a quitclaim deed prior to said final decree transferring marital property to Kevin L. Perry, married, per the attached late-filed exhibit. The Court further finds that the conveyance of marital property by the parties should be rescinded and revoked and should revert back to the marital estate pending further order of the Court.

It is therefore ORDERED, ADJUDGED, AND DECREED that the final decree of divorce shall hereby be set aside.

It is further ORDERED, ADJUDGED, AND DECREED that the conveyance of marital property by the parties shall hereby be rescinded and revoked and shall hereby revert back to the marital estate, pending further order of the Court, herein described as follows:

Being Lot No. 69 on the plan of Hickory View Section Three, as of record in Book 6250, page 960, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete and accurate description.

Being the same property conveyed to Karen E. Gentry, by Warranty Deed from Mary Eleanor Clay, unmarried, dated April 28, 1995, recorded May 3, 1995, of record in Book 9662, page 538, Register's Office for Davidson County, Tennessee.

Being the same property conveyed by quitclaim deed by Karen E. Gentry, now known as Karen E. Stewart, and husband, Joslyn Stewart, dated June 13, 2005, recorded June 22, 2005, of recording number 20050622-0071535, Register's Office for Davidson County, Tennessee.

It is so ordered.

MURIEL ROBISON, CIRCUIT COURT JUDGE

2-22-06.

Respectfully submitted:

DANNER LAW PC

David E. Danner, Esq. (017060)
The Law Office of David E. Danner, P.C.
Washington Square Building
222 Second Avenue North, Suite 416
Nashville, Tennessee 37201
(615) 254-4686
(615) 254-5695 f

Attorney for Wife

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded by U.S. Mail to Robert J. Turner, Esq., 208 Third Ave. N., Ste. 100, Nashville, TN 37201, on this the 3rd day of February, 2006.

David E. Danner

ATTACHMENT –
LATE-FILED EXHIBIT

QUITCLAIM DEED

Davidson County DEEDOC
Recvd: 05/22/05 12:02 2 pgs
Fees:12.00 Taxes:0.00

20050622-0071535

STATE OF TENNESSEE
COUNTY OF DAVIDSON
I HEREBY SWEAR OR AFFIRM THAT THE ACTUAL CONSIDERATION FOR THIS TRANSFER IS $ -0-

Karen Gentry Stewart
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 13th day of June, ~~2005~~ 2005.

Notary Public

MY COMMISSION EXPIRES:

(AFFIX SEAL)

2005 FEB 22 PM 1:53

THIS INSTRUMENT WAS PREPARED BY

Real Estate Loan Services (NAME) 1100 Kermit Dr Ste 204 Nashville, TN 37217 (ADDRESS)

ADDRESS NEW OWNER(S) AS FOLLOWS:	SEND TAX BILLS TO:	MAP-PARCEL NUMBERS
Kevin L. Perry (NAME) 5309 Ashlawn Drive (STREET ADDRESS/ROUTE NUMBER) Nashville, TN 37211 CITY/STATE/ZIP	Kevin L. Perry (NAME) 135 Ewing Drive (STREET ADDRESS) Nashville, TN 37207 (CITY/STATE/ZIP)	162-05 0 300.00

FOR AND IN CONSIDERATION OF ONE DOLLAR, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, AND FOR THE PURPOSE OF RELINQUISHING ALL RIGHT, TITLE AND INTEREST TO THE WITHIN NAMED GRANTEE, I,

Karen E. Gentry, now known as Karen E. Stewart, and husband, Joslyn Stewart

HEREINAFTER CALLED THE GRANTOR, DO HEREBY QUITCLAIM AND CONVEY UNTO
Kevin L. Perry, married

HEREINAFTER CALLED THE GRANTEE, ALL MY RIGHT, TITLE AND INTEREST IN AND TO A CERTAIN TRACT OR PARCEL OF LAND IN Davidson COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

Certain real estate in Davidson County, Tennessee, described as follows:

Being Lot No. 69 on the Plain of Hickory View Section Three, as of record in Book 6250, page 960, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete and accurate legal description.

Being the same property conveyed to Karen E. Gentry, by Warranty Deed from Mary Eleanor Clay, unmarried, dated April 28, 1995, recorded May 3, 1995, of record in Book 9862, page 538, Register's Office for Davidson County, Tennessee.

THIS CONVEYANCE IS MADE SUBJECT TO ANY AND ALL ENCUMBRANCES, EASEMENTS, SETBACK LINES, RESTRICTIONS OR OTHER MATTERS AS MAY AFFECT THE PREMISES.

NOTE: THIS INSTRUMENT WAS PREPARED FROM INFORMATION FURNISHED BY THE PARTIES HEREIN. NO OPINION OF TITLE IS GIVEN BY PREPARER. LEGAL DESCRIPTION TAKEN FROM PRIOR DEED.

Witness our ~~hands~~ hand this 13th day of June, ~~2005~~ 2005.

Karen E. Stewart
Karen E. Stewart

Joslyn Stewart
Joslyn Stewart

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 **Karen E. Gentry, now known as Karen E. Stewart, and husband, Joslyn Stewart,** with whom I am personally acquainted, (or proved to me on the basis of satisfactory evidence) and who acknowledged that they executed the within document for the purposes therein contained, as his free act and deed

Witness my hand and official seal at Nashville, TN, this 22nd day of ~~January~~ 2005.

Vicki Trigg Notary Public

Commission Expires:

VICKI TRIGG
NOTARY PUBLIC AT LARGE
DAVIDSON COUNTY, TENN.

My Commission Expires NOV. 24, 2007

CERTIFICATE OF SERVICE

DOCKET NO. 04D1579

Pursuant to Rule 58(3) of the Tennessee Rules of Civil Procedure, I hereby certify that I have mailed a copy of the foregoing Judgment to the parties/counsel listed below, on this 28TH day of FEBRUARY, 2006.

RICHARD R. ROOKER, Circuit Court Clerk

BY: _____
Deputy Clerk

DAVID E. DANNER, ATTORNEY
WASHINGTON SQUARE BUILDING
222 SECOND AVE. NORTH, SUITE 416
NASHVILLE, TN 37201

ROBERT J. TURNER, ATTORNEY
208 THIRD AVE. N., SUITE 100
NASHVILLE, TN 37201

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 22 day of FEBRUARY , 2006 , in the Case Number 04D1579 between STEWART, JOSLYN ALLEN Plaintiff, and STEWART, KAREN E Defendant, as same remains of record in 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 07 day of JUNE in the year two thousand seven and in the 230th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

