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Davidson County ORDER
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20071009-0120263

IN THE CHANCERY COURT FOR NASHVILLE
DAVIDSON COUNTY, TENNESSEE

F6-9

HARRY T. EARLE,	)	**CHANCERY COURT No. 06-2142-II**
Plaintiff,	)	
v.	)	
AKIE C. WILLIAMS & IYATUNDE E. WILLIAMS,	)	**CHANCELLOR McCOY**
	)	COST PAID
Defendants.	)	

FILED
2007 OCT -4 AM 11:38

AGREED ORDER SETTING ASIDE TAX SALE AS VOID, QUIETING MR. EARLE'S TITLE AND DISMISSING ALL OTHER CLAIMS

On November 12, 2003, due to a property tax deficiency, the Metropolitan Government of Nashville and Davidson County ("Metro") purported to sell real property situated at 1206 London Bridge Road, Madison, TN 37115 (the "Property") to Akie C. and Iyatunde E. Williams. At the time of the tax sale, Mr. Earle held valid legal title to the Property, but did not reside there. Mr. Earle was entitled to actual notice by Metro if his residential address was known or could have been ascertained. Metro failed to provide Mr. Earle actual notice of the tax sale. Constructive notice by publication is permissible only when the owner's name or address cannot be ascertained through reasonable and diligent efforts. At the time of the tax sale, the street address of Mr. Earle's residence was known to Metro and the complete location of Mr. Earle's residence could have been ascertained through reasonable and diligent efforts. Accordingly, Metro's constructive notice by publication was insufficient and Mr. Earle was not properly brought within the jurisdiction of the Court.

Based on these facts, Mr. Earle retains legal title to the Property and the tax sale of the Property to Akie C. and Iyatunde E. Williams must be set aside as void.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

That judgment is hereby entered in favor of Plaintiff, Harry T. Earle, against Defendants Akie C. and Iyatunde E. Williams, terminating any and all interest Defendants Akie C. and Iyatunde E. Williams, their heirs, devisees, successors, assigns, and anyone or anything in the whole world claiming under them, irrespective of the nature of such claim, has in and to the real property described hereinbelow, and barring any future claims Defendants Akie C. and Iyatunde E. Williams, their heirs, devisees, successors, assigns, and anyone or anything in the whole world claiming under them, irrespective of the nature of such claim, has in and to the following described real property commonly known as 1206 London Bridge Road, located in the City of Madison, County of Davidson, State of Tennessee, designated with the Map Number 43-16 and Parcel Number 105, described as follows:

> Lot No. 53 in the Kingsway Green Subdivision in a plat of which is of record in Book 3842, page 227, Register's Office of Davidson County, Tennessee, and being a part of the same land conveyed to Kingsway Greene of America, Inc. by deed of record in Book 4212, page 838 and 839 in the Register's Office of Davidson County, Tennessee.

Together with all the tenements, hereditaments, and appurtenances thereunto belonging, and the reversions, remainders, rents, issues, and profits thereof.

That a copy of this Order shall be recorded in the Register's Office of Davidson County, Tennessee, and shall be properly indexed in the chain of title to the herein described real property under the name of Akie C. and Iyatunde E. Williams as grantor and Harry T. Earle, as grantee in the same manner as other deeds are recorded.

That Defendants Akie C. and Iyatunde E. Williams of P.O. Box 22986, Nashville, Tennessee 37202 are ordered and directed to surrender the herein described property, and remove all of their personal property located in it and on it, without limitation. Defendants are also ordered and directed to allow Plaintiff Harry T. Earle full, quiet, and peaceable possession of the herein described property without delay.

All other claims pending before the Court are hereby dismissed with prejudice. The parties shall each pay one half of the costs incurred in maintaining this action.

IT IS SO ORDERED.

Date: I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE, THIS 16 DAY OF Oct 20 10. CRISTI SCOTT, CLERK & MASTER BY Cathy Terrell DEPUTY

Carol L McCoy

Hon. Carol L. McCoy
Chancellor

Submitted for entry by:

BASS, BERRY & SIMS PLC

Jeff Yarbro

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