FILED

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2008 APR 18 AM 10:32

RICHARD R ROOKER, CLERK

D.C.

IN RE: ESTATE OF PAULINE TOMLIN FELTS,	)	
DECEASED,	)	**DOCKET NO. 04P-433**
BARBARA LUTTRELL,	)	
EXECUTRIX.	)	

Davidson County ORDER
Recvd: 07/22/08 08:37 5 pgs
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ORDER

THIS CAUSE came on to be heard on the 18th day of April, 2008, before the Honorable Judge Randy Kennedy, Judge of the Seventh Circuit Court for Davidson County, Tennessee, upon the **EXECUTRIX'S** Motion to Sell Real Estate and Personal Contents of the Estate of Pauline Tomlin Felts; and upon review of the motion; and appraisals attached to said Motion to Sell Real Estate; review of the Last Will and Testament of the Decedent Pauline Tomlin Felts admitted to probate relative to the Power of Sale vested in the **EXECUTRIX** under Article II, Section Four; and review of the Agreed Order entered on May 3, 2004; review of the Response of the Beneficiaries J.W. Felts and Jerry Felts; argument of counsel for the **EXECUTRIX** in open court; argument of counsel for the Beneficiaries J.W. Felts and Jerry Felts in open Court; and the record as a whole, from all of which, the Court hereby finds that the **EXECUTRIX'S** motion is well taken and is hereby granted. The Court also finds that the **EXECUTRIX** is vested with the Power of Sale pursuant to the Last Will and Testament of the Decedent Pauline Tomlin Felts admitted to probate, under Article II, Section Four, and has the authority to sell the Decedent's real estate and personal contents by auction sale; and the Court also finds that the Agreed Order entered in this cause on April 3, 2004, temporarily restricting the **EXECUTRIX'S** Power of Sale is hereby modified to allow the **EXECUTRIX** to proceed

PAUL T. HOUSCH
Attorney at Law
WASHINGTON SQUARE
222 SECOND AVE NORTH
SUITE 310
Nashville, TN 37201
615-259-3313
FAX 615-259-3315

LEGAL DOCUMENT

with the auction sale of the Decedent's real estate and personal contents of the Decedent Pauline Tomlin Felts under the Last Will and Testament admitted to probate, by employing the Auctioneer, Feller Brown Realty and Auction Company under the proposed auctioneer contract of a six (6%) percent commission to the Auctioneer and reimbursement of all the advertisement costs to the Auctioneer for the auction of the subject real estate to include the house and lot at 1827 Fourth Avenue North, Nashville, Tennessee and two vacant lots known as 7147 and 7153 Douglas Road, Joelton, Tennessee and the personal contents of the Decedent located at 1827 Fourth Avenue North, Nashville, Tennessee. The Court also finds that it is in the best interest of the beneficiaries that the subject real estate and the personal contents be sold by absolute auction by the **EXECUTRIX** as the property can not be divided equally among the beneficiaries and the administration of the estate needs to proceed in closing down the administration of the estate. Therefore, it is hereby:

ORDERED, ADJUDGED AND DECREED that the **EXECUTRIX, BARBARA LUTTRELL,** has the authority under the Power of Sale of the Last Will and Testament of the Decedent admitted to probate under Article II, Section Four, to proceed with the auction sale of the subject real estate of the Decedent, to wit: house and lot located at 1827 Fourth Avenue North, Nashville, Tennessee and two vacant lots known as 7147 and 7153 Douglas Road, Joelton, Tennessee and the personal contents of Decedent located at 1827 Fourth Avenue North, Nashville, Tennessee.

It is further **ORDERED, ADJUDGED AND DECREED** that the **EXECUTRIX BARBARA LUTTRELL** is hereby authorized to employ the auctioneer services of Feller Brown Realty and Auction Company to auction the said subject real estate and two vacant lots and personal contents under the proposed auctioneer contract of a six (6%) percent

commission to the Auctioneer and reimbursement of all the advertisement costs to the Auctioneer for the auction of the house and lot located at 1827 Fourth Avenue North, Nashville, Tennessee; two vacant lots known as 7147 and 7153 Douglas Road, Joelton, Tennessee and the personal contents located at 1827 Fourth Avenue North, Nashville, Tennessee.

It is further **ORDERED, ADJUDGED AND DECREED** that the Auctioneer, Feller Brown Realty and Auction Company, shall proceed forthwith with the auction of the subject real estate and personal contents as an absolute public auction; and that any beneficiary of the estate of Pauline Tomlin Felts may bid at the auction sale of the subject real estate, two vacant lots and/or personal contents.

It is further **ORDERED, ADJUDGED AND DECREED** that the **EXECUTRIX, BARBARA LUTTRELL** is vested with the authority under the Last Will and Testament of the Decedent admitted to probate to execute any and all deeds, closing documents necessary to convey marketable title of the subject real estate and personal contents to the successful bidder.

It is further **ORDERED, ADJUDGED AND DECREED** that after the auction and the payment of the Auctioneer's commission; closing costs; title insurance; fees and costs associated with the closing of the real estate transactions, the net proceeds derived from the auction sale shall be tendered to the Probate Clerk's Office to be held by the Clerk under the Estate of Pauline Tomlin Felts in an interest bearing account, until such time as the **EXECUTRIX BARBARA LUTTRELL** makes application by Motion with the Court for distribution of said proceeds to each beneficiary in accordance with the Last Will and Testament of the Decedent Pauline Tomlin Felts admitted to probate; subject, however, to

sufficient funds being reserved from the said net proceeds as determined by the Court, to pay for the administration costs of the estate, to include any court costs; payment of any CPA fees/ and/or any attorney fees to be approved by the Court; reimbursement of any Real Estate taxes, appraisal fees; upkeep of real estate and insurance paid by the **EXECUTRIX** on the subject real estate for the benefit of the Beneficiaries during the administration of the estate, before the auction sale, as determined by the Court; and whether the **EXECUTRIX BARBARA LUTTRELL,** should be assessed with any rent for occupying the subject real estate at 1827 Fourth Avenue North, Nashville, Tennessee, for the period from the date of death of the Decedent to the date of said auction sale, as determined by the Court.

It is further **ORDERED, ADJUDGED AND DECREED** that the Agreed Order entered on May 3, 2004, is hereby modified to remove the restriction of the **EXECUTRIX BARBARA LUTTRELL** to sell the real estate and personal contents of the Decedent as reflected in said Agreed Order; and that the **EXECUTRIX** is hereby authorized and has authority under the Power of Sale provisions of Article II, Section Four of the Last Will and Testament of the Decedent, admitted to probate to proceed with the auction of the said subject real estate, two vacant lots; and personal contents of the Decedent; and that all other remaining provisions of the Agreed Order shall remain in full force and effect.

It is so **ORDERED** this the 18th day of April, 2008.

I hereby certify that this is a true and correct copy of original instrument filed in this office this 18 day of April 2008
RICHARD R. ROOKER, CLERK
By _____ Deputy Clerk
CIRCUIT COURT CLERK

JUDGE RANDY KENNEDY
SEVENTH CIRCUIT COURT JUDGE

SUBMITTED FOR ENTRY:

PAUL T. HOUSCH, ESQ.

BY: _____

PAUL T. HOUSCH, ESQ. #011538
Washington Square
Suite 310
222 Second Avenue North
Nashville, TN 37201
(615) 259-3313

ATTORNEY FOR EXECUTRIX
BARBARA LUTRELL

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and exact copy of the foregoing has been forwarded, postage prepaid, U.S. Mail, to **Mr. J. Timothy Street, Esq., and Mr. E. Covington Johnston, Jr., Esq., Attorneys for J.W. Felts, Jr. and Jerry Felts, Johnston & Street, PLLC, 236 Public Square, Suite 103, Franklin, Tennessee 37064**, and **Mr. William M. Pegram, Surviving Spouse of Anne Pegram, Deceased, 917 Potter Drive, Nashville, Tennessee 37206** on this the 18th day of April, 2008.

_____
PAUL T. HOUSCH, ESQ.