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IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

SANDRA LOUISE CALDWELL, Individually and as Administratrix Ad Litem of the Estate of Bobbie Jean Caldwell Alsup, deceased,	)	
Plaintiff,	)	
vs.	)	**No. 04-2039-III**
RUTH ALSUP WITHERSPOON, etc., et al.	)	
Defendants.	)	

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Davidson County ORDER
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AGREED ORDER

It appears to the Court that the parties have settled all things and matters in controversy among them and have agreed as follows:

1. Adolphus Alsup and Bobbie Jean Caldwell Alsup intermarried in Davidson County, Tennessee on March 28, 1961.

2. No children were born of the union between Adolphus Alsup and Bobbie Jean Caldwell Alsup.

3. Adolphus Alsup and Bobbie Jean Caldwell Alsup remained married to one another until his death.

4. Adolphus Alsup died intestate a resident of Davidson County, Tennessee on May 3, 1969, holding record title in fee simple to real property located at 411 Hart Street, Nashville, Davidson County, Tennessee (the "Property").

5. Adolphus Alsup was survived by his spouse, Bobbie Jean Caldwell Alsup, and by his daughter by a prior marriage, Defendant Ruth Alsup Witherspoon.

6. Defendant Ruth Alsup Witherspoon is living and is a resident of Detroit, Michigan.

7. A son, Arthur Adolphus Alsup, Jr., was also born to Adolphus Alsup by a marriage prior to the marriage to Bobbie Jean Caldwell Alsup, but the said Arthur Adolphus Alsup, Jr. predeceased his said father.

8. Adolphus Alsup and Arthur Adolphus Alsup, Jr. were survived by one son of Arthur Adolphus Alsup, Jr., that being Arthur Adolphus (Skeeter) Alsup, III.

9. Arthur Adolphus (Skeeter) Alsup, III was married to the Defendant Doris Ann Alsup, and three children were born of that union, to wit: Defendants Angela Marie Alsup Perry, Robin Janette Alsup Nelson and Yolanda Lee Alsup.

10. Arthur Adolphus (Skeeter) Alsup, III died intestate in 1978, a resident of Inkster, Michigan, survived by his said spouse, Defendant Doris Ann Alsup, who is living, and by his said three daughters, Defendants Angela Marie Alsup Perry, Robin Janette Alsup Nelson and Yolanda Lee Alsup, all of whom are living.

11. Bobbie Jean Caldwell Alsup died intestate a resident of Davidson County, Tennessee on May 12, 2001.

12. Bobbie Jean Caldwell Alsup was survived by two half-sisters, Plaintiff Sandra Louise Caldwell, and Defendant Lee Eunice Gentry, both of whom are living.

13. The August 2, 1965 deed from John T. Baugh, Jr., et ux., et al. to "Adolphus Alsup _____, their heirs and assigns" of record in Book 3918, page 783, Register's Office of Davidson County, Tennessee, a copy of which is attached to the Complaint as Exhibit A, should be reformed to reflect that record title to the Property is vested in Adolphus Alsup and wife, Bobbie Jean Caldwell Alsup, as tenants by their entirety.

14. That the parties have agreed that the Property should be divided equally between the heirs at law and next of kin of Adolphus Alsup, on the one hand, and the heirs at law and next of kin of Bobbie Jean Caldwell Alsup, on the other hand.

15. That upon the death of Adolphus Alsup his heirs at law and next of kin were Defendant Ruth Alsup Witherspoon and Arthur Adolphus Alsup, III, and that in turn upon the death of the said Arthur Adolphus Alsup, III, his heirs at law and next of kin were his spouse, Defendant Doris Ann Alsup, and his daughters, the Defendants Angela Marie Alsup Perry, Robin Janette Alsup Nelson, and Yolanda Alsup.

16. That the heirs at law and next of kin of Bobbie Jean Caldwell Alsup are her half-sister, Plaintiff Sandra Louise Caldwell, and her half-sister, Defendant Lee Eunice Gentry.

17. That the one-half interest in the Property passing to the heirs of Adolphus Alsup should be divided as follows:

a. A 50% undivided fee interest as a tenant-in-common to Defendant Ruth Alsup Witherspoon;

b. A 12.5% undivided fee interest as a tenant-in-common to Defendant Doris Ann Alsup;

c. A 12.5% undivided fee interest as a tenant-in-common to Defendant Angela Marie Alsup Perry;

d. A 12.5% undivided fee interest as a tenant-in-common to Defendant Robin Janette Alsup Nelson; and

e. A 12.5% undivided fee interest as a tenant-in-common to Defendant Yolanda Lee Alsup.

18. That the one-half interest in the Property passing to the heirs of Bobbie Jean Caldwell Alsup should be divided as follows:

a. A 50% undivided fee interest as a tenant-in-common to Plaintiff Sandra Louise Caldwell; and

b. A 50% undivided fee interest as a tenant-in-common to Defendant Lee Eunice Gentry.

All of the foregoing is therefore accordingly ORDERED and ADJUDGED by the Court. It is further ORDERED and ADJUDGED by the Court that title to the real property located at 411 Hart Street, Nashville, Davidson County, Tennessee, is vested as follows:

(a) A 25.00000% undivided fee interest as tenant-in-common in Defendant Ruth Alsup Witherspoon;

(b) A 6.25% undivided fee interest as tenant-in-common in Defendant Doris Ann Alsup;

(c) A 6.25% undivided fee interest as tenant-in-common in Defendant Angela Marie Alsup Perry;

(d) A 6.25% undivided fee interest as tenant-in-common in Defendant Robin Janette Alsup Nelson;

(e) A 6.25% undivided fee interest as tenant-in-common in Defendant Yolanda Lee Alsup;

(f) A 25.00000% undivided fee interest as tenant-in-common in Plaintiff Sandra Louise Caldwell; and

→ contracting with and retaining (EHC)

(g) A 25.00000% undivided fee interest as tenant-in-common in Defendant Lee Eunice Gentry.

(EHC)

It is further ORDERED and ADJUDGED by the Court that the Property be sold ~~for cash by the Master for partition~~ by private sale ~~according to law. The Master, in her sole discretion, may utilize the services of~~ a licensed real estate broker ~~and pay~~ a customary brokerage commission from the proceeds of such sale. The Property is specifically described as follows: by the plaintiff

Land in Davidson County, Tennessee, being lot No. 21 on the plan of Beasley's Subdivision of the Vaughn Tract, as of record in Plan Book 2, page 105, Chancery Court at Nashville.

Said Lot No. 21 fronts 50 feet on the easterly side of Hart Avenue and runs back between parallel lines 150 feet to an alley.

Being the same real property conveyed to Adolphus Alsup, by deed from John T. Baugh, Jr. et ux., Virginia Nell Baugh and from Lewis B. Apple et ux., Evelyn Apple of record in Book 3918, page 783, Register's Office of said county.

It is further ORDERED and ADJUDGED that this Order may be approved for entry by the parties in multiple counterparts, each of which counterpart shall be deemed to be an original, and which together shall constitute one and the same instrument.

The Master will report her action in due course. All further questions are reserved pending the incoming of such Master's report, especially the questions relative to the disposition of the proceeds of the sale.

ENTER this ___ day of _____, 200___.

Ellen Hobbs Lyle

Chancellor

→ of the plaintiff's choice. The proceeds of the sale shall be deposited into the registry of the court after the plaintiff deducts and pays the real estate broker (EHC)

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 24th DAY OF April 2008
CRISTY STAPLES, CLERK & MASTER
BY _____ DEPUTY