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MAY 29 2009
Dav. Co. Chancery Court

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

EVELYN L. BROOKS

Plaintiff,

vs.

FRANK FITZGERALD, MARY LOUISE FITZGERALD, ERNESTINE FITZGERALD, DOROTHY ELIZABETH FITZGERALD, FRANK FITZGERALD, JR., LILLIAN FITZGERALD, ANN C. BROWN, AND WILLIAM RICHARD FITZGERALD AND THEIR HEIRS, SUCCESSORS, PERSONAL REPRESENTATIVES AND ASSIGNS.

Defendants.

FO-4

Case No: 09188-II

II

FILED
2009 JUN -4 PM 4:29
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.

BILL GARRETT, Davidson County
Trans:T20090039262 ORDER
Recvd: 06/12/09 11:30 3 pgs
Fees:17.00 Taxes:0.00
20090612-0054725

DEFAULT JUDGEMENT

The Motion of the Plaintiff, Evelyn L. Brooks, for a Default Judgment as to Defendants, Frank Fitzgerald, Mary Louise Fitzgerald, Ernestine Fitzgerald, Dorothy Elizabeth Fitzgerald, Frank Fitzgerald, Jr., Lillian Fitzgerald, Ann C. Brown and William Richard Fitzgerald on April 17, 2009 in this cause was made pursuant to TRCP 55 and was scheduled to be heard on May 22, 2009. It appears to the Court that the Complaint was filed with this court on the January 30, 2009 and that title to the real property described as 1277 Second Avenue South, Nashville, Davidson County, Tennessee, was vested in Plaintiff pursuant to the death of Frank Fitzgerald of record in Book 1415, page 43, Register's Office for Davidson County, Tennessee . It appears to this Court that notice of this action were published pursuant to T.C.A. 29-29-102 in the Tennessean on February 13, 20, 27 and March 6, 2009. It also appears to this Court that no answer or other defense has been filed

by the Defendants, Frank Fitzgerald, Mary Louise Fitzgerald, Ernestine Fitzgerald, Dorothy Elizabeth Fitzgerald, Frank Fitzgerald, Jr. Lillian Fitzgerald, Ann C. Brown and William Richard Fittzgerald , nor has any response been timely filed or served on counsel for the Plaintiff. Therefore it is hereby

ORDERED, ADJUDGED, AND DECREED that the Plaintiff in this action is entitled to a Default Judgment against Frank Fitzgerald, Mary Louise Fitzgerald, Ernestine Fitzgerald, Dorothy Elizabeth Fitzgerald, Frank Fitzgerald, Jr., Lillian Fitzgerald, Ann C. Brown and William Richard Fitzgerald; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any persons claiming title to the real property known as 1277 Second Avenue South in Nashville, Davidson County, Tennessee (the Property) under the Defendants, Frank Fitzgerald, Mary Louise Fitzgerald, Ernestine Fitzgerald, Dorothy Elizabeth Fitzgerald, Frank Fitzgerald, Jr., Lillian Fitzgerald, Ann C. Brown and William Richard Fitzgerald, except as is set forth hereinbelow, are barred from claiming title to the Property; and

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Plaintiff, Evelyn L. Brooks is the true and lawful owner in fee simple absolute of the Property which is described as follows:

> Part of Lots 10-11 and 12 in J. R. Hamilton's subdivision of part of the Nelson Property as per plan on Page 101 of Chancery Court Plan Book #1, Davidson County, Tennessee, Beginnings in the west side of Market Street, now Second Avenue South, the southwest side of Market Street, South six and one tenth (6 1/10) feet to the south line of said lot #12, thence west along the south line of Lot #12, one hundred and thirty feet (130 to the east line of an alley, thence the east line of said alley north about one hundred (100) feet to the south line of Tutweiler Avenue, thence along the south line of Tutweiler Avenue east to the beginning. Said property is the same conveyed to B. Rich from Annie W. Curtis by the Deed registered in Book 381, page 57, Register's Office for Davidson County, Tennessee.
>
> Being the same property conveyed to Frank Fitzgerald by Deed from B. Rich of record in Book 1415, page 43, Register's Office of Davidson County, Tennessee.

This is improved property commonly known as 1277 Second Avenue South, Nashville, Davidson County, Tennessee 37210.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Plaintiff is awarded sole possession of the Property; and

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the costs of this cause shall be taxed to the Plaintiff, for which execution may issue if necessary.

ENTERED this ____ day of _____, 2009.

CAROL L. MCCOY
CHANCELLOR

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE THIS 10 DAY OF [illegible] 20 09
CRISTI SCOTT, CLERK & MASTER
BY [illegible] DEPUTY

Approved for Entry:

Robert J. Notestine, III #12195
Attorney for Plaintiff
4515 Harding Pike
Suite 315
Nashville, Tennessee 37205
(615)297-1568, Ext. 11

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing order has not been sent by first class U.S. Mail postage prepaid to Frank Fitzgerald, Mary Louise Fitzgerald, Ernestine Fitzgerald, Dorothy Elizabeth Fitzgerald, Frank Fitzgerald, Jr., Lillian Fitzgerald, Ann C. Brown and William Richard Fitzgerald as they are believed to be deceased or his whereabouts are otherwise unknown and service was obtained by Order of Publication.

Robert J. Notestine, III, Attorney