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OCT - 8 2009
Dav. Co. Chancery Court

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

729865

YOLANDA R. WELLS,

Plaintiff,

v.

JIMMY L. BRIGGS,

Defendant.

F09, Δ

No. 09-1363-IV

FILED
2009 OCT 15 AM 10:39
DAVIDSON CO. CHANCERY CT.

ORDER GRANTING SUMMARY JUDGMENT FOR PLAINTIFF

Yolanda R. Wells has moved for summary judgment against Jimmy L. Briggs pursuant to Tenn. R. Civ. P. 56 and pursuant to Local Rule 26.03b, the motion was set for hearing on October 9, 2009.

Jimmy L. Briggs did not file a timely response pursuant to Local Rule 26.04g, and upon consideration of the undisputed facts and the entire record, this Court finds the motion by Yolanda R. Wells is well taken because there is no genuine issue as to any material fact, and Yolanda R. Wells is entitled to judgment against Jimmy L. Briggs as a matter of law. Specifically, this Court finds the following facts are not in dispute:

1. Yolanda R. Wells is a resident of Davidson County, Tennessee.

2. Jimmy L. Briggs is a resident of Davidson County, Tennessee.

3. Yolanda R. Wells at all times since April 29, 1998 has been the owner in fee simple of the following described premises situated in Davidson County, Tennessee:

BILL GARRETT, Davidson County
Trans:T20090076751 JDGMT
Recvd: 11/10/09 09:59 4 pgs
Fees:22.00 Taxes:0.00
20091110-0103899

Lot No. 25 on the Plan of Looby Heights, of record in Book 7900, page 230, Register's Office for Davidson County, Tennessee, as amended by instrument recorded in Book 8289, page 696, Register's Office for Davidson County, Tennessee, to which plan reference is made for a more complete description of said lot.

Being the same property conveyed to Lester C. McClain by deed from Andrew M. Cuomo, Secretary of Housing and Urban Development, of record in Book 10828, page 651, Register's Office for Davidson County, Tennessee.

4. Yolanda R. Wells acquired her fee simple interest in the premises by virtue of a deed made and delivered in Davidson County, Tennessee and recorded in the Register's Office of Davidson County, Tennessee in Book 10911, Page 269.

5. Yolanda R. Wells paid for and has continued to pay for the purchase price of the described premises, and all times both Yolanda R. Wells and Jimmy L. Briggs agreed, understood, and intended that the deed should convey the premises to Yolanda R. Wells without Jimmy L. Briggs acquiring any right, title, or interest in the real estate.

6. Jimmy L. Briggs was included as a grantee in the deed by mistake, and any claim which Jimmy L. Briggs may have to the premises is invalid and of no force and effect.

7. Any judgment granted to Yolanda R. Wells and against Jimmy L. Briggs in this civil action will not affect any other person or persons not in being or ascertained at the commencement of this action, who would by any contingency contained in a devise or grant or otherwise afterward become entitled to a beneficial estate or interest in the premises, and every person and being who would be entitled to such an estate or interest, if such event had happened immediately before the commencement of the action, has been named a party to this action.

Consequently, it is hereby ORDERED, ADJUDGED AND DECREED that summary judgment is granted in favor of Yolanda R. Wells and against Jimmy L. Briggs, and that:

The deed recorded at Book 10911, Page 269 is reformed by deleting any reference to Jimmy L. Briggs now appearing therein, and the record of title is corrected accordingly;

Jimmy L. Briggs and all persons claiming under him are forever barred from all claims to an estate or interest in the real property described in the deed recorded at Book 10911, Page 269;

Yolanda R. Wells is determined as the lawful owner vested with an absolute and unencumbered fee to the real property described in the deed recorded at Book 10911, Page 269, except for liens of record; and

Yolanda R. Wells is awarded sole and complete possession of the real property described in the deed recorded at Book 10911, Page 269.

The costs of this action are to be taxed against Jimmy L. Briggs.

Entered this ____ day of _____, 2009.

Chancellor Russell T. Perkins

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 10th DAY OF Nov, 2009
CRISTI SCOTT, CLERK & MASTER
BY _____ D.C. DEPUTY

APPROVED FOR ENTRY:

R. Jan Jennings, BPR No. 1536
Branstetter, Stranch & Jennings, PLLC
227 Second Avenue North, 4th Floor
Nashville, TN 37201-1631
Tel.: (615) 254-8801

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing has been served via First Class United States Mail upon:

Jimmy Briggs
3225 Creekwood Drive, Apt. 105
Nashville, TN 37207

This 8th day of October, 2009.

R. Jan Jennings