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AUG 13 2009
Dav. Co. Chancery Court

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

PATRICIA ANN RICHARDSON,

Plaintiff,

v.

SCOTT TRAVIS RICHARDSON, CALVIN TRACY RICHARDSON AND BRENDA JOY "HENDERSON" RICHARDSON,

Defendants.

NF

Case No. 08-1030 IV
JURY DEMAND

FILED
2009 AUG 20 PM 2:22
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.

ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

This matter came before the Court on July 29, 2009 for hearing upon the Motion for Summary Judgment (the "Motion") filed by the plaintiff, Patricia Ann Richardson ("Plaintiff"), against the defendants, Scott Travis Richardson, Calvin Tracy Richardson and Brenda Joy "Henderson" Richardson (collectively, the "Defendants"). In the Motion, Plaintiff asks the Court to set aside the quitclaim deeds at issue in this action (the "Quitclaim Deeds"), which purport to transfer the real property located at 6588 Old Hickory Boulevard, Whites Creek, Tennessee (the "Residence") and cemetery interment rights at Garden of Gethsemane 64A sp.1 ("Interment Rights") and enter judgment as a matter of law that (1) Plaintiff lacked the mental capacity to understand the nature of her actions at the time the Quitclaim Deeds were executed; (2) Defendants exerted undue influence over Plaintiff in procuring the Quitclaim Deeds; and/or (3) the purported transfers of the real property interests were not supported by adequate consideration. Plaintiff also requests that the Court set an evidentiary hearing in this matter for the purpose of determining damages due to Plaintiff from Defendants in this action.

The Court, having reviewed the Motion, response to the Motion and the entire record in this case, heard argument of counsel and being otherwise sufficiently advised

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20100107-0001553

HEREBY GRANTS Plaintiff's Motion for Summary Judgment. In so doing, the Court hereby finds as follows:

1. With regard to Plaintiff's claim to set aside the Quitclaim Deeds due to her lack of mental capacity to execute the Quitclaim Deeds, the Court finds that the undisputed material facts establish that Plaintiff lacked the mental capacity to understand the nature of her actions at the time the Quitclaim Deeds were executed and is entitled to summary judgment on her claim to set aside the Quitclaim Deeds on this basis.

2. With regard to Plaintiff's claim to set aside the Quitclaim Deeds due to the Defendants' exertion of undue influence over her in procuring the Quitclaim Deeds, the Court finds that the undisputed material facts establish that the Defendants exerted undue influence over Plaintiff in procuring the Quitclaim Deeds and Plaintiff is entitled to summary judgment on her claim to set aside the Quitclaim Deeds on this alternative basis.

The Court further finds that this matter should be set for an evidentiary hearing for the purpose of determining damages due to Plaintiff from Defendants in this action.

Based upon these findings, the Court **ORDERS, ADJUDGES AND DECREES** that:

1. Plaintiff's Motion for Summary Judgment is **GRANTED**;

2. That the Quitclaim, Release and Transfer of Interest in Cemetery Interment Rights and/or Merchandise purporting to quitclaim, release and transfer all right, interest, title, use, claim, demand, and equity in cemetery interment rights at Garden of Gethsemane 64A to Calvin Tracy Richardson and Scott Travis Richardson, which was executed on May 22, 2006 and is attached to the Complaint in this action as Exhibit B, is hereby set aside and right, interest, title, use, claim, demand, and equity in cemetery interment rights at Garden of Gethsmane 64A are restored to Plaintiff, Patricia Ann Richardson.

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3. The quitclaim deed purporting to quitclaim and convey Plaintiff's right, title, and interest in and to the real property located at 6588 Old Hickory Boulevard, Whites Creek, Tennessee to Defendants, which was executed on May 24, 2006 and is attached to the Complaint in this action as Exhibit A, is hereby set aside and possession of and right, title, and interest in and to the real property located at 6588 Old Hickory Boulevard, Whites Creek, Tennessee are restored to Plaintiff, Patricia Ann Richardson.

4. That this matter is set for an evidentiary hearing on November 6, 2009 at 1:30 a.m. (p.m.) for the purpose of determining damages due to Plaintiff from Defendants in this action.

ENTERED this _____ day of August, 2009.

RUSSELL T. PERKINS, CHANCELLOR

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE THIS 5th DAY OF Nov, 2009
CRISTI SCOTT, CLERK & MASTER
BY _____ DEPUTY

MAILED 9/28/09

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Submitted for Approval By:

BRADLEY ARANT BOULT CUMMINGS, LLP

By: (Tera T. Hambrick)

Russell B. Morgan (No. 20218)
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Attorneys for Plaintiff Patricia Ann Richardson

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via U.S. Mail, postage prepaid, to:

Rhonda R. Crabtree
105A Sycamore Street
Ashland City, Tennessee 37015
(615) 792-2885

on this the 13th day of August, 2009.

(Tera T. Hambrick)
Tera T. Hambrick

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