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RICHARD R. ROOKER, CLERK

D.C.

IN THE FIRST CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE AT NASHVILLE

MARION MICHAEL LANE, **Plaintiff/Counter-Defendant**	)	
vs.	)	
MICHAEL WILSON, **Defendant/Counter-Plaintiff/ Third-Party Plaintiff,** **ALAN SATURN, Trustee, and FIRST REPUBLIC MORTGAGE CORPORATION** **Defendants,**	)	**No. 00C-707** **NON-JURY** **NOTICE OF ENTRY REQUESTED**
vs.	)	
STATE OF TENNESSEE, DEPARTMENT OF REVENUE **Third-Party Defendant.**	)	

BILL GARRETT, Davidson County
Trans:T20100020053 ORDER
Recvd: 04/06/10 13:24 5 pgs
Fees:27.00 Taxes:0.00
20100406-0025676

FINAL DECREE

This matter came to be heard on the 15th day of October before the Honorable Hamilton Gayden, JUDGE of the First Circuit Court for Davidson County, Tennessee, for non-jury hearing upon the Plaintiff's Petition to Partition by sale certain improved real property known as 838 Sutton Hill Road, Nashville Davidson County Tennessee, and to pay off the mortgage indebtedness thereon and to split the equity remaining in the Improved Real Property after payment of the mortgage indebtedness. Also for hearing was the Counter-Complaint (as twice amended) filed by Defendant Michael Wilson against Plaintiff, as well as the Third Party Complaint filed by Michael Wilson against the State of Tennessee, Department of Revenue.

It appears to the Court that Defendant Michael Wilson and the State of Tennessee Department of Revenue have resolved the lien filed by the Department of Revenue against the Improved Real Property.

It further appears to the Court that the Plaintiff has never filed an answer to Defendant Wilson's Counter Complaint (as twice amended) resulting in default's having been entered previously against the Plaintiff on the Counter-Complaint (as twice amended). Additionally, because Plaintiff did not abide by a Motion to Compel his Answers to Discovery submitted by Defendant Wilson, the Court Ordered previously that all matters asserted by Defendant Wilson against Plaintiff in the Counter Complaint (as twice amended) would be deemed as being ***conclusively established***.

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Present for the hearing was Defendant Michael Wilson, Amanda McClendon, Attorney for Defendant Wilson, and Georgia B. Felner, Tax Counsel, Department of Revenue, State of Tennessee. Plaintiff, Marion Michael Lane, did not appear for the hearing.

Upon consideration of the statements of Counsel in open Court and the file in this matter, the Court made the following ruling:

It is **ORDERED, ADJUDGED AND DECREED** that the Plaintiff's Petition to Partition the Real Property known as 838 Sutton Hill Road, Nashville, Davidson County, Tennessee 37204, by sale and to pay off the mortgage indebtedness and split the equity remaining from the Real Property; is hereby dismissed with prejudice;

It is **ORDERED** that the Real Property in question is more fully described as follows:

> Land in Davidson County, Tennessee, being Lot No. 2 on the plan of Re-subdivision of Lots 16, 17, and portions of 15 and 18: Block "E", Battlefield Estates, Section Two, of record in Book 5190, Page 638, Register's Office for said County.
>
> Said Lot No. 2 fronts 110.02 feet on the northerly margin of Sutton Hill Road and extends back 230.54 feet on the easterly line and 220.29 feet on the westerly line to a dead line in the rear, measuring 109.92 feet thereon.
>
> Being the same property conveyed to Marion Michael Lane and Michael Wilson, both single people, as joint tenants with rights of survivorship, by quitclaim deed from A. Michael Wilson, of record in Book 10785, Page 345 Register's Office of Davidson County Tennessee.
>
> Michael Wilson and A. Michael Wilson are one and the same person.
> This is improved property known as 838 Sutton Hill Road, Nashville TN 37204.

It is **ORDERED** that based upon the doctrine of reformation and due to Plaintiff's fraud upon Defendant Michael Wilson, as well as the doctrine of constructive trust, the conveyance from Defendant Wilson to Plaintiff and Defendant Wilson, jointly with rights of survivorship, of record in Book 10785, Page 345 Register's Office for Davidson County, Tennessee, and as described immediately above, is reformed to **delete and divest** the name of **Marion Michael Lane**, ab initio, and title thereto is hereby **vested exclusively** in the name **Michael Wilson.**

It is **ORDERED** that this reformation should not disturb the validity and chain of title of the lien indebtedness held by Defendant Alan Saturn, Trustee and Defendant First Republic Mortgage Corporation (or its successors in interest);

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It is further **ORDERED** that Defendant Michael Wilson be granted a judgment against Plaintiff Marion Michael Lane in the sum of **TWENTY SEVEN THOUSAND SIX HUNDRED THIRTY EIGHT AND 56/100 ($27,638.56) DOLLARS**, said judgment to bear statutory interest and for which execution may issue, if necessary, as partial compensation for the damages sustained as a direct result of the fraud committed by Plaintiff on Defendant Wilson;

It is **ORDERED** that the lien filed by the Third Party Defendant State of Tennessee Department of Revenue, of record in **Instrument Number 20010220-0015546** be released as to the Real Property described above and by way of compromise between Defendant Wilson and the Third Party Defendant State of Tennessee Department of Revenue. Nothing herein shall effect the validity of the lien indebtedness held by the State of Tennessee Department of Revenue and its attachment to any other property interest of Plaintiff;

It is **ORDERED** that all matters, issues or relief not expressly addressed herein are hereby dismissed; and

It is **ORDERED** that the costs of this cause be taxed to Plaintiff Marion Michael Lane, for which execution may issue.

This 26th day of October 2001.

Hamilton Gayden JUDGE

APPROVED FOR ENTRY:

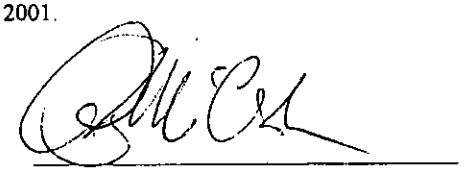
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Georgia B. Felner by jacm. 10-16-01
Georgia B. Felner, # 13167 By phone
Tax Counsel
Department of Revenue
27th Floor, Tennessee Tower
312 8th Avenue North
Nashville Tennessee 37243
615/532.8920

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, to Marion Michael Lane, Pro se, 7044 Old Nashville HWY, Murfreesboro TN 37129 and to faxed and mailed to Alan Saturn, Trustee for First Republic Mortgage, Saturn and Mazier, 212 Third Avenue North, Nashville Tennessee 37201, 615/256.5469, and faxed and mailed to the Georgia B. Felner, Tax Counsel, Department of Revenue, 27th Floor, Tennessee Tower, 312 8th Avenue North, Nashville Tennessee 37243 615/532.7346 on this 16th day of October 2001.



STATE OF TENNESSEE

I, **RICHARD R. ROOKER,** Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the order heretofore entered in the FIRST Circuit Court for Davidson County, Tennessee, on the 26 day of OCTOBER , 2001 , in the Case Number 00C707 between LANE, MARION MICHAEL Plaintiff, and WILSON, MICHAEL ET.AL Defendant, as same remains of record in the Minutes of said Court.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 06 day of APRIL in the year two thousand ten and in the 233rd year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

