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Dav. Co. Chancery Court

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

FESMIRE INVESTMENTS, LP d/b/a FESMIRE INVESTMENTS Plaintiff, vs. JAMIE L. SMITH, MILA, INC., WACHOVIA BANK, N.A., TRUSTEE AND THEIR HEIRS, SUCCESSORS, PERSONAL REPRESENTATIVES AND ASSIGNS. Defendants.	)	FOUD Case No. 10-329-I

FILED
2010 JUN -3 PM 2:58
DAVIDSON CO. CHANCERY CT.

DEFAULT JUDGMENT

The Motion of the Plaintiffs, Fesmire Investments, LP d/b/a Fesmire Investments. for a Default Judgment as to Defendants, Jamie L. Smith, MILA, Inc., Wachovia Bank, N.A., Trustee in this cause was made pursuant to TRCP 55 and was scheduled to be heard on Friday, May 28, 2010. It appears to the Court that the Complaint was filed with this court on February 26, 2010 and that title to the real property described at 817 Bexhill Court North, Hermitage, Davidson County, Tennessee 37076 (hereinafter the Property) was vested in Plaintiff pursuant to Final Decree Confirming Sale of record in Instrument Number 20090317-0023896, Register's Office for Davidson County, Tennessee. It appears to this Court that the Defendants, Jamie L. Smith and MILA, Inc. were each served by Order of Publication published in the Tennessean on March 12, 2010, March 19, 2010, March 26,2010 and April 2, 2010. Defendant, Wachovia Bank, N.A., Trustee was served with a copy of the summons and Complaint by service of process on March 10, 2010. It also appears to this Court that no answer or other defense has been filed by the Defendants,

BILL GARRETT, Davidson County
Trans:T20100037134 ORDER
Recvd: 06/18/10 10:10 3 pgs
Fees:17.00 Taxes:0.00
20100618-0047520

Jamie L. Smith, MILA, Inc., Wachovia Bank, N.A., Trustee nor has any response been timely filed or served on counsel for the Plaintiff. It is hereby

ORDERED, ADJUDGED AND DECREED that the Plaintiff in this action is entitled to a Default judgment against the Defendants, Jamie L. Smith, MILA, Inc., Wachovia Bank, N.A., Trustee ; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any persons claiming title to the real property known as 817 Bexhill Court North, Hermitage, Davidson County, Tennessee 37076 (hereinafter the Property) under the Defendants, Jamie L. Smith, MILA, Inc., Wachovia Bank, N.A., Trustee , except as set forth hereinbelow, are barred from claiming title to the Property; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any right, title or interest of Defendants, Jamie L. Smith, MILA, Inc., Wachovia Bank, N.A., Trustee in the real property described as follows:

> Being Lot No. 71 on the Plan of Section Three, Wembley Downs as of record in Plat Book 8250, Page 108, Register's Office for Davidson County, Tennessee, to which said plan reference is hereby made for a more complete and accurate legal description thereof.
>
> Being the same property conveyed to Fesmire Investments by Final Decree Confirming Sale of record in Instrument No. 20090137-0023896, Register's Office for Davidson County, Tennessee.
>
> This is improved Property known as 817 Bexhill Court North, Hermitage, Davidson County, Tennessee 37076.

IT IS vested in the Plaintiff; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the costs of this cause shall be taxed to the Defendants, Jamie L. Smith, MILA, Inc., Wachovia Bank, N.A., Trustee for

which execution may issue if necessary.

ENTERED this _____ day of May, 2010.

CLAUDIA BONNYMAN
CHANCELLOR

APPROVED FOR ENTRY

ROBERT J. NOTESTINE III
BPR #12195
Attorney for the Plaintiff
109 Kenner Avenue, Suite 201
Nashville, TN 37205
(615) 297-1568, Ext. 11

I HEREBY CERTIFY THAT THIS IS A TRUE COPY
OF ORIGINAL INSTRUMENT FILED IN MY OFFICE
THIS 10 DAY OF May 2010
CRISTI SCOTT, CLERK & MASTER
BY _____ DEPUTY

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion for Default Judgment, has been mailed, first class, U.S. mail to Wachovia Bank, N.A.,Trust, c/o Corporate Service Co., 2711 Centerville Drive, Suite 400, Wilmington, Delaware 19801 on this 21st day of May, 2010. No service was made to the remaining Defendants as they are believed to be deceased or their whereabouts are unknown.

Robert J. Notestine III