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Dav. Co. Chancery Court

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

ROBERT L. LINK, and JAMES E. SIMPSON, JR.,	)
Plaintiffs,	)
v.	)
The Unkown Heirs, if any, of Allen Johnson and wife, Mary Johnson, both deceased,	)
Defendants.	)

FO-4

Docket No. 10-938-II

BILL GARRETT, Davidson County
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ORDER GRANTING MOTION FOR DEFAULT JUDGMENT, AND ENTRY OF DECLARATORY JUDGMENT TO QUIET TITLE TO CERTAIN REAL PROPERTY

This cause was set for hearing on October 8, 2010, before the Honorable Carol L. McCoy, Chancellor of the Chancery Court (Part II) for Davidson County, Tennessee, upon the motion of the plaintiffs, Robert L. Link, and James E. Simpson, Jr. (collectively "the plaintiffs"), for entry of a default judgment in their favor and for entry of a declaratory judgment that they are the sole and exclusive owners in fee simple of that certain property (hereafter "the Property") which is the subject of the Verified Complaint to Quiet Title and for Declaratory Judgment. Based on the Verified Complaint, the plaintiffs acquired their initial ownership interest in the Property from Ina Kiber Chambers, by Warranty Deed, which is of record in Instrument No. 20091216-0114415, Register's Office for Davidson County, Tennessee. Thereafter, On March 24, 2010, Leslie Burnice Johnson, a/k/a Bernice Johnson, who is, upon information and belief, a daughter of Will Johnson, sold and conveyed by Quitclaim Deed all of her right, title, and interest in the Property to the Plaintiffs for the sum of $1,500.00. This Quitclaim Deed is of record in Instrument No. 20100406-0025674, Register's Office for Davidson County, Tennessee.

Thereafter, On March 30, 2010, Loistine Johnson Jackson, who is, upon information and belief, a daughter of Will Johnson, sold and conveyed by Quitclaim Deed all of her right, title, and interest in the Property to the plaintiffs for the sum of $1,500.00. This Quitclaim Deed is of record in Instrument No. 20100406-0025673, Register's Office for Davidson County, Tennessee. Finally, on May 19, 2010, based on a scrivener's mistake in the metes and bounds description of the Quitclaim Deeds executed by Leslie Burnice Johnson, a/k/a Bernice Johnson, and Loistine Johnson Jackson, a Scrivener's Affidavit was recorded with the Register's Office for Davidson County, Tennessee, which is of record in Instrument No. 20100519-0038692.

The Property is located at or about Brick Church Pike, Goodlettsville, Davidson County, Tennessee 37072, consists of approximately twenty (20) unimproved acres, and is more particularly described as follows:

> Beginning at a white oak corner of Shaw land now J.W. Parrish's land; thence South 2° West 33-45/100 poles to a stone with pointes; thence North 88° West 76-56/100 poles to a stone on a ridge; then North 2° East 50-45/100 poles to a stone; thence South 88° East 37-56/100 poles to a stone; thence South 2° West 17 poles to a beech; thence South 88° East 39 poles to the beginning, bounded on the North by J.W. Parrish and G.W. Kiber, on the West by Kiber, on the South by Caswell, on the East by Stockman and Parrish, containing twenty (20) acres, more or less; being Map and Parcel No. 024-00-0-0033.00, on the Maps of the Assessor of Property for Davidson County, Tennessee.

In further support of this motion, the plaintiffs state that this action was filed on June 9, 2010; that, thereafter, as the name(s) of the defendant(s) was/were/is/are unknown and could not/cannot be ascertained upon diligent inquiry, the plaintiffs moved this Court, pursuant to Tenn. Code Ann. § 21-1-104, to enter an order of publication of notice of this action so that any potential interested person(s) would be provided constructive service of process. On July 23, 2010, this Court entered an Order of Publication and, subsequently, notice publication of this action was made in The Tennessean on July 30, August 6, August 13, and August 20, 2010, as is

more fully shown in the records of this Court. Now, more than thirty (30) days has elapsed since the last date of publication of notice, and no interested person has made an appearance in this action to contest any allegation or claim for relief requested by the plaintiffs. Based on all of the above, this Court finds that the motion is well-taken and should be granted. It is, therefore,

ORDERED that a default judgment shall be and is entered in favor of Robert L. Link, and James E. Simpson, Jr., and against The Unknown Heirs, if any, of Allen Johnson and wife, Mary Johnson, both deceased, as to the Property and any claims against the Property. It is, further,

ORDERED that Robert L. Link, and James E. Simpson, Jr., shall be and are entitled to a declaration, and this Court declares and specifically finds that they are the sole and exclusive owners in fee simple of that certain property located at or about Brick Church Pike, Goodlettsville, Davidson County, Tennessee 37072, and more specifically described as follows:

> Beginning at a white oak corner of Shaw land now J.W. Parrish's land; thence South 2° West 33-45/100 poles to a stone with pointes; thence North 88° West 76-56/100 poles to a stone on a ridge; then North 2° East 50-45/100 poles to a stone; thence South 88° East 37-56/100 poles to a stone; thence South 2° West 17 poles to a beech; thence South 88° East 39 poles to the beginning, bounded on the North by J.W. Parrish and G.W. Kiber, on the West by Kiber, on the South by Caswell, on the East by Stockman and Parrish, containing twenty (20) acres, more or less; being Map and Parcel No. 024-00-0-0033.00, on the Maps of the Assessor of Property for Davidson County, Tennessee.

It is, further,

ORDERED that plaintiffs, Robert L. Link, and James E. Simpson, Jr., shall be allowed to record a certified copy of this Order with the Register's Office of Davidson County, Tennessee, to confirm their fee simple ownership of the Property. It is, further,

ORDERED that court costs of this cause shall be taxed to the plaintiffs, Robert L. Link, and James E. Simpson, Jr., for which execution shall issue if necessary.

ENTERED THIS _____ DAY OF OCTOBER, 2010.

CAROL L. MCCOY, Chancellor

I HEREBY CERTIFY THAT THIS IS A TRUE COPY
OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 22 DAY OF OCT 2010
CRISTI SCOTT, CLERK & MASTER
BY _____ D.C.
DEPUTY

APPROVED FOR ENTRY:

David O. Huff (Tenn. Reg. No. 10996)
Smythe & Puryear
144 2nd Avenue, North, Suite 333
Nashville, TN 37201
(615) 255-4849

Attorneys for Robert E. Link
and James E. Simpson, Jr.

There is no certificate of service attached to this motion as there are no specifically-named defendants and, thus, no person has been served with a summons in this action.