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Dav. Co. Chancery Court

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT
AT NASHVILLE

U. S. BANK N.A., AS TRUSTEE FOR J.P. MORGAN ALTERNATIVE LOAN TRUST 2006-S4,

Plaintiff,

vs.

ADAM BLAKE BOSWELL, individually and as Trustee,

THE ABBEY COMPANY LIVING TRUST, dated October 20th, 2008,

MORTGAGE ELECTRONICREGISTRATION SYSTEMS, INC., acting solely as nominee for Greenpoint Mortgage Funding, Inc.,

GREENPOINT MORTGAGE FUNDING, INC.,

M. TODD JACKSON, as Trustee,

THE CIT GROUP,

SOUTHERN CONSULTING, LLC,

AA & B/ANTIOCH PLUMBING and

JOHN DOE (Unknown Claimant),

Defendants.

F-644

Case No. 10-0244-I

FILED
2010 DEC -9 AM 10:39
DAVIDSON CO. CHANCERY CT

NOTICE OF ENTRY REQUESTED

BILL GARRETT, Davidson County
Trans:T20100078068 ORDER
Recvd: 12/10/10 14:26 7 pgs
Fees:37.00 Taxes:0.00
20101210-0098695

ORDER

This matter came on before the Honorable Claudia Bonnyman on the 3rd day of December, 2010 upon the Motion for Default Judgment, pursuant to Rule 55 of the

Tennessee Rules of Civil Procedure and upon statement of Plaintiff's Counsel, review of the entire record and the failure of any party to appear or respond to the instant Motion for Default Judgment, it appearing to this Honorable Court that the Motion of U. S. BANK N.A., AS TRUSTEE FOR J.P. MORGAN ALTERNATIVE LOAN TRUST 2006-S4 is well taken and further, this Honorable Court finds as follows:

1. That the Petition to Quiet Title herein was filed with this Honorable Court on the 16th day of February, 2010.

2. That service of process was attempted on Defendant Adam Blake Boswell individually via personal service of the Davidson County Sheriff's Department. Sgt. Crossland returned the Summons noting "not found, vacant" on February 18th, 2010.

3. That, upon Plaintiff's Motion, this Honorable Court granted an Order allowing constructive service of process on Defendant Adam Blake Boswell individually via publication.

4. That an advertisement was published in The Tennessean pursuant to Rule Four (4) of the Rules of Civil Procedure and Local Rules of Practice, said last publication being on Friday, September 24th, 2010.(a copy of said publication notices is of record)

5. That Defendant Adam Blake Boswell, individually, has failed to plead or otherwise defend this action within the time prescribed in the Tennessee Rules of Civil Procedure.

6. That service of process was attempted on Defendant Adam Blake Boswell Trustee for The Abbey Company Living Trust dated October 20th, 2008 via personal service of the Davidson County Sheriff's Department. Sgt. Kenneth Crossland returned the Summons noting "not found, vacant" on February 18th, 2010.

7. That, upon Plaintiff's Motion, this Honorable Court granted an Order allowing constructive service of process on Defendant Adam Blake Boswell as Trustee for The Abbey Company Living Trust dated October 20th, 2008 via publication.

8. That an advertisement was published in The Tennessean pursuant to Rule Four (4) of the Rules of Civil Procedure and Local Rules of Practice, said last publication being on Friday, September 24th, 2010.(a copy of said publication notices is of record)

9. That Defendant Adam Blake Boswell as Trustee for The Abbey Company Living Trust dated October 20th, 2008 has failed to plead or otherwise defend this action within the time prescribed in the Tennessee Rules of Civil Procedure.

10. That service of process was obtained on Defendant Mortgage Electronic Registration Systems, Inc. on or about the 1st day of March, 2010.

11. That Defendant Mortgage Electronic Registration Systems, Inc. has failed to plead or otherwise defend this action within the time prescribed in the Tennessee Rules of Civil Procedure.

12. That service of process was obtained on Defendant Greenpoint Mortgage Funding, Inc. on or about the 18th day of February, 2010.

13. That Defendant Greenpoint Mortgage Funding, Inc. has failed to plead or otherwise defend this action within the time prescribed in the Tennessee Rules of Civil Procedure.

14. That service of process was obtained on Defendant M. Todd Jackson on the 24th day of February, 2010.

15. That Defendant M. Todd Jackson has failed to plead or otherwise defend this action within the time prescribed in the Tennessee Rules of Civil Procedure.

16. That service of process was obtained on Defendant The CIT Group on the 1st day of March, 2010.

17. That Defendant The CIT Group has failed to plead or otherwise defend this action within the time prescribed in the Tennessee Rules of Civil Procedure.

18. That service of process was obtained on Defendant Southern Consulting LLC on the 19th day of February, 2010.

19. That Defendant Southern Consulting LLC has failed to plead or otherwise defend this action within the time prescribed in the Tennessee Rules of Civil Procedure.

20. That service of process was obtained on Defendant AA & B/Plumbing on the 18th day of February, 2010.

21. That a Notice of Appearance has been filed on behalf of Defendant AA & B/Antioch Plumbing, but AA & B/Antioch Plumbing has failed to plead or otherwise defend this action within the time prescribed in the Rules of Civil Procedure.

22. That the record of this case reflects that service of process has been effectuated on each of the Defendants herein via either personal service, service via certified mail, return receipt requested or constructive service of process via publication.

23. That U. S. BANK N.A., AS TRUSTEE FOR J.P. MORGAN ALTERNATIVE LOAN TRUST 2006-S4 is entitled to the entry of a Default Judgment against the Defendants Adam Blake Boswell individually, Adam Blake Boswell Trustee for The Abbey Company Living Trust dated October 20th, 2008, Mortgage Electronic Registration Systems, Inc., Greenpoint Mortgage Funding, Inc., M. Todd Jackson, The CIT Group, Southern Consulting LLC and AA & B/Antioch Plumbing.

24. That Mortgage Electronic Registration Systems, Inc., Greenpoint Mortgage Funding, Inc., M. Todd Jackson, The CIT Group, Southern Consulting LLC and AA & B/Antioch Plumbing have acknowledged the receipt of the instant Motion for Default Judgment and that no response has been filed with this Honorable Court.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED BY THIS HONORABLE COURT that Plaintiff U. S. BANK N.A., AS TRUSTEE FOR J.P. MORGAN ALTERNATIVE LOAN TRUST 2006-S4 is the sole, true and exclusive owner, in fee simple absolute, of the subject real property municipally known as 6240 Hillsboro Pike, Nashville, Tennessee 37215.

IT IS FURTHER ORDERED that Defendants Adam Blake Boswell individually, Adam Blake Boswell Trustee for The Abbey Company Living Trust dated October 20th, 2008, Mortgage Electronic Registration Systems, Inc., Greenpoint Mortgage Funding, Inc., M. Todd Jackson, The CIT Group, Southern Consulting LLC and AA & B/Antioch Plumbing do not possess a valid claim to the subject real property, municipally known as 6240 Hillsboro Pike, Nashville, Tennessee 37215.

IT IS FURTHER ORDERED that Defendants Adam Blake Boswell individually, Adam Blake Boswell Trustee for The Abbey Company Living Trust dated October 20th, 2008, Mortgage Electronic Registration Systems, Inc., Greenpoint Mortgage Funding, Inc., M. Todd Jackson, The CIT Group, Southern Consulting LLC and AA & B/Antioch Plumbing or any or all persons or entities claiming under the Defendants' alleged right of title, have no right, title, estate, lien, or interest in or to the subject real property municipally known as 6240 Hillsboro Pike, Nashville, Tennessee 37215 or any part thereof.

IT IS FURTHER ORDERED that Plaintiff U. S. BANK N.A., AS TRUSTEE FOR J.P. MORGAN ALTERNATIVE LOAN TRUST 2006-S4 is entitled to the quiet and peaceful possession of the subject property municipally known as 6240 Hillsboro Pike, Nashville, Tennessee 37215.

IT IS FURTHER ORDERED that any lien or instrument executed or recorded by any of the Defendants herein after the May 13th, 2008 foreclosure sale is hereby declared to be void ab initio and of no legal significance with regard to the right, title, estate, lien, or interest in or to the subject real property municipally known as 6240 Hillsboro Pike, Nashville, Tennessee 37215 or any part thereof.

IT IS FURTHER ORDERED that each and every one of the Defendants Adam Blake Boswell individually, Adam Blake Boswell Trustee for The Abbey Company Living Trust dated October 20th, 2008, Mortgage Electronic Registration Systems, Inc., Greenpoint Mortgage Funding, Inc., M. Todd Jackson, The CIT Group, Southern Consulting LLC and AA & B/Antioch Plumbing or any and all persons or entities claiming under them, are hereby barred from forever asserting any adverse claim to Plaintiff's title to the subject real property municipally known as 6240 Hillsboro Pike, Nashville, Tennessee 37215 or any part thereof.

IT IS FURTHER ORDERED that Plaintiff shall satisfy the remaining court costs and shall be entitled to recover its Attorneys' fees, costs and expenses incurred herein.

ORDERED AND DONE on this the _____ day of December, 2010.

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

HONORABLE CLAUDIA BONNYMAN
CHANCELLOR OF PART I DAVIDSON CO.

APPROVED FOR ENTRY:



DUANE W. DEVAULT, B.P.R.#13541
Attorney for Petitioner
Post Office Box 387
Hendersonville, TN 37077-0387
(615) 822-7301 Office
(615) 826-0473 Facsimile
duanedevault@att.net

CERTIFICATE OF SERVICE

I, Duane W. DeVault, Attorney at Law hereby certify that a true and exact copy of the foregoing Order is being forwarded via first class mail, postage prepaid on the 3rd day of December, 2010 to the following:

Mr. Adam Blake Boswell
6240 Hillsboro Pike
Nashville, Tennessee 37215

The Abbey Company Living Trust
c/o Trustee Adam Blake Boswell
6240 Hillsboro Pike
Nashville, Tennessee 37215

Mortgage Electronic Registration Systems, Inc.
818 Library Street
Suite 300
Reston, Virginia 20190

Greenpoint Mortgage Funding Inc.
1100 Larkspur Landing, Circle
Suite 360
Larkspur, California 94939

Mr. M. Todd Jackson
3326 Aspen Grove Drive
Franklin, Tennessee 37067

The CIT Group
505 Fifth Avenue
New York, NY 10017

Southern Consulting LLC
1208 Highway 47 East
Dickson, Tennessee 37055

AA & B/Antioch Plumbing
c/o Charles Martin Duke
Attorney at Law
2908 Poston Avenue
Nashville, TN 37203-1312

Copies mailed 12/9/10



DUANE W. DEVAULT, ATTORNEY