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232662-4

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MAY - 4 2011
Dav. Co. Chancery Court

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

FILED
2011 MAY -9 PM 12:58
CLERK & MASTER
DAV. CO. CHANCERY CT.

CASON A. DICKINSON,

Plaintiff,

v.

8863, LLC, WALTEK COMPANY, LTD, and NORTHBEND ARCHITECTURAL PRODUCTS, INC.

Defendants.

F02, A/CT

Docket No. 11-119-[illegible]

AGREED FINAL ORDER DISMISSING CASE AND PROVIDING FOR THE DISPOSITION OF FUNDS ON DEPOSIT

This is an action brought by the Plaintiff to obtain possession to obtain possession of certain property purchased at a sale of property ("Property") by the Davidson Count Clerk & Master to satisfy delinquent real property taxes owed by defendant 8863, LLC, described as follows:

BILL GARRETT, Davidson County
Trans:T20110042390 ORDER
Recvd: 07/14/11 11:11 4 pgs
Fees:22.00 Taxes:0.00
20110714-0053878

Land in Davidson County, Tennessee
1500 Second Avenue North
.64 acres
Map/Parcel No. 08205013300
Deed Book, Page 20090205 009749

The sale of the Property was confirmed by final order entered on January 4, 2010 in a civil action styled *Metropolitan Government of Davidson County, Tennessee v. Delinquent Taxpayers*, et al Civil Action No. 09-487-II. The Clerk and Master is currently holding excess sale proceeds in the amount of $44,214.64 which are ~~payable to~~ subject to claim by 8863, LLC, the owner of the Property prior to the tax sale. RP 8863, LLC filed a counterclaim to the complaint, seeking to have the tax sale of the Property set aside. Upon the filing of the counterclaim, 8863, LLC deposited funds with the

Clerk and Master in the amount of $20,288.44 pursuant to T.C.A. 67-5-2504. As evidenced by the signatures of their respective counsel set forth below the parties have now agreed to resolve the matters in dispute in this action and to provide for the disposition of funds on deposit with the court.

Based on the agreement of the parties as evidenced by the signatures of their respective attorneys set forth below, the court accordingly ORDERS and DECREES as follows

1. The counterclaim of defendant/counter-plaintiff 8863, LLC is hereby dismissed with prejudice and the court declares that title to the Property is vested in plaintiff Cason A. Dickinson.

2. Defendants having previously surrendered possession of the Property to Plaintiff, Plaintiff's complaint is hereby dismissed with prejudice except to the extent that it seeks to establish in Plaintiff title to the Property;

RT 3. The Clerk and Master is directed to disburse the excess tax sale proceeds held in case 09-487-II 082050330 in the amount of $44,214.64, to 8863 LLC by check payable to 8863, LLC, c/o Garry K. Grooms, Stites & Harbison, PLLC, 801 Commerce Street, Suite 800, Nashville, TN 37219.

4. The Clerk and Master is further directed to remit the funds paid into court upon the filing of the counterclaim, in the amount of $20,288.44, by issuing a check payable in that amount to Stites & Harbison, PLLC Trust Account, c/o Garry K. Grooms, Stites & Harbison, PLLC, 801 Commerce Street, Suite 800, Nashville, TN 37219.

5. Each party shall bear its own discretionary costs. Court costs shall be taxed to the defendant/counter-plaintiff 8863, LLC, for which execution may issue, if necessary and are to be deducted from funds held in this case.

THIS IS A FINAL JUDGMENT.

Enter this ____ day of May, 2011

HONORABLE RUSSELL T. PERKINS
CHANCELLOR, PART IV

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 9th DAY OF June 2011
CRISTI SCOTT, CLERK & MASTER
BY John C. O'Neal
DEPUTY

Approved for Entry,

Garry R. Grooms (Sup. Ct. No. 012647)
STITES & HARBISON, PLLC
SunTrust Plaza
401 Commerce Street
Suite 800
Nashville, TN 37219-2376
Telephone: (615) 244-5200

Counsel for Defendants/8863s, 8863, LLC, Waltek Company, Ltd., and Northbend Architectural Products, Inc.

Winston Evans (Sup. Ct. No.)
EVANS JONES & REYNOLDS, P.C.
SunTrust Plaza
401 Commerce Street
Suite 710
Nashville, TN 37219
Telephone: (615) 259-4685

Counsel for Plaintiff Cason A. Dickinson

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Agreed Final Order Dismissing Case and Providing for the Disposition of Funds on Deposit* has been sent on this 16 day of May 2011 via United States mail, postage prepaid, and properly addressed to:

Winston Evans
SunTrust Plaza
401 Commerce Street, Suite 710
Nashville, TN 37219
Telephone: (615) 259-4685

Counsel for Plaintiff Cason A. Dickinson

Garry K. Grooms

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