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Dav. Co. Chancery Court

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

BILL GARRETT, Davidson County
Trans:T20110043702 ORDER
Recvd: 07/20/11 10:42 3 pgs
Fees:17.00 Taxes:0.00
20110720-0055466

EDWARD H. BEENE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
REGIONS BANK, as successor-in-interest to BEDFORD COUNTY BANK, and	)	**Case No. 11-347-II**
	)	
UNKNOWN JOHN DOES 1-10,	)	
	)	
Defendants.	)	

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II

FILED
2011 JUL 15 PM 2:05
DAVIDSON CO. CHANCERY CT.
D.C.

ORDER

This cause came to be heard on July 8, 2011 upon the Motion for Default Judgment filed by Edward H. Beene ["Plaintiff"]. Christopher Hugan appeared on behalf of the Plaintiff. No appearance was made by Regions Bank or any other Defendant.

Upon argument of counsel and examination of the record as a whole, the Court finds that Plaintiff's Motion is well-taken and **ORDERS** as follows:

1. On March 14, 2011, Plaintiff filed a Complaint to Quiet Title for real property known as 308 Marshall Street, Nashville, Tennessee [the "Property"], more particularly described as follows:

> A certain trace or parcel of real estate lying and being in the 13th Civil District of Davidson County, Tennessee, bounded and described as follows:
>
> Being the easterly one-half of Lot No. 55 on the plan of Trinity Heights, as of record in Book 161, page 38, R.O.D.C., Tennessee, said part of Lot 55 fronts 50 feet on the Southerly side of Marshall Street and runs back between parallel lines 150 feet to an alley and is the same property which was conveyed to Edward H. Beene by Edward Steelman, Testamentary Trustee, by deed dated October 3, 1988 and of record in the Register's Office of Davidson County, Tennessee in Book 7674, at page 950.

2. Defendant Regions Bank was served with process on March 15th, 2011. Unknown Defendants John Doe 1-10 were served by publication pursuant to T.C.A. §21-1- 204.

3. Plaintiff alleges that his deed to the Property, which is recorded in the Davidson County Register of Deeds in Book 7674, Page 950, contains a mutual mistake in that Edward Steelman intended to sign that deed as an agent and officer of Bedford County Bank and not as Testamentary Trustee of the Estate of Boss Goodner. Alternatively, Plaintiff's Complaint alleges that he should be awarded title to the Property on the basis of adverse possession.

4. The Court finds that Plaintiff's warranty deed recorded in the Davidson County Register of Deeds at Book 7674, page 950 contains a mutual mistake in that Edward Steelman intended to sign on behalf of Bedford County Bank and not as Testamentary Trustee of the Estate of Boss Goodner. Thus, this Deed is reformed to reflect as such and to deem it to be a conveyance of the Property from Bedford County Bank to Edward H. Beene.

5. The Court further finds that Edward H. Beene has been in possession of the Property for more than twenty (20) years and that his possession has been exclusive, actual, adverse, continuous, open, and notorious. Thus, title to the Property is divested from all persons known and unknown and is vested solely to Edward H. Beene in accordance with common law adverse possession.

6. Costs in this matter shall be taxed to Edward H. Beene, for which execution may issue if necessary.

IT IS SO ORDERED.

Carol L. McCoy, Chancellor

I HEREBY CERTIFY THAT THIS IS A TRUE COPY
OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 19th DAY OF July, 2011
CRISTI SCOTT, CLERK & MASTER
BY John C. Scott
DEPUTY

SUBMITTED FOR APPROVAL:

Christopher Hugan

Christopher Hugan (#22853)
Evans, Jones & Reynolds, P.C.
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Telephone: (615) 259-4685
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **ORDER** has been served via **U.S. Mail** upon the following:

Regions Bank
c/o Corporation Service Company, Registered Agent
2908 Poston Avenue
Nashville, TN 37203

This 11TH day of July, 2011.

Christopher Hugan
Christopher Hugan

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