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Dav. Co. Chancery Court

IN THE CHANCERY COURT OF DAVIDSON COUNTY TENNESSEE
IN THE 20TH JUDICIAL DISTRICT

BAC HOME LOANS SERVICING, LP)
F/K/A COUNTRYWIDE HOME)
LOANS SERVICING, LP)
)
Plaintiff)
)
v.)
)
JOHNNY WOODARD, ELINOR B.)
WOODARD, JANICE B. WOODARD)
ZETHA ANNETTE WALKER AKA)
ZETHA ANNETTE CRAWFORD and)
MARK CRAWFORD)
)
Defendant.)

NF
CIVIL ACTION
NO. 11-465-iv

FILED
2011 JUN 14 PM 3:37
DAVIDSON CO. CHANCERY CT.
D.C.&M.

FINAL CONSENT ORDER AS TO JANICE B. WOODARD AND JOHNNY WOODARD

WHEREAS, Janice B. Woodard is the grantor on a Quitclaim Deed dated October 20, 1988 and recorded November 11, 1988, at Deed Book 7701, Page 665, Davidson County, Tennessee Records to real property located at 1615 5th Avenue North, Nashville, Davidson County, Tennessee 37208 (hereinafter. the "Property"), and more particularly described as follows:

> LAND in Davidson County, Tennessee, being Lot No. 150 on the Plan of North Nashville Real Estate Company's property, as of record in Book 21, Page 105, Register's Office for Davidson County, Tennessee.
>
> SAID Lot No. 150 fronts 50 feet on the westerly side of 5th Avenue, North, formerly Sumner Street and runs back 181 ½ feet on the northerly line and 181 feet on the southerly line to an alley, measuring 50 feet thereon. And;

BILL GARRETT, Davidson County
Trans:-T20110076385 ORDER
Recvd: 12/05/11 08:34 7 pgs
Fees:37.00 Taxes:0.00
20111205-0094298

WHEREAS Janice B. Woodard is also a grantor on a Quitclaim dated December 20, 1989 and December 27, 1989 in Book 8012, Page 868, Davidson County, Tennessee records.; and

WHEREAS Johnny B. Woodard is a grantee on a Quitclaim Deed dated December 20, 1989 and recorded December 27. 1989 in Book 8012, Page 871, Davidson County, Tennessee records; and

WHEREAS Johnny B. Woodard is a grantee on a Corrective Quitclaim Deed dated February 22, 2011 and recorded March 7, 2011 as Instrument No. 20110307-0017862, Davidson County, Tennessee records; and

WHEREAS Johnny B. Woodard is a grantor on a Warranty Deed dated January 15, 2004 and recorded January 20, 2004 as Instrument No. 20040120-0007372, Davidson County, Tennessee records; and

WHEREAS BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP (hereinafter "BAC Home Loans") is the lender on a Deed of Trust recorded May 28, 2009 as Instrument No. 20090529-0049489, Davidson County, Tennessee records; and

WHEREAS several deeds in the chain of title contain an incorrect legal description in that the last call references a distance of 509 feet and the correct distance reference is 50 feet; and

WHEREAS the deeds containing the aforesaid error and requiring reformation are as follows:

(1) Quitclaim Deed dated December 20, 1989 and recorded December 27, 1989 in Book 8012, Page 868, Davidson County, Tennessee records (hereinafter the "Second Quitclaim Deed"); and

(2) Warranty Deed dated January 15, 2004 and recorded January 20, 2004 as Instrument No. 20040120-0007372, Davidson County, Tennessee record (hereinafter the "Second Warranty Deed"); and

(3) Quitclaim Deed dated June 14, 2006 and recorded June 15, 2006 as Instrument No. 20060615-0071246, Davidson County, Tennessee records (hereinafter the "Fourth Quitclaim Deed"); and

(4) Quitclaim Deed dated January 31, 2007 and recorded March 1, 2007 as Instrument No. 20070301-0025354. Davidson County, Tennessee records (hereinafter the "Fifth Quitclaim Deed"); and

(5) Deed of Trust dated May 22, 2009 and recorded May 28, 2009, as Instrument No. 20090529-0049489, Davidson County, Tennessee records; and

WHEREAS the Second Warranty Deed is missing Janice Woodard's signature to convey an marital interest she may have had in the Property; and

WHEREAS, BAC Home Loans, Janice B. Woodard, and Johnny Woodard have consented and agreed that Second Quitclaim Deed, Second Warranty Deed, Fourth Quitclaim Deed, Fifth Quitclaim Deed and the Deed of Trust should be reformed to correct the legal description; and

WHEREAS, BAC Home Loans, Janice B. Woodard, and Johnny Woodard have consented and agreed that this Court should declare that Janice B. Woodard has no interest in the Property; and

WHEREAS, BAC Home Loans, Janice B. Woodard, and Johnny Woodard have consented and agreed that this Court should declare that BAC Home Loans holds a valid, enforceable, first position lien on the entire Property by virtue of the Deed of Trust recorded as Instrument No. 20090529-0049489, Davidson County, Tennessee records

IT IS ORDERED AND ADJUDGED:

(a) That the Court the Second Quitclaim Deed recorded in Book 8012, Page 868, Second Warranty Deed recorded as Instrument No. 20040120-0007372, Fourth Quitclaim Deed recorded as Instrument No. 20060615-0071246, Fifth Quitclaim Deed recorded as Instrument No. 20070301-0025354 and the Deed of Trust recorded as Instrument No. 20090529-0049489, Davidson County, Tennessee records are reformed to reflect the correct legal description as described herein:

> LAND in Davidson County, Tennessee, being Lot No. 150 on the Plan of North Nashville Real Estate Company's property, as of record in Book 21, Page 105, Register's Office for Davidson County, Tennessee.
>
> SAID Lot No. 150 fronts 50 feet on the westerly side of 5th Avenue, North, formerly Sumner Street and runs back 181 ½ feet on the northerly line and 181 feet on the southerly line to an alley, measuring 50 feet thereon;

(b) It is declared that the Second Quitclaim Deed, Second Warranty Deed, Fourth Quitclaim Deed, Fifth Quitclaim Deed and the Deed of Trust properly conveyed the Property despite the errors in the legal description;

(c) It is declared that Janice B. Woodard has no interest in the Property;

(d) It is declared that BAC Home Loans holds a valid, enforceable, first position lien on the entire Property by virtue of the Deed of Trust recorded as Instrument No. 20090529-0049489, Davidson County, Tennessee records.

SO ORDERED, this ____ day of _____ _____, 2011.

Russell T. Perkins

Chancellor, Chancery Court of Davidson County

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE THIS 21st DAY OF July 2011
CRISTI SCOTT, CLERK & MASTER
BY _____ DEPUTY

Order prepared and presented by:

PETER L. LUBLIN
BPR#027928
NATALIE BROWN
BPR# 022452
BRIAN LINKOWSKI
BPR# 028640
ATTORNEYS FOR THE PETITIONER
BAC HOME LOANS SERVICING, LP
F/K/A COUNTRYWIDE HOME
LOANS SERVICING, LP

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(770) 246-3333 (Telephone)
(404) 601-5415 (Facsimile)
plublin@rubinlublin.com

CONSENTED TO:

Janice B. Woodard

State of Tennessee
County of Sumner

On this 1 day of June, 2011, before me personally appeared Janice B. Woodard, to me known (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 1 day of June, 2011.

Diane Hinson
Notary Public

My Commission Expires:

12-23-14

DIANE HINSON
NOTARY PUBLIC AT LARGE
SUMNER COUNTY TENN.

CONSENTED TO:

Johnny Woodard

State of Tennessee
County of Sumner

On this 1 day of June, 2011, before me personally appeared Johnny Woodard, to me known (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 1 day of June, 2011.

Notary Public

My Commission Expires:
12-23-14

DIANE HINSON
NOTARY PUBLIC AT LARGE
SUMNER COUNTY