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IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
PROBATE DIVISION

FILED
2012 MAR -9 PM 4:05
RICHARD R. ROOKER, CLERK
D.C.

IN RE:	)	
	)	
JESSIE JAMES BOYD,	)	
	)	No. 08P - 143
Deceased,	)	

ORDER

This cause came to be heard on the 22nd day of February, 2012 before the Honorable David R. Kennedy, Judge, upon the complaint and amended complaint to quiet title to real property located at 517 Radnor Street, Nashville, Davidson County, Tennessee. It appearing to the Court upon argument of Counsel, testimony of the parties and witnesses in open court, and the record as a whole, that all equity in said real property belonged to Jessie James Boyd and title to said real property was vested in the heirs at law of Jessie James Boyd on his date of death on November 18, 2000. In support of this ruling the Court makes the following findings:

1. There clearly existed a confidential relationship between Jessie James Boyd and his daughter Brenda Boyd and this confidential relationship was the source of the transaction resulting in a benefit to Brenda Boyd. Because of her wealth of medical knowledge the decedent trusted and relied upon her to the extent of giving her a power of attorney which was used by her in making medical decisions on behalf of the decedent prior to his death.

BILL GARRETT, Davidson County
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2. There existed fraud and suspicious circumstances surrounding the purchase of the property at 517 Radnor Street, Nashville, Tennessee, on April 1, 1998, with the addition of Brenda Boyd's name being place on the warranty deed with rights of survivorship. Ms. Boyd gained benefit of a financial nature, which was unexplained and shrouded in secrecy with the unnatural result of excluding the other children of Jessie Boyd.
3. Brenda Boyd was actively involved in the fraudulent transfer of the 517 Radnor Street property by quitclaim deed prepared by Brenda Boyd, clearly having a confidential relationship with her father, and taking advantage of his inability to comprehend the nature of the transaction due to his lack of education and his misplaced trust in his daughter, Brenda Boyd. Jessie Boyd had obtained no independent advice with regard to his transfer of interest in said property for no consideration to Ms. Boyd.
4. There was a discrepancy between the deeds executed and Jessie Boyd's expressed intent. Jessie Boyd labored under the belief that he solely owned said property from the signing of the contract until the discovery of the fraud several years later and attempted to remedy the matter by consulting with attorneys and filing suit against Brenda Boyd to recover title to the property.

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5. Brenda Boyd, although giving testimony controverting her deposition testimony in her father's lawsuit, is bound by the statements made acknowledging her father's rightful ownership of the property.
6. The proof showed that Jessie Boyd made the payments to purchase the property and no evidence of a financial interest of Brenda Boyd was shown.
7. The clear existence of the confidential relationship shifts the burden to Respondent which presumption of undue influence has not been shown by sufficient evidence to overcome.
8. Jessie James Boyd owned 100% of the equity interest in 517 Radnor Street, Nashville, Tennessee. The warranty deed dated April 1, 1998, conveying 517 Radnor Street, Nashville, Tennessee, from Roy Jones to Jessie Boyd and Brenda Boyd with right of survivorship, and the quitclaim deed dated November 17, 1998, conveying Jessie Boyd's interest in said property to Brenda Boyd, should be void and void *ab initio* with title to said property vested in the heirs at law of Jessie James Boyd as tenants in common.

It is therefore,

ORDERED, ADJUDGED, and DECREED that Jessie James Boyd owned 100 % of the equity interest in 517 Radnor Street, Nashville, Davidson County, Tennessee. It is further,

ORDERED, ADJUDGED, and DECREED that the warranty deed dated April 1, 1998, conveying 517 Radnor Street, Nashville, Tennessee, from Roy

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Jones to Jessie Boyd and Brenda Boyd with right of survivorship, and the quitclaim deed dated November 17, 1998, conveying Jessie Boyd's interest in said property to Brenda Boyd, shall be declared to be null and void *ab initio*. Title to said property more particularly described as follows:

> Being Lot 104 on the Map of College Heights, as of record in Book 332, page 19, of the Register's Office for Davidson County, Tennessee.
>
> Said Lot No 104 fronts 50 feet on the south side of Radnor Street and runs back between parallel lines 169 feet to an alley.
>
> Being part of the same property conveyed to Roy S. Jones by deed from John A. Spann, III, and wife, Louise P. Spann of record in Book 5098, page 817, Register's Office for Davidson County, Tennessee.

is vested in the heirs at law of Jessie James Boyd, being Geraldine Moody, Larry Boyd, William Boyd, Cecil Boyd, Roderick Boyd, Brenda Boyd, Jermaine Boyd, and Sandra English, as tenants in common.

The costs of this cause are adjudged against the Respondent for which execution may issue.

ENTERED THIS 9 DAY OF ~~FEBRUARY~~ March, 2012.

DAVID R. KENNEDY, JUDGE

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APPROVED FOR ENTRY:

PEGGY D. MATHES #5741
MIKE URQUHART #21073
Attorneys for Plaintiffs
20 Academy Place
Nashville, TN 37210
(615) 251-6968

Certificate of Service

I certify that on the 27th day of February, 2012 a true and correct copy of the foregoing motion was mailed postage prepaid to:

Edmund W. Turnley, III, Esq.
Attorney for Brenda Boyd
1812 Broadway
Nashville, TN 37203

Peggy D. Mathes

STATE OF TENNESSEE

I, **RICHARD R. ROOKER,** Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the ORDER heretofore entered in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 09 day of MARCH , 2012 , in Case Number 08P143 between BOYD, LARRY ET.AL Petitioner, and BOYD, JESSIE JAMES ET.AL Respondent, as same remains in the records of said Court.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 23 day of MARCH 2012

RICHARD R. ROOKER, Clerk,

SEAL

By _____
Deputy Clerk