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

2004 SEP 17 PM 4:10

RICHARD R. ROOKER, CLERK

D.C.

IN RE:	)
THE ESTATE OF CORNELIUS T. RIDLEY,	)
Deceased.	) NO. 03P-1538
	)
CAROLYN RIDLEY,	)
Executrix/Heir/Legatee,	)
v.	)
WILLIAM KEITH RIDLEY and	)
CONSTANCE RIDLEY SMITH,	)
Heirs/Legatees,	)
v.	)
KAREN BENNETT MOORE,	)
Legatee.	)

BILL GARRETT, Davidson County
Trans:T20120029055 ORDER
Recvd: 04/20/12 14:49 5 pgs
Fees:27.00 Taxes:0.00
20120420-0034034

ORDER

This cause came to be heard on September 2, 2004, before the Honorable Judge Randy Kennedy, upon the Executrix's Petition to Construe, Carolyn Fludd Ridley's Petition to Set Aside Quitclaim Deed, Answers to said Petitions, and Claim(s) of Carolyn Fludd Ridley and Exception to Claim(s) by William Keith Ridley and Constance Ridley Smith. Whereupon the Court heard the matters in a bifurcated fashion and upon the arguments of counsel for the parties, testimony of witnesses and evidence presented, and the entire record herein, the Court finds the following:

1. The Decedent, Cornelius Theodore Ridley, and his spouse, Carolyn Fludd Ridley, executed mirror wills on June 11, 1988, after executing a prenuptial agreement;
2. The unprobated will of Decedent signed at various dates in 1999 by witnesses and/or Decedent and attached as an exhibit to the Petition to Probate, is not controlling;
3. The Decedent testator and his wife, Carolyn Fludd Ridley, lived in only one house throughout their entire marriage and life together;
4. In hindsight, testamentary documents often could be drafted better; nevertheless,

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Draftsman Ed Kindall's deposition testimony provided only speculation with no definitive answer as to the interpretation of the testamentary language contained in Cornelius T. Ridley's Last Will and Testament dated June 11, 1988, nor could Mr. Kindall provide Testator's personal interpretation of said testamentary language;

5. Moreover, the Court finds it to be a question of law, and finds the language contained in Section V of the Decedent's Last Will and Testament dated June 1, 1988, to be clear and unambiguous in Testator's intention to vest Testator's wife, Carolyn Fludd Ridley with a life estate in their marital home at 4348 Setters Road, Nashville, Tennessee 37218, and remainder interests in said home to the children named therein for the following amounts: to Karen Bennett Moore a 50% fee simple remainder interest, to William Keith Ridley a 25% fee simple remainder interest, and to Constance Smith Ridley a 25% fee simple remainder interest ;

6. Further, the Court finds that if this issue had not been settled as a matter of law then the residual clause contained in section VII of the will would then have applied to the marital home property at 4348 Setters Road, Nashville, Tennessee 37218;

7. Additionally, the Court finds the case of City State Bank v. Dean Witter Reynolds, Inc., 948 S.W.2d 729 (Tenn. App.1996) to be on point in this matter. The Court specifically finds in this matter that: there was no meeting of the minds as to the purported quitclaim deed, there were numerous conversations Mr. Keith Ridley had with Mr. Ed Kindall in trying to accomplish the deed as testified to Mr. Ed Kindall at deposition, there was no consideration for the deed, and there was an occurrence of a material mistake of fact and Carolyn Ridley's reliance thereon.;

8. Therefore, the Court finds that the sworn Petition to Set Aside the Quitclaim Deed

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is well-taken and should be granted ;

9. Thereafter, the claims of Carolyn Fludd Ridley were then verbally withdrawn as claims and thus exceptions to those withdrawn claims were dismissed as well.

Therefore is it **ORDERED, ADJUDGED** and **DECREED** that:

1. Pursuant to the clear and unambiguous language of the Last Will and Testament of Cornelius Theodore Ridley previously admitted to probate, Decedent/Testator's wife, Carolyn Fludd Ridley, **shall** receive a life estate in the marital home at 4348 Setters Road, Nashville, Davidson County, Tennessee 37218, and remainder interests **shall** vest with the parties' children as follows: to Karen Bennett Moore fifty percent (50%) remainder interest, to William Keith Ridley twenty-five percent (25%) remainder interest, and to Constance Ridley Smith twenty-five (25%) remainder interest; and

2. The Quitclaim Deed, signed by Carolyn Fludd Ridley on July 10, 2003, **shall be set aside and given no effect**. The Quitclaim Deed set aside by this order was recorded with the Register of Deeds for land described as follows:

LAND in Davidson County, Tennessee being Lot No. 100 on the plan of Enchanted Hills, Section II as of record in Book 3700, page 27 in the Register's Office for said County.

SAID Lot No. 100 fronts 125.00 feet on the southerly margin of Setters Road and runs back between lines, the easterly lines, the easterly line being 355.9 feet and the westerly line being 352.8 feet to a line in the rear measuring 125.7 feet thereon.

BEING the same property conveyed to Cornelius Ridley by deed from Josephine Ridley, as of record in Book 6909, Page 36 in said Register's Office.

*This improved property is known as **4348 Setters Road, Nashville, Tennessee 37218.***

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ENTERED on this the 17 day of September, 2004.

JUDGE RANDY KENNEDY

Approved for Entry:

Mary C. LaGrone, BPR No.: 19464
Attorney for Carolyn Ridley, Individually
315 Deaderick Street, Suite 109
Nashville, TN 37238
Ph: (615) 244-3300

Certificate of Service

I hereby certify that a true and correct copy of the foregoing has been sent via U.S. Mail, postage pre-paid to M. Beth Boone, Attorney for Executrix, 404 James Robertson Parkway, Suite 1800, Nashville, TN 37219, to Cynthia F. Burnes, Attorney for William Keith Ridley and Constance Ridley Smith, P.O. Box 190427, Nashville, Tennessee 37219, and to Thomas H. Ware, Attorney for Karen Bennett Moore, 404 James Robertson Parkway, Suite 1800, Nashville, Tennessee 37219, on this the 13th day of September, 2004.

Mary C. LaGrone

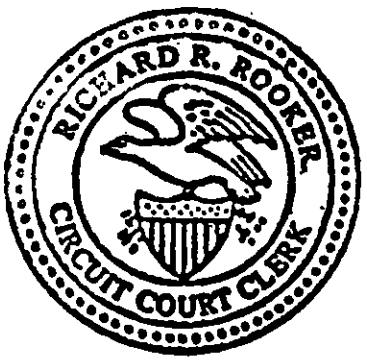
STATE OF TENNESSEE

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 17 day of SEPTEMBER , 2004 , in Case Number 03P1538 between RIDLEY, CAROLYN ET.AL Petitioner, and RIDLEY, CORNELIUS THEDORE 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 20 day of MARCH 2012

RICHARD R. ROOKER, Clerk,

SEAL



By _____
Deputy Clerk