IN THE FIRST CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
IN THE TWENTIETH JUDICIAL DISTRICT
AT NASHVILLE

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|---|---|
| **MIDFIRST BANK,** | |
| **Plaintiff,** | |
| **vs.** | **Case Number: 12-134-I** |
| **GMAC MORTGAGE, LLC, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., LARRY J. MINCEY, JR., MICHELLE L. MINCEY and SOUTHEAST FINANCIAL FEDERAL CREDIT UNION,** | |
| **Defendants.** | **NOTICE OF ENTRY REQUESTED** |

F044

FILED
2013 JAN 15 AM 11:45
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.

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**ORDER**

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This matter came on before the Honorable Claudia Bonnyman on the 30th day of November, 2012 upon Motion for Default Judgment of MIDFIRST BANK and on the 15th day of January, 2013 for a Default Judgment Conference and without written response in opposition or appearance at said hearings by any of the Defendants and upon statement of Plaintiff's Counsel and review of the entire record, it appearing to this Honorable Court who finds as follows:

1. That the Complaint for Declaratory Judgment herein was filed with this Honorable Court and Summons issued on the 27th day of January, 2012, as fully appears from review of the record of this cause.

BILL GARRETT, Davidson County
Trans:T20130004071 ORDER
Recvd: 01/15/13 12:09 5 pgs
Fees:27.00 Taxes:0.00
20130115-0004825

2. That the Summons and Complaint was served upon GMAC Mortgage, LLC on or about the 22nd day of May, 2012 via Certified Mail, Return Receipt Requested as fully appears from review of the record in this cause.

3. That GMAC Mortgage, LLC has failed to plead or otherwise make defense in this cause within the time prescribed by law and the Tennessee Rules of Civil Procedure as fully appears from review of the record in this cause.

4. That the Summons and Complaint was served upon Mortgage Electronic Registration Systems, Inc. on or about the 25th day of May, 2012 via Certified Mail, Return Receipt Requested, as fully appears from review of the record in this cause.

5. That Mortgage Electronic Registration Systems, Inc. has failed to plead or otherwise make defense in this cause within the time prescribed by law and the Tennessee Rules of Civil Procedure as fully appears from review of the record in this cause.

6. That service of process was attempted on Defendant Larry J. Mincey, Jr. via personal service of the Davidson County Sheriff's Department, said Summons and Complaint being returned "not found", as fully appears from review of the record in this cause.

7. That service of process was attempted on Defendant Larry J. Mincey, Jr. via Certified Mail, Return Receipt Requested and said Summons and Complaint was returned to Plaintiff's Counsel as fully appears from review of the record in this cause.

8. That Defendant Larry J. Mincey, Jr. died on or about the 27th day of January, 2011 as fully appears from review of a Certificate of Death filed in the record in this cause. Rights, title & interest to the real property are vested in his wife, Ms. Mincey, since they held the property as tenants by the entireties. (CB)

9. That service of process was attempted on Defendant Michelle L. Mincey via personal service of the Davidson County Sheriff's Department, said Summons and Complaint being returned "not found", as fully appears from review of the record in this cause.

10. That service of process was attempted on Defendant Michelle L. Mincey via Certified Mail Return Receipt Requested and said Summons and Complaint was returned to Plaintiff's Counsel as fully appears from review of the record in this cause.

11. That service of process was established on Defendant Michelle L. Mincey who has waived all rights, title and interest in said real property and further has waived any rights to defend this action in an Agreed Order filed with this Honorable Court.

12. That the Summons and Complaint was served on Defendant Southeastern Federal Credit Union via Certified Mail, Return Receipt Requested on or about the 22nd day of May, 2012 at 12:05 P.M. as fully appears from review of the record in this cause.

13. That Defendant Southeastern Federal Credit Union has failed to plead or otherwise make defense in this cause within the time prescribed by law and the Tennessee Rules of Civil Procedure as fully appears from the review of the record in this cause.

14. That none of the Defendants are incompetents or minors.

15. That MIDFIRST BANK is entitled to the entry of Default Judgment against Defendants GMAC MORTGAGE LLC, Mortgage Electronic Registration Systems, Inc. and Southeastern Financial Federal Credit Union as a matter of law and fact.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THIS HONORABLE COURT that MIDFIRST BANK is entitled to the entry of Default Judgment against Defendants GMAC Mortgage LLC, Mortgage Electronic Registration Systems, Inc. and Southeastern Financial Federal Credit Union as a matter of law and fact.

IT IS FURTHER ORDERED that this Honorable Court hereby declares that the Trust Deed Release of record in Instrument 20090526-0048007 of the Register's Office of Davidson County, Tennessee is hereby cancelled and deemed to be a nullity and shall no longer be deemed a "cloud" on the title to the subject real property.

IT IS FURTHER ORDERED that this Honorable Court hereby declares that the Deed of Trust of record in Instrument 20010518-0051868 of the Register's Office of Davidson County, Tennessee is hereby deemed to be in a first lien position and priority to any other lien or instrument of record relative to the real property commonly known as 913 South 13th Street, Nashville, Tennessee.

MIDFIRST BANK will accept its own attorney fee as to Hpend in order to secure a final order of sum ~~IT IS FURTHER ORDERED that MIDFIRST BANK is hereby granted judgment~~ for the ~~costs, expenses~~ and reasonable Attorney fees against Defendants GMAC ~~Mortgage, LLC and Mortgage Electronic Registration Systems, Inc.~~

IT IS FURTHER ORDERED that MIDFIRST BANK shall be taxed for all outstanding court costs and expenses for which execution may issue.

ORDERED AND DONE on this the _____ day of January, 2013.

HONORABLE CLAUDIA BONNYMAN
CHANCELLOR OF PART ONE (1)

RULE 58 CERTIFICATION

A Copy of this order has been served by U. S. Mail upon all parties or their counsel named above.

Deputy Clerk and Master
Chancery Court

1/15/13
Date

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE THIS 15 DAY OF JAN 2013
CRISTI SCOTT, CLERK & MASTER
BY _____ D.C.
DEPUTY

APPROVED FOR ENTRY:

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**CERTIFICATE OF SERVICE**

I, Duane W. DeVault, Attorney at Law hereby certify that I have forwarded a stamp-dated machine copy of the foregoing Order via first class mail, postage prepaid, on this the 15th day of January, 2013 to the following:

GMAC Mortgage, LLC
c/o Corporation Service Corporation
2908 Poston Avenue
Nashville, TN 37203

Ms. Michelle L. Mincey
308 Preachers Road
Charlotte, Tennessee 37036

Mortgage Electronic Registration Systems, In.
1818 Library Street
Suite 300
Reston, Virginia 20190

Southeastern Financial Federal Credit Union
220 South Royal Oaks Boulevard
Franklin, Tennessee 37064

DUANE W. DEVAULT, ESQ.