MB/133 Page 019

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SEP - 9 2013
Dav. Co. Chancery Court

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

THE METROPOLITAN GOVERNMENT OF DAVIDSON COUNTY IN ITS OWN CAPACITY AND FOR THE USE AND BENEFIT OF THE STATE OF TENNESSEE

Plaintiff,

vs.

DELINQUENT TAXPAYERS AS SHOWN ON THE 2009 REAL PROPERTY TAX RECORDS OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE

TINA EDMONDSON, ET AL.

Bill No. 28797
Map & Parcel No. 13500018200

REAL PROPERTY
Tax Civil Action
No. 11-340-IV

FILED
2013 SEP 12 AM 9:05
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.
D.C.

BILL GARRETT, Davidson County
Trans:T20130091227 ORDER
Recvd: 10/24/13 08:56 6 pgs
Fees:32.00 Taxes:0.00
20131024-0110678

ORDER GRANTING MOTION FOR WRIT OF POSSESSION, QUIETING TITLE TO TAX SALE PROPERTY, AND APPLYING OVERAGE PROCEEDS TO REIMBURSEMENT OF SUBSEQUENT PROPERTY TAXES

This matter came before the Court on September 6, 2013 on the motion of the tax sale purchaser, G CO INVESTMENTS, LLC ("GC"), for a writ of possession as to the tax sale property identified in the caption above, pursuant to Tenn. Code Ann. § 67-5-2503; to order title quieted to said property, pursuant to Tenn. Code Ann. § 67-5-2504; and to order the overage proceeds applied to reimbursement of subsequent *ad valorem* taxes paid on said property, pursuant to Tenn. Code Ann. § 67-5-1801(d). GC appeared by counsel, and taxpayer defendant Tina Edmondson appeared *pro se*.

Having considered the Court's record, the motion, and the representations and arguments made this day, the Court finds that:

I hereby certify that this is a true copy of original instrument filed in my office.
This 17th day of October 2013
ERIN SCOTT, Clerk & Master
By: Deputy

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IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

THE METROPOLITAN GOVERNMENT OF DAVIDSON COUNTY IN ITS OWN CAPACITY AND FOR THE USE AND BENEFIT OF THE STATE OF TENNESSEE Plaintiff, vs. DELINQUENT TAXPAYERS AS SHOWN ON THE 2009 REAL PROPERTY TAX RECORDS OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE TINA EDMONDSON, ET AL. Bill No. 28797 Map & Parcel No. 13500018200	)	REAL PROPERTY Tax Civil Action No. 11-340-IV

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Having considered the Court's record, the motion, and the representations and arguments made this day, the Court finds that:

1. The Court entered a Final Decree Confirming Sale on August 6, 2012, confirming the legality and sufficiency of the delinquent tax proceedings, and divesting all right, title and interest out of the delinquent taxpayers and all other interested parties, and vesting title in GC, subject only to the statutory right of redemption, as to the real property identified by the Assessor's map and parcel designation in the caption above, and further described as follows:

Land in Davidson County, Tennessee
2416 SMITH SPRINGS RD
NASHVILLE TN 37217
1.09 Acres
Map and Parcel Number 13500018200
Deed Book, Page 20101112 0090997

2. The statutory redemption period for all parties with prior interests in the property expired on August 6, 2013. On that date, "perfect title" to the property vested in GC by operation of law, pursuant to Tenn. Code Ann. § 67-5-2504(b).

3. The delinquent taxpayers remain in possession of the property, despite no longer having any lawful claim thereto. This Court is vested with the authority to order a Writ of Possession, pursuant to Tenn. Code Ann. § 67-5-2503.

4. On January 1, 2012, the delinquent taxpayers were still the owners of record of the property. Accordingly, pursuant to Tenn. Code Ann. § 67-5-2101(b), the delinquent taxpayers became personally liable for ad *valorem* taxes on the property for the year 2012. The 2012 taxes were not included in the payoff at the tax sale, and on February 28, 2013, GC paid the 2012 taxes to the Davidson County Trustee, in the total amount of $785.23. Pursuant to Tenn. Code Ann. § 67-5-1801(d), such payment constitutes a payment of property taxes that are the legal obligation of a third party, which subrogates GC to the rights of the Metropolitan Government against the delinquent taxpayer. As the

2012 taxes were a lien on the property as of the date of sale, they were includible in the sale payoff, and can be paid from the remaining overage, pursuant to the authority set forth in Tenn. Code Ann. § 26-5-108(a); Tenn. Op. Atty. Gen. No. 12-85; State v. Southern Lumber Mfg. Co., 57 S.W.2d 454, 455 (Tenn. 1933); Tenn. Code Ann. § 67-5-2707(c)(1), Public Chapter 353, Section 31 (2013).

GC's motion is well taken, and therefore, it is ORDERED, ADJUDGED AND DECREED that:

1. GC is entitled to possession of the subject property, and accordingly, the Clerk and Master shall issue a Writ of Possession thereto after a period of forty-five (45) days after entry of this Order;

2. GC has perfect title to the subject property, and all other claims against the subject property have been quieted by operation of law; and

3. The Clerk and Master shall, upon entry of this order, pay to GC the sum of $785.23, representing reimbursement to GC for the payment of property taxes that were the legal obligation of the delinquent taxpayer. The Court hereby taxes the portion of court costs attributable to the request for a writ of possession, the request to quiet title, and the request for reimbursement against G CO Investments LLC, for which Execution may issue. All other matters are reserved.

RTP
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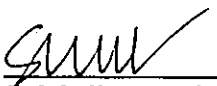
Enter: _____

CHANCELLOR

Russell T. Perkins

CHANCELLOR

Approved for entry:



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mroberts@yosrob.com
Attorney for G. Co. Investments, LLC

Certificate of Service

I hereby certify that I mailed a true and accurate copy of the foregoing Order, upon its submission for the Court's consideration, by first class mail, postage prepaid, on the 6th day of September, 2013:

Catherine J. Dundon
Assistant Metropolitan Attorney
Metropolitan Courthouse, Suite 108
P.O. Box 196300
Nashville, TN 37219

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Knoxville, TN 37909
Case No. 09GC24100

Discover Bank
c/o Zwicker & Associates
5409 Maryland Way, Ste 333
Brentwood, TN 37027
Case No. 10GC22830

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