BILL GARRETT, Davidson County
Trans:T20130100082 DEEDQC
Recvd: 11/26/13 11:13 6 pgs
Fees:32.00 Taxes:0.00
20131126-0121351

THIS INSTRUMENT PREPARED BY:
Paul C. Hayes
Howard Mobley Hayes & Gontarek, PLLC
2319 Crestmoor Road
Nashville, Tennessee 37215
(615) 627-4444

QUITCLAIM DEED

Consideration Certificate

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration for this transfer is $0.

Mary Ann Blaufuss, Affiant

Subscribed and sworn to before me,
this 20 day of November, 2013.

Notary Public
My Commission Expires: _____

DIANNE JAYNES
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires MAR. 8, 2016

Address of new owner:	Send Tax Bills to:	Map-Parcel Number:
Mary Ann Blaufuss 409 Sunnyside Drive Nashville, TN 37205	SAME	Davidson County Map/Parcel Number: 11611002700

FOR AND IN CONSIDERATION of the sum of Ten and No/100 ($10.00) Dollars, cash in hand paid, effectuating that certain order of the Seventh Circuit Court for Davidson County, Tennessee, Probate Division, a copy of which is attached as Exhibit B, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, I, **WILLIAM FRANCIS BLAUFUSS, III, as trustee of the QUALIFIED PERSONAL RESIDENCE TRUST u/a dated December 21, 2012** (the "Grantor"), hereby forever quitclaim, release and convey unto **MARY ANN BLAUFUSS**, her heirs and assigns (the "Grantee"), all of my right, title and interest in and to a certain tract of real property located in Davidson County, Tennessee, being more particularly described on Exhibit A attached hereto and incorporated herein by reference.

This deed was prepared without the benefit of a title search and uses the legal description for the property herein conveyed as reflected in the deeds of conveyance to the Grantor.

Said property is quitclaimed subject to such limitations, restrictions and encumbrances as may affect the premises.

WITNESS my hand this 18 day of November, 2013.

William Francis Blaufuss III

William Francis Blaufuss, III, as Trustee of the Qualified Personal Residence Trust u/a dated December 21, 2012

STATE OF Tennessee)
COUNTY OF Davidson)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, William Francis Blaufuss, III, as Trustee of the Qualified Personal Residence Trust u/a dated December 21, 2012, with whom I am personally acquainted (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 and official seal on this 18 day of November, 2013.

JOWANNA A. SHAFFER
STATE OF TENNESSEE NOTARY PUBLIC
WILLIAMSON COUNTY, TN

Jowanna A. Shaffer
Notary Public
My Commission Expires: 9/26/2016

EXHIBIT A

Legal Description

Being the easterly 200 feet on Lot No. 15 of Block D on the Map of the subdivision of the Malone Property called Honeywood not of record, described according to a survey made by Barge, Waggoner, and Sumner, Inc., June 18, 1969, as follows:

Beginning at a point in the westerly margin of Sunnyside Drive at the corner of Lots Nos. 14 and 15, said point also being 800 feet south of the southwest corner of said Drive and Malone Avenue, south 64 deg. 00 min. west 200 feet to an iron pin; thence south 25 deg. 54 min east 200 feet to an iron pin; thence north 64 deg. 00 min. east 200 feet to an iron pin in the westerly margin of Sunnyside Drive; thence with said Drive, north 25 deg. 54 min. west 200 feet to the beginning.

Being the same property conveyed to William Francis Blaufuss, III, as Trustee of the Qualified Personal Residence Trust u/a dated December 21, 2012, by a Quitclaim Deed from Mary Ann Blaufuss, dated December 21, 2012, of record as Instrument Number 20130322-0028270, Register's Office for Davidson County, Tennessee.

This is improved property commonly known as 409 Sunnyside Drive, Nashville, Tennessee 37205.

EXHIBIT B

Order

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

FILED
OCT 31 2013
RICHARD R. ROOKER, Clerk
By _____ Deputy

IN RE:	)	
	)	
THE BLAUFUSS QUALIFIED PERSONAL RESIDENCE TRUST	)	Docket No. 13P1612
	)	
	)	

ORDER

This matter was heard by the Court on the 31st day of October, 2013 upon a Petition to Terminate Trust (the "Petition"). Contemporaneously filed with the Petition were Waivers and Affidavits of the Trustee and the qualified beneficiaries of the Blaufuss Qualified Personal Residence Trust under agreement dated December 21, 2012 (the "Trust") in which they consented to the relief requested in the Petition. Based upon the Petition, the Exhibits attached thereto, the Waivers and Affidavits of the Trustee and the qualified beneficiaries, the arguments of counsel for the Petitioners, and the record as a whole, the Court finds as follows:

1. The Court has jurisdiction over this action, and all of the proper parties to this action, including all of the qualified beneficiaries of the Trust, are before the Court, either as the Petitioners or by means of having filed a Waiver and Affidavit in this action.

2. All of the qualified beneficiaries of the Trust, as well as the Trustee of the Trust, have consented to the relief requested in the Petition.

3. The Petitioners, William Francis Blaufuss, Jr. and Mary Ann Blaufuss (Mrs. Blaufuss), desired to obtain certain estate and gift tax savings, when they created the Trust and transferred it the residence located at 409 Sunnyside Drive, Nashville, Tennessee 37205 (the "Residence") from Mrs. Blaufuss, individually, on the premise that it was a qualified personal residence trust.

4. The Trust, as drafted and funded, does not meet the requisites of a qualified personal residence trust under Section 2702(a)(2)(A) of the Internal Revenue Code and the regulations thereunder.

5. But for the Petitioners' mistaken understanding that the Trust would qualify as a valid qualified personal residence trust, they would not have created and funded the Trust. The Petitioners' actions were predicated on their intent that the Trust would serve as mechanism to leverage their federal lifetime gift tax exemption amount. Their intent was not achieved because the Trust failed to qualify as a qualified personal residence trust.

6. The Petitioners created the Trust and transferred their Residence to the Trust under a material mistake of fact sufficient to void such acts *ab initio*.

It is therefore, ORDERED, ADJUDGED and DECREED that the Trust is void *ab initio* and, as soon as practicable, the Trustee shall distribute all of the Trust property to Mrs. Blaufuss, outright and free of trust, including without limitation, executing a quitclaim deed to Mrs. Blaufuss for the Residence, with said deed to be recorded with the Register of Deeds for Davidson County.

IT IS SO ORDERED on this the 31st day of October, 2013.

Honorable Randy Kennedy
Judge

Respectfully submitted by:

Paul C. Hayes

Paul C. Hayes, Esq. (No. 016465)
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Attorney for the Petitioners