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Dav. Co. Chancery Court

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

JOSEPHINE PHELPS and ROY SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket No. 13-286-I
	)	
VERN BENKE, JR.,	)	
	)	
Defendant.	)	

FILED
2014 APR -4 PM 3:58
DAVIDSON COUNTY CHANCERY COURT
CLERK & MASTER
D.C.

FINAL JUDGMENT

Plaintiffs, Josephine Phelps and Roy Smith, moved for default judgment pursuant to Rule 55.01 of the Tennessee Rules of Civil Procedure against the Defendant Vern Benke, Jr. ("Mr. Benke"). The Court finds that the Complaint in this matter was filed on March 5, 2013, and that attempts to locate the Defendant for personal service were unsuccessful. The Court further finds that the Defendant was sent process via publication as ordered by this Court and that publication ran in *The Tennessean* on March 15, 2013; March 22, 2013; March 29, 2013, and April 5, 2013, and that Defendant did not respond to the Complaint. Mr. Benke was married to Linda Benke ("Ms. Benke"), who is referenced on one of the deeds. Ms. Benke died on February 2, 2005; a copy of the obituary is attached hereto as Exhibit A. Plaintiffs located an address in Hendersonville, Tennessee, for Defendant Benke and attempted to serve Mr. Benke with notice at that address.

Plaintiffs have held continuous possession of the property at issue for more than seven years and have held it openly and notoriously without interruption. Plaintiffs have fenced in the unclaimed property and have paid taxes on the property for more than seven years. Defendant Benke was sent a copy of the motion for default judgment to the most recently-discovered address and Plaintiffs have had no communication from Mr. Benke.

BILL GARRETT, Davidson County
Trans:T20140031734 ORDER
Recvd: 05/07/14 15:54 4 pgs
Fees:22.00 Taxes:0.00
20140507-0039190

It is accordingly ORDERED that the motion for default judgment against Defendant is granted. It is further ORDERED and ADJUDGED that the Plaintiffs are the true and lawful owners of the property in Davidson County, Tennessee, described more particularly as follows:

> Property located on the North side of Smith Springs Road in the City of Antioch, 29th Councilmanic District of Davidson County, Tennessee. Being described according to a survey by J. Bruce Rainey, Surveyor #823, dated April 12, 2012 and revised on April 17, 2012 and known as Job No. 12-0034, as follows:
>
> BEGINNING at an iron pin set at the Southwest corner of the herein-described tract. Said pin being the Northwest corner of Tract 1 of same survey being located N 10°55'03"E – 447.72' from an iron pin set in the northerly right-of-way of Smith Springs Road at the Southwest corner of the herein-described tract and the Southeast corner of Peninsula Point Section One of record in Plat Book 9700, Page 98, R.O.D.C., TN. Said pin being approximately 62 feet east of the centerline of Milbridge Road. Thence from said POINT OF BEGINNING, with the easterly line of Peninsula Point Section One, N 10°55'03"E 376.16' to an iron pin set in the southerly line of Lot 91 of Peninsula Point Section One; Thence along the southerly line of Peninsula Point Section One, S 81°08'33" E – 35.58' to a P.K. nail set in a post; Thence S 88°15'59" E – 152.00' to an iron pin set; Thence N 52°13'04" E – 35.38' to an existing iron pin; Thence S 87°06'54" E 81.06' to an existing angle iron; Thence S 88°14'17" E - 43.25' to an existing fence corner at the Northwest corner of the James H. Carothers, Jr. property of record in Book 10276, Page 633, R.O.D.C., TN. Thence with Carothers' westerly line, S 10°41'59" W – 445.20' to an iron pin set; Thence with the northerly line of Tract 1 of same survey, N 79°18'01" W – 333.62' to the POINT OF BEGINNING, containing 3.11 acres, more or less.
>
> Being the same property conveyed to Vern Benke, Jr.et ux by deed or record in Book 6367, Page 691, R.O.D.C., TN.

It is further ORDERED and ADJUDGED that Plaintiffs hold title jointly by the entireties to the above-described property free and clear from any claim or interest of Defendant Verne Benke, Jr., if alive, and if deceased, the Defendant's known or unknown spouses, heirs, devisees, grantees, creditors, and any and all parties claiming by, through, under, or against the Defendant, and all claimants, persons or parties, natural or corporate, claiming under the above-named or deceased Defendant, or claiming to have any right, title, or interest in and to the real property described herein; quieting forever the title to the property in Plaintiffs jointly by the entireties.

It is so Ordered.

CHANCELLOR BONNYMAN

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE
THIS 7 DAY OF MAY 2014
CRISTI SCOTT, CLERK & MASTER
BY Vicki Benke DEPUTY

Approved for Entry:

Jean Dyer Harrison, #19417
Harrison Law Group, P.C.
1105 16th Ave S. Ste D
Nashville, TN 37212
615-322-9191
615-322-1220

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Judgment has been sent to the Defendant at the last known address on this the 31st day of March, 2014 to:

Vern Benke
134 Curtis Crossroads
Hendersonville, TN 37075

Jean Harrison



Death Notices

The Tennessean - Nashville, Tenn.
Date: Feb 4, 2005
Start Page: B.5
Section: Local
Text Word Count: 5524

Document Text

BENKE, Linda D.

Davidson County – Age 47

Age 47, Of Nashville, Wednesday, February 2, 2005; Linda Benke was a beloved wife, mother, sister, daughter, aunt, and profoundly touched everyone in her life. She was an active member of Hamilton United Methodist Church where she served as Sunday School teacher, choir member, secretary and worked with the benevolence Mission and Room at the Inn; She was involved with many charities. Linda held many office positions with the Tennessee Quarter Horse Assoc., while organizing horse show competitions. Linda was very active with The Titans Online; She was an avid restaurateur and owned three with her husband, Vern, Grandstands Sports Restaurant and Lounge, Anchor High Grill, and The Shack Seafood Restaurant and Lounge. A tribute to Linda can be seen at www.atitantribute.com; Survived by husband, Vern V. Benke, Jr.; sons, Vern V. Benke III, Chris W. Benke; parents, Cecil and Jo Anne Brewer; grandchildren, Calle Benke, Cayden Benke, Christian Glenn; sisters, Sandra Jones, Cathey Brewer; brothers, Jack, Ted and Dan Brewer; Services will be 3 p.m., Saturday, February 5, 2005, at Hamilton United Methodist Church with Bro. Lloyd Mabry officiating; Pallbearers, Philip Lee, Bill Epps, Jerry Waring, Vern Venke, Larry Garris, Chris Benke; Visitation with the family will be Saturday, February 5, 2005, 1 p.m. to 3 p.m. at Hamilton United Methodist Church, 3105 Hamilton Creek Rd. Nashville, TN; In lieu of flowers, donations can be made to the Middle Tennessee Multiple Sclerosis Society @ www.MSMidsouth. org; ANDERSON & GARRETT, Joelton (615) 876-2968.

BILLINGSLEY, Millard H

Davidson County – Age 81

Age 81. Born February 2, 1924. Died February 2, 2005. Preceded in death by parents, Vernon Young Billingsley and McArthur Billingsley; brother, James M. Billingsley. Survived by his wife of 56 years, Elvia Woodard Billingsley; daughter, Brenda (Terry) Boston, daughter, Beverly (Jim) Power; grandchildren, Evan Power, Rachel Boston, Brian Boston, Andrew Boston; three brothers, Gene (Audrey) Billingsley, Grady (Bertha) Billingsley, Tom (Margaret) Billingsley; nieces and nephews, Donna Philippi, Teresa Travelstead, Elaine Forrester, Deborah Cornelius, Mike and Brian Billingsley. Mr. Billingsley was a WWII veteran, serving in the U. S. Air Force. He was a member of City Road Chapel United Methodist Church and a retiree of Dupont in 1982. Funeral service will be conducted 2 p.m. Saturday, February 5, 2005 at the Forest Lawn Funeral Home Chapel with Dr. John Michael Jones and Rev. Donna Parramore officiating. Interment will follow at the Forest Lawn Cemetery. Serving as Active Pallbearers will be Evan Power, Rachel Boston, Andrew Boston, Brian Boston, Brian Billingsley, Mike Billingsley, Billy Woodard and Jerry Woodard. Honorary Pallbearers will be the City Road Chapel United Methodist Church Friendship Sunday School Class. Visitation will be Thursday and Friday 3 p.m. until 8 p.m.. and Saturday 11 a.m. until 2 p.m. Arrangements by FOREST LAWN FUNERAL HOME, (615) 859-5279 A Dignity Memorial Provider.

BUTLER, SR., Sherrilan Lee

Davidson County – Age 68

Age 68, died February 3, 2005. Survived by wife, Shirley Butler; sons, David, Stoney, Johnny, Roger and Steven Butler; sisters, Sarah Webb, Anita Burnette; brothers, Bobby and Burton Butler, Sr.; 11 grandchildren and loving great-grandchildren. Funeral services will be conducted Saturday, February 5, 2005 at 1 p.m., from the chapel of Ellis Funeral Home, 2627 Nolensville Pike. Interment Woodlawn Memorial Park. Visitation today, 5 p.m. until 8 p.m.. ELLIS FUNERAL HOME DIRECTORS, (615) 255-5412.

CAREY, Mary Catherine

Davidson County – Age 88

Age 88. February 2, 2005. Preceded in death by husband, Burnley Carey, Jr.; parents, James and Julia Westbrooks