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MAY 21 2014
Dav. Co. Chancery Court

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

JUSTIN CUTLER)
)
Plaintiff,)
)
vs.) Case No: 13-1564-I
)
HOWARD WEAR, SANDRA M.)
SULLIVEN AND THE BANK OF)
NASHVILLE AND THEIR HEIRS,)
SUCCESSORS, PERSONAL)
REPRESENTATIVES AND ASSIGNS.)
)
Defendants.)

FILED
2014 MAY 28 PM 3:37
CLERK & MASTER
DAVIDSON COUNTY CHANCERY COURT
D.C.&M.

DEFAULT JUDGMENT ORDER

The Motion of the Plaintiff, Justin Cutler, for a Default Judgment against Defendant, Howard Wear in this cause, was made pursuant to TRCP 55 and was scheduled to be heard on Friday, May 16, 2014. It appears to the Court that the Complaint was filed with this court on November 6, 2013 and that title to the real property described as 51 Green Street, Nashville, Tennessee 37210 (hereinafter the Property) was vested in the Plaintiff pursuant to the Warranty Deed from Mark Coleman Daly of record in Instrument Number 20131002-0103383 Register's Office for Davidson County, Tennessee. It appears to this Court that the Defendant, Howard Wear was served by Order of Publication in the Tennessean on February 21, 2014, February 28, 2014, March 7, 2014 and March 14, 2014 It also appears to this Court that no answer or other defense has been filed by the Defendant, Howard Wear nor has any response been timely filed or served on counsel for the Plaintiff. It is hereby

ORDERED, ADJUDGED AND DECREED that the Plaintiff, Justin Cutler, in this action is entitled to a default judgment against the Defendant, Howard Wear; and

BILL GARRETT, Davidson County
Trans:T20140041063 ORDER
Recvd: 06/11/14 10:07 3 pgs
Fees:17.00 Taxes:0.00
20140611-0050683

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any persons claiming title to the real property known as 51 Green Street, Nashville, Tennessee 37210 under the Defendant, Howard Wear, are barred from claiming title to the Property; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any right, title or interest of Defendant, Howard Wear in the real property described as follows:

> Land in Davidson County, Tennessee, being the westerly 38 feet of Lots No. 120,121 and 122 on the Plan of Maury and Claiborne's Addition to South Nashville, of record in Book 21, Pages 84 and 85, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete and accurate description.
>
> Said part of Lots No. 120, 121 and 122 fronts 38 feet on the southerly side of Green, formerly Leigh Street and runs back between parallel lines with the easterly margin of an alley 105 feet to a dead line.
>
> Being the same property conveyed to Justin Cutler by Warranty Deed of record in the Register of Deeds office of Davidson County, Tennessee from Mark Coleman Daly in Instrument No. 20131002-0103383.
>
> This is improved property commonly known as 51 Green Street, Nashville, Tennessee 37210.

IS vested in the Plaintiff; and

IT IS FURTHER ORDER, ADJUDGED AND DECREED that the costs of this cause shall be taxed to the Plaintiff, for which execution may issue, if necessary.

ENTERED this _____ day of _____, 2014.

CLAUDIA BONNYMAN
Chancellor

I HEREBY CERTIFY THAT THIS IS A TRUE COPY
OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 1st DAY OF June 2014
CRISTI SCOTT, CLERK & MASTER
BY _____ DEPUTY.

APPROVED FOR ENTRY:

ROBERT J. NOTESTINE III
Attorney for the Plaintiff,
Justin Cutler
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CERTIFICATE OF SERVICE

I hereby certify that no copy of the foregoing Order was served on the Defendant, the Bank of Nashville, 401 Church Street, Nashville, Tennessee on this 14th day of May, 2014. No other service was made as the whereabouts of the remaining defendants is unknown and they are believed to reside out of the state or they are deceased.

Robert J. Notestine III