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Dav. Co. Chancery Court

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

THE KNOWN HEIRS OF J. CRAIG MCLANAHAN (Alexander King McLanahan, Craig Putnam Loomis, William S. Durfee, Elizabeth Durfee, Carol King Durfee Eason, John King McLanahan Stevens, Jr., Carol Brooks Stevens Stamm, William Bradford Stevens, and Anne Hawley Stevens),	)
Plaintiffs,	)
v.	)
THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY	)
and	)
ANY UNKNOWN HEIRS OF J. CRAIG MCLANAHAN,	)
Defendants.	)

FOUR
Case No. 14-1151-III

FILED
2014 NOV -3 PM 2:56
CLERK & MASTER
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BILL GARRETT, Davidson County
Trans:T20140084433 ORDER
Recvd: 11/07/14 14:52 4 pgs
Fees:22.00 Taxes:0.00
20141107-0103235

ORDER GRANTING MOTION FOR DEFAULT AND JUDGMENT

This matter came before the Court on October 24, 2014 upon the Plaintiffs' Motion for Default Judgment against Any Unknown Heirs of J. Craig McLanahan ("**Unknown Heirs**") pursuant to Tennessee Rules of Civil Procedure 55.01.

The Motion sought a determination that, apart from Plaintiffs, no other persons have an interest in a certain portion of the parcel of real property located at 225 Polk Avenue in downtown Nashville commonly known as the Ben West Library Property (that certain portion being referred to herein as the "**Property**," and being more fully identified in the Agreed Order of Judgment (the "**McLanahan-Metro Agreed Order of Judgment**") entered September 24,

2014 with The Metropolitan Government of Nashville and Davidson County ("**Metro**") (which McLanahan-Metro Agreed Order of Judgment is of record with the Davidson County Register of Deeds as Inst. No. 20141015-0095396) and in exhibits to the McLanahan-Metro Agreed Order of Judgment).

Based upon a review of the entire record in this matter, the Court **FINDS and DECLARES** that sufficient notice of the default Motion and hearing was provided to all Defendants; that the Unknown Heirs were properly served by publication per T.C.A. §21-1-204 in the Tennessean newspaper on August 15, 22, 29 and September 5, 2014; and that the Unknown Heirs have failed to plead, appear, or otherwise defend. It is hereby **ORDERED, ADJUDGED,** and **DECREED** that Plaintiffs' Motion is granted and that a **JUDGMENT** by default is hereby entered in favor of Plaintiffs and against the Unknown Heirs.

It is further hereby **ORDERED, ADJUDGED,** and **DECREED** that:

1. All of the findings, declarations, exhibits, orders and judgments set out in the McLanahan-Metro Agreed Order of Judgment are adopted and incorporated herein by reference.

2. When the Reversion Trigger took place on June 10, 2014, Plaintiffs were the only living heirs of J. Craig McLanahan.

3. By virtue of the Reversion Trigger, Plaintiffs became the sole owners of the Property.

4. Plaintiffs hold the Property together as tenants in common with the following shares:

Alexander King McLanahan:	50.00%
Craig Putnam Loomis:	25.00%
William S. Durfee:	4.167%
Elizabeth Gould Durfee:	4.167%
Carol King Durfee Eason:	4.167%
John King McLanahan Stevens, Jr.:	3.125%

Carol Brooks Stevens Stamm:	3.125%
William Bradford Stevens:	3.125%
Anne Hawley Stevens:	3.125%

5. No person other than the Plaintiffs holds an ownership interest in the Property.

6. Any persons other than the Plaintiffs or those claiming through them are hereby barred from making a claim of interest in the Property based on being an heir of J. Craig McLanahan.

7. Any persons other than the Plaintiffs or those claiming through them are hereby barred from taking any action inconsistent with Plaintiffs' ownership interest and right to the use, benefit and possession of the Property.

8. The parties will bear their own fees and costs associated with this action, and no party will be entitled to an award of discretionary costs. The Plaintiffs will pay any balance of court costs due upon entry of this order.

In light of the matters addressed here and in the McLanahan-Metro Agreed Order of Judgment, all of the claims, rights and liabilities of all the parties in this action are now adjudicated, with the result that this Order constitutes a judgment as defined by Tenn. R. Civ. Pr. 54.01.

IT IS SO ORDERED this _____ day of _____, 2014.

Ellen Hobbs Lyle

CHANCELLOR ELLEN HOBBS LYLE

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 6 DAY OF Nov 2014
CRISTI SCOTT, CLERK & MASTER
BY _____ DEPUTY

Approved for Entry:

HARWELL HOWARD HYNE
GABBERT & MANNER, P.C.

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of October 2014, a true and correct copy of the foregoing was mailed, first-class, postage prepaid to:

J. Brooks Fox
Lora Barkenbus Fox
Metropolitan Department of Law
PO Box 196300
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J. David McDowell