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OCT 30 2014
Dav. Co. Chancery Court

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

U.S. Bank, N.A	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**Case No. 14-462-I**
	)	
Carlos Cook and wife Diana Cook; Brookview Homeowner's Association, Inc.; and Midland Funding, LLC	)	
	)	

2014 NOV -5 PM 12:20

Defendant.

ORDER OF DEFAULT JUDGMENT

This came before this Court on the no-reponse docket of October 24, 2014; and based upon the Motion for Default Judgment filed by Plaintiff, U.S. Bank, N.A. ("Bank") pursuant to Tenn. R. Civ. P. 55.01, against Defendants Carlos Cook and wife Diana Cook; Brookview Homeowner's Association, Inc.; and Midland Funding, LLC, (collectively "Defendants"). No response was timely filed or personally served. Based upon said Motion and the record, the Court finds the following:

1. Process was issued and properly served on all four Defendants.

2. The Defendants have failed to plead or otherwise or file any responsive pleading in order to defend this Complaint. Furthermore, the Defendants have not responded to Plaintiff's Rule 55.01 Motion for Default.

3. The time period for filing an answer or responsive pleading has expired.

BILL GARRETT, Davidson County
Trans:T20140086749 ORDER
Recvd: 11/18/14 10:24 5 pgs
Fees:27.00 Taxes:0.00
20141118-0106174

4. The Plaintiff Bank is the beneficial interest holder of that certain deed of trust ("Deed of Trust") recorded on May 10, 2006, Register's Office for Davidson County Tennessee ("R.O.D.C"), at instrument number 20060510-0054622.

5. Through inadvertent mistake, an erroneous Exhibit A was attached to the Deed of Trust. The exhibit A should have referenced Lot 63, Plan of Brookview Subdivision, Phase 3, Davidson County, Tennessee (the "Real Property"). Instead, the Exhibit A to the Deed of Trust erroneously referenced subdivision common area without specifically naming Lot 63. The Deed of Trust does, however, properly note the street address of the Real Property and properly notes the correct deed derivation clause.

6. The Deed of Trust sufficiently describes the Real Property such that third parties should reasonably have had actual or constructive notice of the Bank's Deed of Trust. The Bank is also entitled to a lien upon said Lot 63 pursuant to the doctrine of equitable lien and unjust enrichment.

7. The deed of conveyance ("Deed") to Mr. and Mrs. Cook at instrument number 20060510-0054621 contains a typographical error in the spelling of Mrs. Cook's first name. Mrs. Cook's true first name is spelled Diana. In the Deed, however, it is erroneously spelled Dianna.

Accordingly, it is hereby ORDERED as follows:

1. The Bank's Deed of Trust is reformed to include Lot 63, Plan of Brookview Subdivision, Phase 3, Davidson County, Tennessee, by substituting the Exhibit A attached hereto for the Exhibit A attached to the original Deed of Trust. This reformation is effective *nunc pro tunc* as of the date of recording of the Deed of Trust, i.e. May 10, 2006.

2. The Deed conveying Real Property to Mr. and Mrs. Cook is corrected so her name is properly shown as Diana Cook.

3. The Bank's Deed of Trust is a first priority deed of trust entitled to priority over that certain *Notice of Lien*, filed by the Brookview Homeowner's Association, Inc. of record at 20080131-0010085, R.O.C.D.

4. The Bank's Deed of Trust is entitled to priority over the certain judgment lien filed by Midland Funding, LLC, at 20090330-0028543.

5. All of Plaintiff's allegations contained within the Complaint are deemed admitted.

6. Court costs are taxed to the Plaintiff.

Chancellor

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 7th DAY OF Nov 2014
CRIS SCOTT, CLERK & MASTER
BY _____ DEPUTY

Prepared for Entry

Alan T. Fister, (BPR#10952)
Attorney for Plaintiff
5115 Maryland Way, Suite 301
Brentwood, TN 37027
(615) 376-0175

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been forwarded, via U. S. Mail, first class postage prepaid, on this the 27 day of October, 2014.

Carlos Cook
3611 Old Greenbriar Pike
Springfield TN 37172-53002

Diana Cook
955 Dalebrook Lane
Nashville, TN 37206

Brookviw Homeowner's Association, Inc.
c/o Morris Property Management, Inc.
278 Franklin Road, Suite 140
Brentwood, TN 37027

Midland Funding, LLC
c/o Corporation Service Company
2908 Poston Avenue
Nashville, TN 37203

Alan T. Fister

EXHIBIT A

Land in Davidson County, Tennessee, being Lot 63 on the plan of Brookview Subdivision, Phase 3, of record in Instrument No. 20050928-0116190, Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a complete and accurate description thereof.

Being the same property conveyed to Carlos Cook and wife, Diana Cook, by Warranty Deed of Record as Instrument No. 20060510-0054621, Register's Office for Davidson County, Tennessee.