BILL GARRETT, Davidson County
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IN THE CHANCERY COURT
FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

DICKERSON ROAD BAPTIST CHURCH,

Plaintiff,

RECEIVED
JUN 12 2015
Dav. Co. Chancery Court

vs. **NO. 14-822-III**

FILED
2015 JUN 18 AM 9:26
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.
D.C. & M.

ALBERTO ALVAREZ AND WIFE CARMEN ROMERO, NATIONSTAR MORTGAGE, LLC AND THE UNKNOWN OCCUPANTS AT 1136 DUE WEST AVENUE NORTH, MADISON, TENNESSEE.

Defendants.

ORDER OF DEFAULT JUDGMANT AS TO CERTAIN DEFENDANTS ONLY

BASED UPON the Motion for Default filed by the Plaintiff, failure of the certain Defendants to answer or otherwise plead, being Alberto Alvarez and wife, Carmen Romero, and the Unknown Occupants at 1136 Due West Avenue North, Madison, Tennessee, and the record as a whole, this Court finds the Motion for Default is well taken and should be granted. This Court further finds that:

By Warranty Deed dated April 17, 2008, and recorded at Instrument Number 20080424-0041842, Register's Office for Davidson County, Tennessee, the Plaintiff sold certain property located at 1136 Due West Avenue North, Madison, Tennessee to the Defendants, Alberto Alvarez and wife Carmen Romero. By inadvertence and mutual mistake, the legal description in the Warranty Deed contained a parcel of land that the parties did not intended EHL to be part of the conveyance, which parcel is described as follows:

BEGINNING at the northeast corner of Dickerson Pike and Due West Avenue, North, the southwest corner of Dickerson Road Baptist Church of record in Deed Book 2200, page 410, Register's Office for Davidson County, Tennessee; thence along the north margin of Due West Avenue North, North 79 deg. 14 min. 00 sec. West 229.63 feet to an iron rod, said point being the southeast corner of Dickerson Road Baptist Church, the southwest corner of Alberto Alvarez Property as of record in Instrument No. 20080424-0041842, said Register's Office, thence, leaving said north margin along Alvarez west line North 10 deg. 46 min. 56 sec. East 310.64 feet to the point of beginning for this described tract; thence along the Dickerson Road Baptist Church property North 88 deg. 15 min. 53 sec. West 103.73 feet; thence North 07 deg. 40 min. 07 sec. East 165.00 feet to a point, thence, South 88 deg. 07 min. 42 sec. East 112.76 feet to a point, thence South 10 deg. 46 min. 56 sec. West 165.91 feet to the point of beginning. The above described property contains 0.41 acres, more or less.

The legal description in the deed should be corrected to express the intention of the parties by deleting the above described parcel.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title and interest of Alberto Alvarez and wife, Carmen Romero, in and to the property described above, being 0.41 acres more or less, is divested out of them and re-vested in the Dickerson Road Baptist Church.

2. The legal description contained in the Warranty Deed dated April 17, 2008, and recorded at Instrument Number 20080424-0041842, Register's Office for Davidson County, Tennessee, be and hereby is amended to read as follows:

Land in Davidson County, Tennessee, being Lot No. 4 on the Map of the Subdivision of the Cunniff Homeplace, not of record and located in the 11th Civil District of said County, and part of an unnumbered tract lying west of said Lot No. 4 and described according to a survey made by T. R. Sanford, Surveyor, dated August 12, 1960, as follows:

Beginning at a point in the north margin of Due West Avenue, 32 feet west of the southwest corner of Lot 4, being 223.84 feet cast of the easterly margin of Dickerson Pike; thence northerly parallel to the west line of Lot 4, North 10 deg. 49' East 310.64 feet to a point; thence N 88 deg. 30' West 103.73 feet to a point; thence North 7 deg. 26' East 165 feet to a point; thence South 88 deg. 41' East 240 feet more or less to a point 8 feet more or less west of the corner of Lots 3 and 4 of said Subdivision above referred to; thence with a line parallel to and 8 feet west of the line between Lots 3 and 4, southerly 497.33 feet to a point in the north margin of Due West Avenue; thence with the margin of the same, North 79 deg. 14" West 124 feet to the point of beginning. Description taken from re-recorded deed of record in Book 4310, Page 672, said Register's Office.

Being the same property conveyed to Bill LaFever, Dewey Moore, R. H. Entrekin, Price Goodman, Ralph Randolph and Marlin Hawkins, Trustees of Dickerson Road Baptist Church, by deed from M. M. Cunniff and wife, Hattie B. Cunniff, of record in Book 4307, Page 668, and re-recorded in Book 4310, Page 672, Register's Office for Davidson County. Tennessee.

Being the same property conveyed to Alberto Alvarez and wife, Carmen Romero by deed from Les Leverett, Bob Jenkins, Ray Powell and L. S. Williams, Successor Trusteesof Dickerson Road Baptist Church of record as Instrument No. 20080424-0041842, Register's Office for Davidson County. Tennessee.

INCLUDED IN THE ABOVE DESCRIPTION BUT SPECIFICALLY EXCLUDED FROM THIS CONVEYANCE IS THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING at the northeast corner of Dickerson Pike and Due West Avenue, North, the southwest corner of Dickerson Road Baptist Church of record in Deed Book 2200, page 410, Register's Office for Davidson County, Tennessee; thence along the north margin of Due West Avenue North, North 79 deg. 14 min. 00 sec. West 229.63 feet to an iron rod, said point being the southeast corner of Dickerson Road Baptist Church, the southwest corner of Alberto Alvarez Property as of record in Instrument No. 20080424-0041842, said Register's Office, thence, leaving said north margin along Alvarez west line North 10 deg. 46 min. 56 sec. East 310.64 feet to the point of beginning for this described tract; thence along the Dickerson Road Baptist Church property North 88 deg. 15 min. 53 sec. West 103.73 feet; thence North 07 deg. 40 min. 07 sec. East 165.00 feet to a point, thence, South 88 deg. 07 min. 42 sec. East 112.76 feet to a point, thence South 10 deg. 46 min. 56 sec. West 165.91 feet to the point of beginning. The above described property contains 0.41 acres, more or less.

2. All right, title and interest of the unknown tenants in and to the property described above, being 0.41 acres more or less, shall be and hereby are terminated.

3. The Plaintiff shall pay all court costs for which execution may issue, if necessary.

ENTERED this _____ day of _____, 2015.

ELLEN HOBBS LYLE, Chancellor

APPROVED FOR ENTRY:

RONALD B. BUCHANAN, (#2507)
Attorney for Plaintiff
165 Indian Lake Blvd., Suite 101
Hendersonville, TN 37075
(615) 822-5700

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 8th DAY OF July 2015
CRISTI SCOTT, CLERK & MASTER
BY _____
DEPUTY

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been forwarded to Alberto Alvarez and wife, Carmen Romero, 782 Broadway, Apartment 1, Bayone, NJ 07002; Unknown Occupants, 1136 Due West Ave., N., Madison, TN 37115, and Phillip P. Welty, Esq., Gullet, Sanford, et al., 150 Third Avenue South, Suite 1700, Nashville, TN 37201, on this the 15th day of June, 2015.

RONALD B. BUCHANAN

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RULE 58 CERTIFICATION
A Copy of this order has been served by U. S. Mail upon all parties or their counsel named above.

Deputy Clerk and Master
Chancery Court

6/18/15
Date