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Dav. Co. Chancery Court

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

EAST SIDE CHURCH OF CHRIST GALLATIN ROAD,

Plaintiff,

Davidson County ORDER
Recvd: 12/03/15 13:01 4 pgs
Fees:22.00 Taxes:0.00
20151203-0121965

vs.

WELLS FARGO BANK, N.A. successor by merger to WACHOVIA MORTGAGE CORPORATION, and

ANY UNKNOWN PERSONS CLAIMING AN INTEREST IN THE PROPERTY SUBJECT TO THIS SUIT,

Defendants.

Docket No.: 15-910-I

FILED
2015 NOV -3 PM 1:27
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.
D.C. & M.

F04

ORDER GRANTING MOTION FOR DEFAULT JUDGMENT TO QUIET TITLE

This matter came before this Honorable Court on the 30th day of October, 2015, upon Plaintiff's Motion for Default Judgment and there being no filing of a timely written response to Plaintiff's Motion for Default Judgment by any Unknown Persons Claiming an Interest in the Property Subject to This Suit ("Unknown Defendants"); that Defendant, Wells Fargo Bank, N.A. successor by merger to Wachovia Mortgage Corporation, filed a response as a nominal party to preserve its rights and interests; therefore, Plaintiff is entitled to the relief prayed for in the Declaratory Complaint and Quiet Title Action without further proof required.

WHEREFORE, it is ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for Default Judgment is hereby granted as follows:

1. That title to the real property known as the Parking Lot (Lot 2 as shown on the Survey) is quieted in favor of Plaintiff in fee simple against all claims of all parties or persons, including all parties or persons claiming under the Unknown Defendants;

2. That that the Survey properly describes the Parking Lot (Lot 2) inclusively, adopting the legal descriptions shown in the Survey, as follows:

Said property is bounded on the west by the 75 foot right-of-way of Gallatin Pike, on the north by property belonging to Willowvale Nashville, L.L.C. (a CVS Pharmacy), of record in Deed No. 2121012-0093568 of the R.O.D.C.; on the east by a 15 foot alley #1022, and alley #1017; on the south by property belonging to A,B,C,D,E, L.L.C. (a Walgreen Pharmacy) of record in Deed No. 20040416-43082 of the R.O.D.C and being more fully described as follows:

Lot 1

Beginning on an iron pin in the east margin of Gallatin Pike, the southwest corner of the CVS Pharmacy and the northwest corner of the herein described tract Lot 1 of this survey, and being approximately 173.55' southwesterly from the intersection of Gallatin Pike and Cahal Avenue, the northwestern corner of the CVS property; thence leaving the margin of Gallatin Pike with the CVS south line S-80° 48' 44"-E, 197.99' to an existing iron pin in the west line of Lot 2 of this survey; thence with the line of Lot 2, S-09° 12' 25"- W, 96.00' to a point; thence S-84° 07' 15"-E, 81.73' to an existing PK Nail in the south line of Lot 2; thence S-06° 04' 39"-W, 54.08' to an existing PK Nail in the Walgreen Pharmacy north line; the southeast corner of the herein described Lot 1; thence with the Walgreen Pharmacy north line, N-80° 56' 56"-W, 328.11' to an existing iron pin on the east margin of Gallatin Pike, the northwest corner of Walgreen and the southwest corner of Lot 1; thence with the margin of Gallatin Pike N-26° 31' 11"-E, 153.15' to an iron pin, the point of beginning and containing 6,513.08 square feet, 0.838 acres, more or less according to a survey by Galyon Northcutt Surveying, dated 04/25/06 and revised 06/12/15.

Lot 2 (the Parking Lot)

Being approximately the southerly 100 feet of Lots 6, 7, and 8 of the N.J. Gibson's Addition of Lot No. 2 Cahal plan and commencing on an iron pin on the east margin of Gallatin Pike, being the southwest corner of the CVS Pharmacy and the northwest corner of the East Side Church of Christ; thence proceeding S-80° 48' 44"-E, 197.99' to an iron pin, the actual point of beginning of Lot 2 of this survey and being the northeast corner of said Lot 1; thence N-09° 12' 25"-E, 15.98' to an existing iron pin near a concrete light base; thence continuing with CVS, S-80° 48' 57"-E, 148.06' to an existing iron pin on the south margin of alley #1022, S-09° 50' 19"-W, 101.13' to an existing PK Nail at the intersection of the south margin of alley #1022 and the west margin of alley #1017; thence N-86° 07' 41"-W, 10.33' to an existing PK Nail; thence with the same bearing an additional 11.04' to a point where alley #1017 turns south; thence S-09° 51' 50"-W, 4.07' to an existing PK Nail; thence with Walgreen Pharmacy property N-81° 06' 24"-W, 44.03' to an existing PK Nail at the corner of Lot 1 of this survey; thence S-84° 07' 15"-W, 81.73' to a point; thence with the east line of Lot 1 of this survey, N-09° 12' 25"-E, 96.00' to the beginning and containing 15,907.42 square feet, 0.365 acres, more or less, according to a survey by Galyon Northcutt Surveying, dated 04/25/06 and revised 06/12/15; and

3. That Plaintiff is absolutely and is entitled to the quiet and peaceful possession of the Parking Lot property (Lot 2) as against all persons, including all persons claiming under the Unknown Defendants; that no persons or parties other than the Church have any fee ownership rights in or to the Parking Lot.

It is further ORDERED, ADJUDGED AND DECREED that the court costs of this action are taxed to Plaintiff, for which execution may issue.

Entered this the _____ day of _____, 2015.

CHANCELLOR

APPROVED FOR ENTRY:

CHAFFIN & BURNSED, PLLC

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 20th DAY OF November 2015
CRISTI SCOTT, CLERK & MASTER
BY BETH WELCH
DEPUTY

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Attorneys for Plaintiff, East Side Church of Christ

CERTIFICATE OF AUTHENTICITY

I, Heather Wood, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

Heather Wood

Heather Wood

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, Ashley W. Morgan a notary public for this county and state, Heather Wood, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Notary Public

Commission Expires: 06-19-16

