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Dav. Co. Chancery Court

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

UP DEVELOPMENT, LLC Plaintiff, vs. THE ESTATE OF RICHARD ANDREW KONICKI, VENUS KONICKI REDMAN, CREDITTHRIFT OF AMERICA, INC., BANK OF NASHVILLE, BANK OF AMERICA N.A., GE CAPITAL RETAIL BANK, REGIONS BANK, CORNERSTONE FINANCIAL CREDIT UNION, METROPLEX INVESTMENTS INC., D.B. SERVICING CORP., CITIBANK N.A., AND THEIR HEIRS, SUCCESSORS, PERSONAL REPRESENTATIVES AND ASSIGNS. Defendants.	FOURTT Case No: 15-662-III

BILL GARRETT, Davidson County
Trans:T20150102490 ORDER
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20151203-0122073

FILED
2015 NOV 24 PM 3:13
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.
D.C.&M.

DEFAULT JUDGMENT

The Motion of the Plaintiff, Up Development, LLC, for a Default Judgment as to Defendant, CreditThrift of America, Inc., and its heirs, successors, personal representatives and assigns in this cause, was made pursuant to TRCP 55 and was scheduled to be heard on Friday, November 13, 2015. It appears to the Court that the Complaint was filed with this court on June 2, 2015, and that title to the real property described at 726 and 728 27th Avenue North, Nashville, Davidson County, Tennessee 37208 (hereinafter the Property) was vested in Plaintiff pursuant to the Deed of record in Instrument Number 20130202-0009507, Register's Office for Davidson County, Tennessee. It appears to this Court that the Defendant, CreditThrift of America, Inc., and its heirs, successors, personal representatives and assigns were served with a summons and a copy of the complaint on August 31, 2014. It also appears to this Court that no answer or other

defense has been filed by the Defendant, CreditThrift of America, Inc., and its heirs, successors, personal representatives and assigns nor has any response been timely filed or served on counsel for the Plaintiff. It is hereby

ORDERED, ADJUDGED AND DECREED that the Plaintiff in this action is entitled to a Default Judgment against the Defendant, CreditThrift of America, Inc., and its heirs, successors, personal representatives and assigns; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any persons claiming title to the real property known as 726 and 728 27th Avenue North, Nashville, Davidson County, Tennessee 37208 (hereinafter the Property) under the Defendant, CreditThrift of America, Inc., and its heirs, successors, personal representatives and assigns, except as set forth hereinbelow, are barred from claiming title to the Property; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any right, title or interest of Defendant, CreditThrift of America, Inc., and its heirs, successors, personal representatives and assigns in the real property described as follows:

> Tract 1: 726 27th Avenue North
> Land in Davidson County, Tennessee, being Lot No. 23 on the plan of J.W. Turners Subdivision of Lot No. 21, Boyd McNairy's plan, of record in Book 57, Page 129, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate description thereof.
>
> Said Lot No. 23 fronts 50 feet on the easterly side of 27th Avenue North, and extends back between parallel lines 184.0 feet to an alley.
>
> Being the same property transferred to Up Development, LLC by Final Decree Confirming Sale in Case No. 13-299-II, Chancery Court for Davidson County, Tennessee, of record in the Register of Deeds of Davidson County, Tennessee as recorded in 20130202-0009504, Register's Office for Davidson County, Tennessee.

This is improved Property commonly known as 726 28th Avenue North, Nashville, Tennessee.

Tract 2: 728 27th Avenue North
Being Lot No. 25 on the J.W. Turner's Subdivision of Lot 21, Boyd McNairy's Plan as of record in Book 57, Page 129, Register's Office for Davidson County, Tennessee.

Said Lot fronts 50.0 feet on the easterly side of 27th Avenue North (formerly Lena Avenue) and extends back between parallel lines 184.0 feet to an alley.

Being the same property transferred to Up Development, LLC by Final Decree Confirming Sale in Case No. 13-200-II, Chancery Court for Davidson County, Tennessee, or record in the Register of Deeds of Davidson County, Tennessee as recorded in 20150202-0009503, Register's Office for Davidson County, Tennessee.

This is improved Property commonly known as 728 28th Avenue North, Nashville, Tennessee.

IS vested in the Plaintiff; and

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

ENTERED this _____ day of _____, 2015.

Ellen Hobbs Lyle

ELLEN HOBBS LYLE
CHANCELLOR

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 22 DAY OF December 2015
CRISTI SCOTT, CLERK & MASTER
BY Beth Ellen
DEPUTY

APPROVED FOR ENTRY:

ROBERT J. NOTESTINE III
Attorney for the Plaintiff,
Up Development, LLC.
BPR #12195
109 Kenner Avenue, Suite 201
Nashville, Tennessee 37205
(615) 297-1568, Ext. 11
(615) 297-2413 (fax)

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of this Order was served on the Defendants, Venus Konicki Redman, 1033 Gay Court, Murfreesboro, Tennessee 37128, Bank of America, N.A. c/o American Infosource, 4515 North Santa Fe Avenue, Oklahoma City, Oklahoma 73118, Bank of Nashville, f/k/a Synovus Bank, 401 Church Street, Nashville, Tennessee 37219, Citibank N.A., 399 Park Avenue, New York, New York 10022, Cornerstone Financial Credit Union c/o Hank Flury, Registered Agent, 1701 21st Avenue South, Nashville, Tennessee 37212, GE Capital Retail Bank, c/o Ron Cunningham, Esq., 1810 Allor Avenue, Knoxville, Tennessee 37921, D.B. Servicing Corp., 1209 Orange Street, Wilmington, Delaware 19801, Metroplex Investments, 5129 Highland Drive, S-700, Antioch, Tennessee 37013, CreditThrift of America, Inc., 2708 Nolensville Road, Nashville, Tennessee 37211, Metroplex Investments, Inc., c/o Bright C. Usch, Registered Agent, 5129 Highlander Drive, Suite 200, Antioch, Tennessee 37013, Regions Bank, Corporation Service, Registered Agent, 2908 Poston Avenue, Nashville, Tennessee 37203, The Estate of Richard Andrew Konicki, c/o Venus Konicki Redman, 1033 Gay Court, Murfreesboro, Tennessee 37128 on this 17th day of November, 2015.

Robert J. Notestine III