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Dav. Co. Chancery Court

After recording please return to:
Jonathan Cole, Esq.
Baker Donelson Bearman Caldwell & Berkowitz PC
211 Commerce St., Suite 800
Nashville, TN 37201

Please cross reference to: that certain Deed that is Instrument of record in Book 7344 Page 9, that certain Deed of Trust recorded on May 21, 1999 at Deed Book 11488, Page 762-770, that certain Notice of Appointment of Substitute Trustee recorded July 7, 2011 as Instrument No. 20110707-0051905, and that certain Substitute Trustee's Deed recorded August 23, 2011 as Instrument No. 20110823-0065136 Davidson County, Tennessee public land records.

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

LNV CORPORATION,	)	
	)	
Plaintiff/Counter-Defendant,	)	
	)	AF
v.	)	**Case No. 13-1022-1**
	)	
JANICE HARVELL,	)	
	)	
Defendant/Counter-Plaintiff.	)	

AGREED ORDER RESCINDING FORECLOSURE SALE AND SUBSTITUTE TRUSTEE'S DEED AS VOID AB INITIO AND REINSTATING NOTE AND DEED OF TRUST AND DISMISSAL

As evidenced by the signature of Plaintiff LNV Corporation's ("LNV") counsel and Defendant Janice Harvell's ("Ms. Harvell") counsel below, the parties have agreed that all of Plaintiff's claims and Defendant's counterclaims that were brought in this litigation have been resolved. Pursuant to the parties' agreement, this Order shall rescind the Foreclosure Sale and Substitute Trustee's Deed as void *ab initio* and reinstate the underlying Note and Deed of Trust filed on May 14, 1999 and any modifications of such Note and Deed of Trust with respect to the real property commonly known as 3205 Briarwick Dr., Nashville, TN 37218. Further, the Court dismisses all claims as indicated below.

BILL GARRETT, Davidson County
Trans:T20160084949 DEEDTRS
Recvd: 09/27/16 14:36 5 pgs
Fees:27.00 Taxes:0.00
20160927-0101941

LNV and Ms. Harvell agree and consent to the rescission of the August 18, 2011 foreclosure sale of the real property commonly known as **3205 Briarwick Dr., Nashville, TN 37218,** which is more particularly described as follows:

> Being Lot No. 106 on the Plan of Bordeaux Hills Addition, as of record in Book 4460 Page 9 Registers Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete description.
>
> Being the same property conveyed to Janice E. Harvell by Instrument of record in Book 7344 Page 9 Registers Office for Davidson County, Tennessee.

(hereinafter referred to as the "Property").

LNV and Ms. Harvell further agree and consent that the Substitute Trustee's Deed recorded on August 23, 2011 in the Davidson County, Tennessee land records as Instrument No. 20110823-0065136 ("Substitute Trustee's Deed") should be voided and stricken from the public record.

LNV and Ms. Harvell further agree and consent that the Deed of Trust recorded on May 21, 1999 in Deed Book 11488, Page 762-770, Records of Davidson County, Tennessee ("Deed of Trust") should be reinstated on the real estate records of Davidson County, Tennessee in full force and effect and in the first priority lien position it held before the August 18, 2011 foreclosure sale.

LNV and Ms. Harvell further agree and consent that record title to the Property should be reinstated consistent with the status quo as of the second prior to the recording of the Substitute Trustee's Deed. Nothing in this agreed order is intended to amend or alter the legal effect of any valid conveyances of any interests in the Property effectuated by virtue of a valid will, applicable intestacy law, any other valid deed instrument(s), or otherwise.

LNV further agrees to dismiss its claims in the above captioned matter *with prejudice*. Ms. Harvell further agrees to dismiss her claims in the above captioned matter *with prejudice*.

ACCORDINGLY, by virtue of the law, by agreement of the parties, and for other good cause shown, it is hereby

ORDERED that the August 18, 2011 Foreclosure Sale and related Substitute Trustee's Deed recorded on August 23, 2011 in the Davidson County, Tennessee land records as Instrument No. 20110823-0065136 are hereby **rescinded, voided, ~~and should be stricken~~** from the real estate records of Davidson County, Tennessee. It is further

ORDERED that the Deed of Trust recorded on May 21, 1999 in Deed Book 11488, Page 762-770, Records of Davidson County, Tennessee is hereby **reinstated** on the real estate records of Davidson County, Tennessee as a first-priority secured interest in the Property, that record title to the Property is hereby **reinstated** consistent with the status quo as of the second prior to the recording of the Substitute Trustee's Deed, and that any and all rights and obligations under the Deed of Trust and its underlying Note are **reinstated** and fully enforceable as if no foreclosure had ever taken place. It is further

ORDERED that Movant is authorized and directed to record this *Agreed Order Rescinding Foreclosure Sale and Successor Trustee's Deed as Void Ab Initio and Reinstating Note and Deed of Trust and Dismissal* in the public land records of Davidson County, Tennessee, subject to payment of the costs for such recording, and to cross-reference such recording to **that certain Deed that is Instrument of record in Book 7344 Page 9, that certain Deed of Trust recorded on May 21, 1999 at Deed Book 11488, Page 762-770, that certain Notice of Appointment of Substitute Trustee recorded July 7, 2011 as Instrument No. 20110707-0051905, and that certain Substitute Trustee's Deed recorded August 23, 2011 as**

Instrument No. 20110823-0065136 Davidson County, Tennessee public land records. It is further

ORDERED LNV's lawsuit is dismissed *with prejudice* and Ms. Harvell's lawsuit is dismissed *with prejudice*. This constitutes a final order in this action. LNV shall bear the costs incurred in this action for which execution may issue if necessary.

IT IS SO ORDERED this ___ day of _____, 2016.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY
OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 22 DAY OF September 2016
MARIA M. SALAS, CLERK & MASTER
BY _____
DEPUTY

Claudia Bonnyman, Chancellor, Part I

APPROVED FOR ENTRY:

Jonathan Cole (BPR No. 16632)
Brittany B. Simpson (BPR No. 31019)
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sisterinlawlegal@gmail.com
Attorney for the Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been sent by U. S. Mail, postage prepaid. on this 6th day of ~~August~~ September, 2016, to:

Kathy A. Leslie
Sister in Law Legal Firm
202 Point East Drive
Nashville, TN 37216

Brittany B. Simpson

MAILED 9/7/16