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Dav. Co. Chancery Court

**IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE**

VELMA PROWELL a/k/a VELMA POWELL

Plaintiff,

vs.

MARION JONES PHILLIPS, SR. a/k/a MARION J. PHILLIPS, SR. and ANTHA KAY PHILLIPS a/k/a ANTHA K. PHILLIPS AND THEIR HEIRS, SUCCESSORS, PERSONAL REPRESENTATIVES AND ASSIGNS.

Defendants.

F044

Case No: 16-391-I

2016 OCT -4 AM 11:00

DEFAULT JUDGMENT

The Motion of the Plaintiff, Velma Prowell a/k/a Velma Powell, for a Default Judgment as to Defendant Marion Jones Phillips, Sr. a/k/a Marion J. Phillips, Sr., and his heirs, successors, personal representatives and assigns, in this cause, was made pursuant to TRCP 55 and was scheduled to be heard on Friday, September 2, 2016. It appears to the Court that the Complaint was filed with this court on April 20, 2016 and that title to the real property described as 3434 West Hamilton Avenue, Nashville, Davidson County, Tennessee 37218 (hereinafter the Property) was vested in Plaintiff pursuant to the Warranty Deed of record in Instrument Number 20160211-0013144, Register's Office for Davidson County, Tennessee. It appears to the Court that the Defendant, Marion Jones Phillips, Sr. a/k/a Marion J. Phillips, Sr. and his heirs, successor, personal representatives and assigns were served by Order of Publication on June 10, 2016, June 17, 2016, June 24, 2016, and July 1, 2016. It also appears to this Court that no answer or other defense has been filed by the Defendant, Marion Jones Phillips, Sr. a/k/a Marion J. Phillips, Sr. and his 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, Marion Jones Phillips, Sr. a/k/a Marion J. Phillips, Sr., his 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 3434 West Hamilton Avenue, Nashville, Davidson County, Tennessee 37218 (hereinafter the Property) under the Defendant, Marion Jones Phillips, Sr. a/k/a Marion J. Phillips, Sr., and his heirs, successors, personal representatives and assigns, are barred from claiming title to the Property; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any right, title or interest of Defendant, Marion Jones Phillips, Sr. a/k/a Marion J. Phillips, Sr. and his heirs, successors, personal representatives and assigns in the real property described as follows:

> Land in Davidson County, Tennessee, being Lot No. 1 on the Plan of E.B. Smith, Jr., Subdivision, of record in Book 6200, Page 534, Register's Office for said County, to which said plan reference is hereby made for a more complete and accurate legal description thereof.
>
> Being a portion of the same property conveyed to Marion J. Phillips, Sr., and his wife, Antha K. Phillips by deed from Bradley Eugene Jacobs, a married person of record in Book 9104, page 288 Register's Office for Davidson County, Tennessee, dated, September 27, 1993 and recorded on October 5, 1993.
>
> Being the same property conveyed to Kirkland R. Vincent and Kay M. Vincent by "Tax Sale" Final Decree Confirming Sale of record in Case No. 08-572-I, which is of record in Instrument 20090402-0029815 in the Register's Office for Davidson County, Tennessee.
>
> This is improved property commonly known as 3434 West Hamilton Avenue, Nashville, Tennessee 37218.

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, Velma Prowell a/k/a Velma Powell, for which execution may issue, if necessary.

ENTERED this _____ day of _____, 2016.

CLAUDIA BONNYMAN
CHANCELLOR

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 10 DAY OF October 2016
MARIA M. SALAS, CLERK & MASTER
BY _____ DEPUTY

APPROVED FOR ENTRY:

ROBERT J. NOTESTINE III
Attorney for the Plaintiff,
Velma Prowell a/k/a Velma Powell
BPR #12195
109 Kenner Avenue, Suite 201
Nashville, Tennessee 37205
(615) 297-1568, Ext. 11
(615) 297-2413 (fax)
bob@notestinelaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion for Default Judgment, has not been mailed by first class U.S. postage pre-paid to Antha Kay Phillips a/k/a Antha K. Phillips as her whereabouts are unknown and she is believed to be dead or reside outside the State of Tennessee. A copy of the foregoing has not been mailed by first class U.S. postage pre-paid to Marion Jones Phillips, Sr., a/k/a Marion J. Phillips, Sr., as his whereabouts are unknown and he is believed to be dead or reside outside the State of Tennessee.

Robert J. Notestine III