Copy

IN THE THIRD CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED
2016 AUG 22 PM 3:18
RICHARD R. ROOKER
Clerk
D.C.

MARIA DE LOS ANGELES LOPEZ DIAZ,	)	
(A/K/A Maria De Los Angeles Diaz)	)	
Petitioner/Wife,	)	**DOCKET NO. 13D533 (3rd)**
vs.	)	
	)	**Notice of Entry Requested**
JOSÈ EDGARDO LOPEZ,	)	
Respondent/Husband.	)	

FINAL ORDER TO QUIET TITLE

This matter came to be heard on the 11th day of August, 2016, before the Honorable Philip E. Smith, Judge, sitting by interchange for the Third Circuit Court of Davidson County, Tennessee, upon Petitioner Maria De Los Angeles Lopez Diaz's ("Petitioner") Petition to Quiet Title Pursuant to T.C.A § 29-29-105 filed on May 20, 2014. Guardian Ad Litem Gere Beason was appointed to accept personal service on behalf of the Respondent Jose Edgardo Lopez ("Respondent") on December 4, 2014. Subsequent to the appointment of the Guardian ad Litem and service on the Guardian ad Litem, Respondent failed to Answer within thirty (30) days. On May 12, 2015, an Order for Default Judgment was entered against Respondent by the Honorable Phillip Robinson, Judge of the Third Circuit Court of Davidson County and set the final hearing on the Petition to Quiet Title for August 11, 2016. Petitioner was present in Court represented by attorney, Allison E. Cooley. Based upon the testimony of the Petitioner, the Court makes the following findings:

1. Petitioner and Respondent were previously married and have three (3) children together.
2. Petitioner resides at 3837 Faulkner Drive, Nashville, TN 37211 ("the Property"). The Property was purchased in 2005. A Warranty Deed has been entered as Exhibit 1 showing the New Owners of the Property as Petitioner and Respondent.
3. The parties separated in June, 2012. Respondent was deported by U.S.C.I.S. after serving time in the Metro jail awaiting trial for a domestic assault charge.

BILL GARRETT, Davidson County
Trans:T20160090410 ORDER
Recvd: 10/13/16 13:39 6 pgs
Fees:32.00 Taxes:0.00
20161013-0108401

Copy

4. Petitioner has no idea where Respondent is residing, other than that he is living Honduras. The last time he resided in the Property was June 2012.
5. Petitioner has paid off one (1) of the two (2) mortgages on the Property and both parties names are on the remaining mortgage. This Court cannot affect the rights of the third party creditor as it relates to their right to collect on the Property, and this action certainly does not remove Respondent's name from the mortgage obligation.
6. Petitioner's taxes are current on the Property and she has made repairs to the home since 2012. Respondent has not provided any money for those repairs, nor has he provided any child support for the care and support of the parties' minor children.
7. There is an arrest warrant awaiting Respondent in Davidson County should he reappear in this country.
8. Respondent has committed permissive waste for not contributing to the upkeep of the Property; additionally, he is not contributing to the support of the minor children. Petitioner has assumed all costs of care and housing for her children and this Court finds irreparable harm could result if Respondent's name is not removed from the title of the Property.
9. Equity requires that Respondent's name be removed from the title of the Property.
10. Therefore, this Court will quiet title by removing Respondent's [Jose Edgardo Lopez] name from the title of the real property located at 3837 Faulkner Drive, Nashville, TN 37211.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Petitioner Maria De Los Angeles Diaz, formerly, Maria De Los Angeles Lopez, has shown an interest in and ownership of the Real Property located at 3837 Faulkner Drive, Nashville, TN 37211 and more fully described as follows:

> Land in Davidson County, Tennessee, being Lot No. 3 on the Plan of Ackerman Subdivision of record in Instrument # 20040108-0003093, amending Plat Book 8250, Page 899, Register's Office for Davidson County, Tennessee, to which reference is hereby given for a more complete description thereof.

Copy

Being part of the same property conveyed to Jose E. Lopez and Maria D. Lopez, married, from Jeff Ackerman, unmarried, in instrument number 200050131-001827, dated January 31, 2005, Register's Office for Davidson County, Tennessee.

THIS CONVEYANCE IS MADE SUBJECT TO THE FOLLOWING:

The Plan of record in Plat Book 8250, Page 899 and Instrument # 20040108-0003093, Register's Office for DAVIDSON County, Tennessee.
Restrictive covenants contained in an instrument of the record in Book 11325, Page 352, Book 11363, Page 664 and Instrument # 20050104-0001421, Register's Office for DAVIDSON County, Tennessee.
Subject to the flow of any stream across the subject property.
Any and all visible easements lying on or across the property.

The real property bears the street address of 3837 Faulkner Drive, Nashville, Davidson County, Tennessee 37211.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Petitioner shall own the Real Property described above free and clear of any interest or claim of Respondent, and any interest of Respondent shall be divested from him and vested in Petitioner. Further, Petitioner shall be solely responsible for any and all debts and encumbrances thereon, and that she shall indemnify and hold Respondent harmless thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all costs are taxed to Respondent for which execution shall issue if necessary.

ENTERED, this 22nd day of August, 2016.

HONORABLE PHILIP E. SMITH, JUDGE sitting by interchange

Copy

Prepared by:

ALLISON E. COOLEY, NO. 030563
LEGAL AID SOCIETY
300 Deaderick Street
Nashville, Tennessee 37201
(615) 780-7120
Attorney for Plaintiff/Wife

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Order was sent via U.S. mail, postage pre-paid, to the last known address of the Defendant/Husband Jose Edgardo Lopez at 3837 Faulkner Drive, Nashville, TN, 37211, and to the Guardian Ad Litem, Gere Beason, Attorney at Law, at 401 Church Street, Suite 2900, Nashville, TN on this 16th day of August, 2016.

ALLISON E. COOLEY

Copy

CERTIFICATE OF SERVICE

DOCKET NO. 13D533

I hereby certify I have mailed a copy of the foregoing to the parties/counsel listed below, on this 25TH day of AUGUST, 2016.

RICHARD R. ROOKER, Circuit Court Clerk

BY: _____
Deputy Clerk

ALLISON E. COOLEY, ATTORNEY
LEGAL AID SOCIETY
300 DEADERICK ST.
NASHVILLE, TN 37201

GERE BEASON, ATTORNEY
401 CHURCH ST., SUITE 2900
NASHVILLE, TN

JOSE EDGARDO LOPEZ
3827 FAULKNER DR.
NASHVILLE, TN 37211

STATE OF TENNESSEE

I, RICHARD R. ROOKER, Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the Order heretofore entered in the THIRD Circuit Court for Davidson County, Tennessee, on the 22 day of AUGUST, 2016, in Docket Number 13D533 between DIAZ, MARIA DE LOS ANGELES LOPEZ, Plaintiff, and LOPEZ, JOSE EDGARDO ET.AL, Defendant, as same remains of record in the Minutes of said Court.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 13 day of OCTOBER in the year two thousand sixteen and in the 240th year of American Independence.

RICHARD R. ROOKER, Clerk,

By: _____
Deputy Clerk

[SEAL]

