BILL GARRETT, Davidson County
Trans:T20160107396 ORDER
Recvd: 12/07/16 08:59 6 pgs
Fees:32.00 Taxes:0.00
20161207-0128240

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE (PROBATE DIVISION)

FILED
DEC 02 2016
By RICHARD R. ROOKER, Clerk
D.C.

IN THE MATTER OF:	)	
	)	**No. 16P-609**
THE ESTATE OF KENNETH DUWANE GARNER	)	
Deceased.	)	

ORDER TO APPROVE CONTRACT FOR SALE OF REAL PROPERTY AND AUTHORIZE ADMINISTRATOR TO SELL PROPERTY AND EXECUTE DEED

This cause came to be heard on December 2, 2016 before the honorable Judge Randy Kennedy of the Probate Court of Davidson County, Tennessee, upon a Motion by the Administrator to request that the Court approve the contract for the sale of **630 West Old Hickory Boulevard, Madison, Tennessee 37115** (hereinafter "the Property"); to allow the contract to close per the contract terms; and upon oral motion with no objection from any party nor counsel for any party, to permit the Administrator Elizabeth B. Hickman to be appointed as a Specific and Limited Power of Attorney for Michael D. Garner and Susan L. Garner such that the Administrator Elizabeth B. Hickman shall have full authority to execute deeds and any other instruments necessary to sell the Property according to the terms of the Purchase and Sale Agreement as attached as an exhibit to the Motion filed November 14, 2016 with an Amendment to the Contract filed November 21, 2016.

Present in Court were Elizabeth B. Hickman, Administrator; attorney Paul Gontarek as legal counsel for beneficiaries Michael D. Garner and Susan L. Garner; and attorney Matt Potempa as legal counsel for beneficiary David Garner.

Based on an examination of the Motion, statements of counsel and the entire record

herein, the Court finds as follows:

1. The Property was marketed via a public real estate listing with Murfreesboro-based Realtor Janie Hopkins of Intero Real Estate Services.

2. The Property known as **630 West Old Hickory Boulevard** has the following legal description: Land in the 11th Civil District of Davidson County, Tennessee, described according to a copy of a survey thereof made by Solon E. Davis, Engineer, October 26, 1953, as follows: BEGINNING at a point on the northerly margin of Old Hickory Boulevard, at the intersection with the east line of Marthonna Road; thence with the margin of Marthonna Road North 1 deg. 30' East 280 feet to a point; thence South 85 deg. 56' 30" East 145 feet to a point; thence Southerly 280.15 feet to the northerly margin of Old Hickory Boulevard; thence with the margin of the same westerly 145 feet to the beginning, EXCEPTING, however, a small triangle at the southeast corner of the lot to be taken for a curve at the intersection of said Old Hickory Boulevard and Marthonna Road. Being the same property conveyed to Robert Wilcher and wife, Marianne Wilcher by deed of record in Instrument No. 20030828-0125109, Register's Office for Davidson County, Tennessee.

3. The sales prices of $176,000 for **630 West Old Hickory Boulevard** represents a commercially reasonable price and the contract should be closed according to the terms agreed to by the parties to the contract.

4. Per Order of this Court filed April 20, 2016, the Property known as **630 West Old Hickory Boulevard, Madison, Tennessee 37115** was specifically brought into the probate estate of the Decedent Kenneth D. Garner under the control of the Administrator Elizabeth B. Hickman

per the Petition filed on April 6, 2016 with the express agreement of Counsel for all beneficiaries, including beneficiaries Susan L. Garner and Michael D. Garner, with Counsel for all parties being present in court at the hearing on this matter held April 20, 2016.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

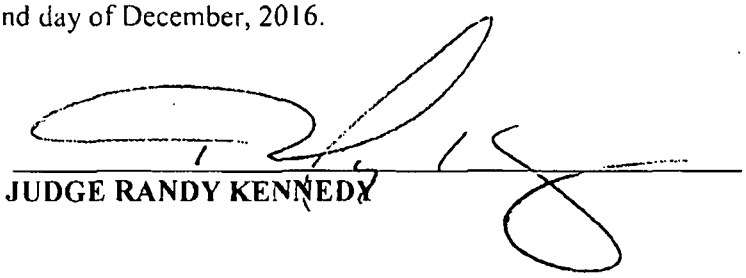
1. The contract for the sale of **630 West Old Hickory Boulevard**, Madison, Tennessee 37115 to buyer Craft Hayes for $176,000 from the Estate of Kenneth D. Garner is deemed commercially reasonable and is approved by this Court.

2. The sales contract is permitted to close according to the terms agreed to by the parties, with Elizabeth B. Hickman as Administrator empowered to sign any and all documents necessary to effectuate the closing of the property, including but not limited to signing an Administrator's deed on behalf of the Estate of Kenneth D. Garner, and any and all other documents to finalize the sale of **630 West Old Hickory Boulevard** and convey title.

3. That the Administrator Elizabeth B. Hickman is appointed a Specific and Limited Power of Attorney for Michael D. Garner and Susan L. Garner in their individual capacities as children and heirs-at-law of the Decedent Kenneth D. Garner such that the Administrator Elizabeth B. Hickman shall have full authority to execute deeds or any other instruments necessary to finalize the sale of **630 West Old Hickory Boulevard** and convey title.

4. That all proceeds remaining after payment of real estate commissions, marketing expenses, customary closing costs and pro-rated property taxes be deposited in the estate account for the Estate of Kenneth D. Garner.

Entered this 2nd day of December, 2016.



JUDGE RANDY KENNEDY

APPROVED FOR ENTRY:

GOODMAN CALLAHAN BLACKSTONE, PLLC

By: Elizabeth B. Hickman

Elizabeth B. Hickman (#27976)
209 10th Ave. South, Suite 432
Nashville, TN 37203
(615) 673-4449
elizabeth@gcbtaxlaw.com

CERTIFICATE OF SERVICE

As evidenced by my signature below, I certify that a true and exact copy of the foregoing Order has been served by United States Mail, postage prepaid, or via Electronic Mail with permission, on this the 2nd day of December, 2016, to the following parties:

Susan L. Garner
109 Brighton Place
Nashville, TN 37205
Via Email only with permission

K. David Garner
1636 Old Union Road
Hilham, Tennessee 38568
Via Email only with permission

Michael D. Garner
PO Box 1745
Madison, TN 37116

Matt Potempa, Esq.
Martin Heller Potempa and Sheppard, PLLC
2122 21st Avenue South
Nashville, Tennessee 37212
Via Email only with permission

Paul Gontarek, Esq.
Howard Mobley Hayes & Gontarek, PLLC
2319 Crestmoor Road
Nashville, Tennessee 37215
Via Email only with permission

Elizabeth B. Hickman

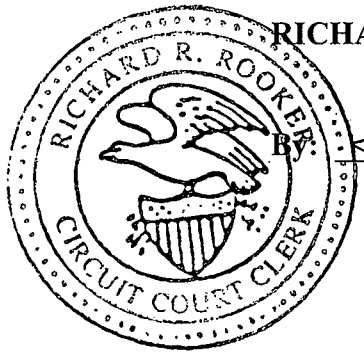
Elizabeth B. Hickman, Esq.

STATE OF TENNESSEE

I, RICHARD R. ROOKER, Clerk of the Circuit Court for Davidson County, do hereby certify that the foregoing is a true and complete copy of the **ORDER APPROVING CONTRACT FOR SALE OF REAL PROPERTY** heretofore assigned to Seventh Circuit Court (Probate Division) for Davidson County, Tennessee, Case No. **16P609**.

ESTATE OF KENNETH DUWANE GARNER

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 2nd day of December in the year Two Thousand and Sixteen.



RICHARD R. ROOKER, Clerk

By: _____
Deputy Clerk