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MAY 26 2017
Dav. Co. Chancery Court

In the Chancery Court for Davidson County, Tennessee

Twentieth Judicial District, Nashville, Tennessee

JAMES E. BROWN,

Plaintiff,

vs.

CHARLES E. RACHEL, JR., ET AL.,

Defendants.

FOGTT
Civil Action
Number: 16-1339-III

BILL GARRETT, Davidson County
Trans:T20170057245 ORDER
Recvd: 07/05/17 14:08 5 pgs
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DAVIDSON CO. CHANCERY CT.
D.C.&M.

FINAL JUDGEMENT AND ORDER
QUIETING PLAINTIFF'S TAX TITLE

This cause came before the Court upon the Plaintiff's Verified Complaint filed December 27, 2016, seeking to quiet title to his property at 0 Keller Avenue, Nashville, Tennessee, Map and Parcel Number 07206037200 ("the Property").

I. Findings of Fact and Conclusions of Law

The Property's chain of title shows that the Plaintiff purchased the Property at a County delinquent tax sale on January 26, 2005. In 2008 the County alleged that the Plaintiff had neglected to pay the ad valorem taxes on the Property for tax year 2005 — the year he purchased the property at the tax sale. The Plaintiff charged that the assessment was erroneous; but did not timely appeal the assessment to the Board of Equalization. On January 23, 2008, the County sold the property by public auction to enforce the matured tax lien. The Defendant Charles E. Rachel, Jr. was the successful bidder at the tax sale. On April 21, 2008, the Court confirmed the sale of the Property to

Defendant Rachel, thereby providing him with a tax deed to the property. The Defendant did not register the tax deed with the County Register of Deeds. On November 1, 2008, the Plaintiff timely tendered the amount required to redeem the Property to the Clerk and Master of the Court. On November 17, 2008, the Court found that the Plaintiff had properly exercised his right to redeem the Property, and entered a Decree of Redemption divesting title out of the Defendant Rachel and restoring and vesting title in the Plaintiff by Decree of Redemption entered by this Court on November 17, 2008 (***Verified Complaint,*** ¶, ***Ex. C***).

In this action to quiet title, Plaintiff asserts that Defendant Rachel's failure to record the intervening tax deed clouds his title to the Property; and that this action is necessary to remove that cloud. The matter is now before the Court upon Plaintiff's Motion for Final Judgment Quieting Title After Default.

Defendants were properly served with process by publication ending April 21, 2017, requiring Defendants to answer the Complaint or otherwise move against the Plaintiff not later than May 21, 2017. Defendants have failed to file an answer or otherwise move against the Complaint within the time allowed by law. Plaintiff now seeks a final judgment on the merits of his claims as set forth in his Complaint. The matter was submitted to the Court for decision on the pleadings.

The Court having found that the pleadings, documents attached to the Complaint, and facts deemed to have been admitted, show that there is no genuine issue as to any material fact, concludes that the Plaintiff is entitled to a judgment granting the requested relief as a matter of law. Therefore, the Court being fully advised in the premises, Plaintiff's Motion for Judgment After Default is hereby **GRANTED.**

II. Judgment and Order

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff, James E. Brown, was on December 27, 2016, the date of the commencement of this action, and now is, the exclusive and absolute owner in fee simple of the real property known as 0 Keller Avenue, Nashville, Tennessee 37216, Map ad Parcel Number 07206037200 and whose Tax Deed is of record in the Office of the Register of Deeds for Davidson County as Instrument Number 20081120-0114475.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that no person other than Plaintiff James E. Brown, including Defendants Charles E. Rachel, Jr., et al., their successors, assigns or any one or anything in the whole world claiming under them, irrespective of the nature of that interest, have in and to the said property, now has any estate, right, title, interest, or claim in or to the real property, or any part thereof, either legal or equitable, present or future, vested or contingent in the said real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that no person other than Plaintiff James E. Brown, including Defendants Charles E. Rachel, Jr., et al., now has any mortgage or other lien of any description on the real property or any part of the real property, either legal or equitable, present or future, vested or contingent in the said real property.

The parties shall bear their own expenses, costs and fees. ELH

Court costs are taxed to the Plaintiff as per the practice of the Clerk and Master to tax costs to the Plaintiff when there has been service by publication.

Ellen Hobbs Lyle

ELLEN HOBBS LYLE
Chancellor

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 5 DAY OF Jan 2017
MARIA M. SALAS, CLERK & MASTER
BY Vicki Bailey
DEPUTY

APPROVED FOR ENTRY:



JAMES E. BROWN
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Spring Hill, TN 37174
(615) 243-6138
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Plaintiff *pro se*

RULE 58 CERTIFICATION

A Copy of this order has been served by U. S. Mail upon all parties or their counsel named above.

AS
Deputy Clerk and Master
Chancery Court

6/30/17
Date