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JUL 19 2017
Dav. Co. Chancery Court

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

MARTHA ELLEN SAXON **Plaintiff,** **vs.** **THE UNKNOWN HEIRS OF LESTER DANNY MERCER; AND ALL OTHER PERSONS UNKNOWN Claiming Any Right, Title, Estate, Lien or Interest in and to the Real Property Described in Complainant's Complaint Adverse To Complainant's Ownership, or any Cloud Upon Complainant's Title Thereto.** **Defendants.**	)	Foyr **No. 17-301-IV**

FILED
2017 JUL 25 AM 10:50
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.
DC

ORDER

INTRODUCTION

1. This quiet title and partition matter came before me, Russell T Perkins, as Chancellor for Davidson County, for a final hearing on July 17, 2017, for the purpose of quieting title to a parcel of land located in Davidson County. The Court reviewed various items which were presented by counsel for the Plaintiff, and all items of evidence submitted to me at the hearing were admitted into evidence without objection. RTP

JURISDICTION & VENUE

2. This action involves a dispute over title to real property located in Davidson County, Tennessee. As such, this Court recognizes that it has subject matter and *in rem* jurisdiction over the said real property and over all interests of the parties

BILL GARRETT, Davidson County
Trans:T20170067017 ORDER
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Fees:27.00 Taxes:0.00
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therein. Pursuant to T.C.A. § 29-29-101, the Court hereby makes the following findings of fact and conclusions of law, and issues this final order quieting title to the subject property.

SUBJECT REAL PROPERTY

3. The subject real property in this lawsuit is described in the Plaintiffs' Complaint filed of record on March 29, 2017(the "Subject Property").

APPEARANCES

4. Plaintiff Martha Ellen Saxon, together with his counsel, M Todd Cathey, Esq. appeared before me at the final hearing on July 17, 2017.

FINDINGS OF FACT

5. Based upon clear and convincing evidence before me, which included the in-person testimony as to the subject property and the chain of title to the subject property, and after my review of all of the pleadings and documents of record in this case, the Court hereby finds the following as the facts of this case:

6. The Defendant, LESTER DANNY MERCER, is a deceased person, deceased on April 7, 2015, and a person who was a resident of Davidson County, Tennessee. Defendant was named in a Last Will and Testament of ANNIE J MERCER, hereinafter the deceased, as a potential beneficiary.

7. Deceased, ANNIE J MERCER, at all times relevant herein, has been the owner in fee simple of real property located and situated at 5505 Mt. View Road, Antioch in Davidson County, Tennessee by Deeds of record in the Register's Office for Davison

County in Book 4752, page 499 and Book 4764, page 794, and described in Exhibit A, which is attached hereto and incorporated herein by reference.

8. Deceased, ANNIE J MERCER, acquired fee simple ownership by tenant by entirety and right of survivorship from her deceased husband, LESTER W. MERCER, who died in 1981.

9. Deceased, ANNIE J MERCER, died on January 10, 1982, and by her Last Will and Testament devised the property to MARTHA ELLEN SAXON, ½ interest, and to LESTER DANNY MERCER, ½ interest.

10. Said interest to LESTER DANNY MERCER was subject to the terms of the Last Will and Testament of ANNIE J MERCER.

11. The said conditions of the bequeath was subject to the competency issue of LESTER DANNY MERCER, who at the time of death of ANNIE J MERCER, was incompetent.

12. The bequeath to LESTER DANNY MERCER, according to the Last Will and Testament of ANNIE J MERCER, was if and when he shall be adjudged legally competent by a Court of proper jurisdiction.

13. LESTER DANNY MERCER died on April 7, 2015 having never been adjudged competent by any Court of jurisdiction. LESTER DANNY MERCER died having never been married and leaving no issue.

14. The Last Will and Testament of ANNIE J MERCER, according to Article VIII, stated that should LESTER DANNY MERCER have never been deemed competent, or predecease her, then his interest would be devised to MARTHA ELLEN SAXON.

CONCLUSIONS OF LAW

15. Title to the subject property is now vested as follows:

a. Plaintiff Martha Ellen Saxon – 100% undivided interest

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED:

QUIET TITLE

1. On the effective date of this order, fee simple absolute title to the subject property as it is described in paragraph #3 above shall be vested as follows:

(1) Plaintiff Martha Ellen Saxon – an undivided 100% interest

All other parties-defendant are in default and are hereby forever divested of any and all right, title, interest, estate, claim or lien of any kind whatever, existing now or formerly, in and to that portion of the subject property as quieted above.

2. Any remaining costs of this matter are hereby taxed to the Plaintiff.

AND IT IS SO ORDERED!

ENTERED this the ____ day of _____, 2017.

Chancellor Russell T. Perkins

SUBMITTED FOR ENTRY:

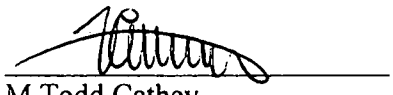
M Todd Cathey, #26799
Attorney for Defendant
311 E. Main Street, Ste 5
Hendersonville, TN 37075

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE. THIS 2nd DAY OF August 20 17
MARIA M. SALAS, CLERK & MASTER
BY _____ DEPUTY

MAILED 7/25/17

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the forgoing instrument has been served upon all parties in interest in this cause or upon their counsel by personal delivery or by placing same in the United States Mail, postage pre-paid, on this the ____ day of July, 2017.



M Todd Cathey