RECEIVED
JUL - 7 2017
Dav. Co. Chancery Court

IN THE CHANCERY COURT, PART I
TWENTIETH JUDICIAL DISTRICT
METROPOLITAN NASHVILLE and DAVIDSON COUNTY, TENNESSEE

FILED
2017 JUL 27 PM 2:32
CLERK & MASTER
DAVIDSON CO CHANCERY CT

CONSTANCE R. BRACEY,
Complainant/Counter-Defendant,

vs. **Case No. 15-733-I**

ELEANOR D. BARBOUR,
Defendant/Counter-Claimant.

ORDER

This case was called on the 30th day of June 2017, before the Honorable Claudia Bonnyman, Chancellor, Chancery Court, Part I, Twentieth Judicial District, Metropolitan Nashville and Davidson County, Tennessee, upon the following, to wit:

1. Motion of Complainant/Counter-Defendant, **CONSTANCE R. BRACEY**, asking this Court to alter or amend its Order prepared from a trial on 31 August 2016, and signed and entered by this Court on 30 September 2016;

2. Response(s) of Defendant/Counter-Claimant, **ELEANOR D. BARBOUR;**

3. Appearances and statements of counsels of record;

4. The case of ***Darryl F. Bryant, Sr., v. Darryl F. Bryant, Jr., No. M2014-02379-SC-R11-CP*** decided by the Tennessee Supreme Court as evidenced by and Order and Opinion filed and entered 19 April 2017; and

5. The entire record in this cause.

Bill Garrett Davidson County
Batch# 2766 ORDER
09/20/2017 04:04:17 PM 5 pgs
Fees: $27.00 Taxes: $0.00
20170920-0096594

From all of which this Court finds the Motion to alter or amend is well taken as to Issue No. 3 in this Court's Order entered 30 September 2016;

It therefore is **ORDERED, ADJUDGED and DECREED** that this Court's holding and ruling as to Issue No. 3 in the Order entered 30 September 2016, that "Annie Bracey could not sever (her) joint tenancy [with Eleanor Barbour] and extinguish the right of survivorship" by the Warranty Deed in favor of Constance Renee (R.) Bracey filed as Exhibit 1 at the trial and shown of record as Instrument No. 20111018-00080836, Register's Office for Davidson County, Tennessee, be and is hereby vacated and set aside.

It further is **ORDERED, ADJUDGED and DECREED that the Court's holding and ruling** "that the [Real Property] located at 844 Joseph Avenue, Nashville, Tennessee (sic) is solely vested in Defendant, Eleanor Barbour" be and is hereby vacated and set aside.

It further is **ORDERED, ADJUDGED and DECREED** that **CONSTANCE R. BRACEY** be and she is hereby vested with an one-half (1/2) undivided interest as a tenant in common with **ELEANOR D. BARBOUR** in and to that certain Real Property located at and known as 844 Joseph Avenue, Nashville, Davidson County, Tennessee 37207, and being more particularly described on Exhibit A attached hereto and made a part of hereof.

And it further appearing to the Court there is no just cause or reason to delay entry of this Order;

It therefore is further **ORDERED, ADJUDGED and DECREED** that this Order be and is hereby entered as a Final Judgment pursuant to Rule 54.02, Tennessee Rules of Civil Procedure. The Court acknowledges that Rule 54 designation was by telephone conference call on July 27, 2017

~~The costs of this proceeding are taxed to the Defendant/Counter Claimant, Eleanor D. Barbour.~~

All other matters reserved.

Enter this ___ day of July 2017.

CHANCELLOR

PREPARED AND APPROVED FOR ENTRY:

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 8th DAY OF Sept 2017
MARIA M. SALAS, CLERK & MASTER
BY _____ DEPUTY

JOHN R. REYNOLDS
S.C. Reg. No. 002522
Suite 2702, The Office Tower
611 Commerce Street
P. O. Box 190481
Nashville TN 37219-0481
Tel: (615) 256-2694
Fax: (615) 256-2361
E-mail: JRReynLaw@aol.com

R. BARRY GEARON, JR.
S.C. Reg. No. 029174
Attorney at Law
Suite 360M-Washington Square
222 Second Avenue, North
Nashville, TN 37201
Tel: (615) 242-7000
Fax: (615) 244-6844
E-mail: rbarrygearon@gearonlaw.com

Attorneys for Constance R. Bracey.

MAILED 7/27/17

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing has been hand delivered and/or sent and/or forwarded by (1) U. S. Mail with sufficient postage prepaid thereon, and/or (2) hand delivery, and/or (3) facsimile transmittal, and/or (4) electronic mail to the following, to-wit:

David R. Kennedy, Jr.
John G. Fhaner
Attorney at Law
3052 Lebanon Road
Nashville, TN 37214

__ **VIA FACSIMILE TRANSMITTAL NO. (615) 383-4848**
___W/ATTACHMENT(S).
__VIA REGULAR MAIL DELIVERY ___W/ENCLOSURE(S).
__VIA E-MAIL: david@kennedyfirmtn.com ___W/ATTACMENT(S).
__VIA E-MAIL: john@kennedyfirmtn.com ___W/ATTACMENT(S).

Attorneys for ELEANOR D. BARBOUR.

Dated this 07th day of July 2017.

JOHN R. REYNOLDS

Cc: Ms. Constance R. Bracey
P.O. Box 17752
Nashville, TN 37212

EXHIBIT A

844 Joseph Avenue
Nashville, Davidson County,
Tennessee 37207.

(Map/Parcel No. **082 07 0 518.00**.)

Land in Davidson County, Tennessee, being Lot No. **19** on the Plan of The Nashville Housing Authority Subdivision Number One, of record in Book 3700, Page 42, Register's Office for Davidson County, Tennessee.

Said Lot No. **19** fronts 57.5 feet on the westerly margin of Joseph Avenue and extends back 144.0 feet on the northerly line and 143.9 feet on the southerly line to an alley in the rear with the rear line measuring 57.5 feet thereon.

Being the same property conveyed to Annie Pearl Bracey and Eleanor D. Bracey by deed from Cumberland Builders, Inc., of record in Book 4546, Page 464, Register's Office for Davidson County, Tennessee.

And being the same property conveyed to Annie Pearl Bracey and Eleanor D. Barbour, as joint tenants with right of survivorship, by Quitclaim Deed from Leon Sharber, Trustee, of record as Instrument No. **20080610-0059445**, Register's Office for Davidson County, Tennessee.

And being the same property that Annie Pearl Bracey conveyed her interest to Constance Rena Bracey by Warranty Deed of record as Instrument No. 20111018-0080836, Register's Office for Davidson County, Tennessee.

Annie Pearl Bracey died 22 December 2012.

Constance Rena Bracey and Constance R. Bracey are one and the same person.

MAILED