IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY, PART IV

IN THE MATTER OF:	)	
	)	
THE ESTATE OF ALFONSO B. PATTON, DECEASED,	)	
	)	
GLORIA WALKER,	)	
	)	
Petitioner/Counter Respondent,	)	
	)	
vs.	)	**CASE NO. 15-1514-IV**
	)	
PATRICIA RICHMOND,	)	
	)	
Respondent/Counter Petitioner.	)	

Karen Y Johnson Davidson County
Batch# 146149 ORDER
09/27/2018 01:42:15 PM 15 pgs
Fees: $77.00 Taxes: $0.00
20180927-0095942

ORDER MEMORIALIZING MUNIMENT OF TITLE

Under applicable Tennessee law, the Court hereby separately issues the following muniment of title for real property located at 4112 West Hamilton Road, Nashville, Tennessee 37218, Map and Parcel 069 03 0 120.00 Book Page/Instrument No.: 29110627-0048775:

1. This action established the residual beneficiary of the Last Will and Testament of Alfonso B. Patton as the owner of 4112 West Hamilton Road, Nashville, Tennessee 37218, Map and Parcel 069 03 0 120.00 Book Page/Instrument No.: 29110627-0048775;
2. That on September 9, 2013, Alfonso B. Patton died in Nashville, Davidson County, Tennessee, at the age of approximately 95;
3. Petitioner opened the Estate of Alfonso B. Patton on October 3, 2013. The Probate Court of Davidson County appointed Petitioner, Gloria E. Walker, to

serve as the Personal Representative and Administratrix of the Estate of Alfonso B. Patton by Order entered on May 29, 2015;

4. That, at the time of his death, Decedent Alfonso Patton was single and had one child, Patricia Denise King Patton Richmond, and was residing at 4112 West Hamilton Road, Nashville, Tennessee 37218;

5. According to Decedent Alfonso B. Patton's Last Will and Testament dated March 14, 2006, Mr. Patton left all of his residual real and personal property to Lucile Patton Blakemore or, in the alternative, to the contingent beneficiary, Gloria E. Walker. Lucile Patton Blakemore predeceased Mr. Patton. Attached herein and incorporated by reference as Exhibit 1 is a copy of Alfonso B. Patton's Last Will and Testament;

6. The Final Order Appointing Conservator dated May 11, 2011, Docket No.: 10P-191, was recorded on June 27, 2011, which caused the property at 4112 West Hamilton Road to be registered in the name of Guardianship and Trusts Corporation. Attached herein and incorporated by reference as Exhibit 2 is said Order. The Final Accounting of Guardianship and Trusts Corporation, dated June 3, 2014, reflects that the property located at 4112 West Hamilton Road is part of the residual Estate of Alfonso B. Patton;

7. The Final Accounting of the Personal Representative of the Estate of Alfonso B. Patton, Docket No. 13P-1631, by Attorney Paul White, reflects that 4112 West Hamilton Road, Nashville, Tennessee 37218 is part of the residual Estate of Alfonso B. Patton, of which the Plaintiff, Gloria E. Walker, is the sole beneficiary;

8. Gloria E. Walker, therefore, is by operation of law the lawful, fee simple absolute owner of the real property located at 41 2 West Hamilton Road, Nashville, Tennessee 37218.

IT IS SO ORDERED.

RUSSELL T. PERKINS, CHANCELLOR

cc: Terry R. Clayton, Esq.
Patricia Richmond, *pro se*

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 27th DAY OF September, 2018
MARIA M. SALAS, CLERK & MASTER
BY _____ DEPUTY

EXHIBIT 1

Copy

Patton
2013 OCT -3 AM 10:43
FILED
2015 FEB 19 PM 4:28

Last Will and Testament

OF
ALFONSO B. PATTON

I, ALFONSO PATTON, a resident of Nashville, Davidson County, Tennessee, being of sound mind and disposing memory and recognizing the uncertainty of this frail life, do make, publish and declare this to be my Last Will and Testament, hereby revoking any and all other Wills or Codicils made by me at any time.

FIRST:

It is my desire that my Executrix hereinafter named, pay all my just debts, including funeral expenses and cost of administration and settlement of my estate as early as possible under and in accordance with the laws of the State of Tennessee.

SECOND:

I hereby bequeath to each of the following person(s) and/or organization(s) the amounts set forth opposite their respective name:

(1) To First Baptist Church, Capitol Hill, the sum of $25,000.00;
(2) To George Baker, the sum of $5,000.00;
(3) To George Patton, the sum of $5,000.00;
(4) To Grace Ellis, the sum of $10,000.00; and

PAGE ONE (1) OF THREE (3) PAGES
LAST WILL AND TESTAMENT OF:

Alfonso B. Patton

ALFONSO B. PATTON, Testator

Ex 1

COPY

(5) To Nashville Chapter of the NAACP, the sum of $5,000.00; provided, however, that in no case shall any said bequest listed under this section exceed ten percent of my net etate as finally determined for state inheritance tax purposes.

THIRD:

I hereby give, devise and bequeath to my beloved cousin, LUCILE PATTON BLAKEMORE, all the rest and remainder of my proprety, real, personal and mixed, absolutely and in fee simple. In the event that LUCILE PATTON BLAKEMORE predecease me I hereby give, devise and bequeath to her daughter GLORIA E. WALKER, all the rest and remainder of my property, real, personal and mixed in equal shares to share and share alike.

FOURTH:

I hereby nominate and appoint GLORIA WALKER, as the Executrix of this my Last Will and Testament, and if she shall not survive me, or shall fail to qualify for any reason, then I nominate and appoint, JOY M. SIMS as my Alternate Executrix. It is my wish and I do hereby request, that neither be compelled to give any bond or any security, nor file an inventory, nor accounting as such Executrix or Alternate Executrix for the faithful performance of either person's duties as such.

I hereby authorize and empower my said Executrix or Alternate Executrix to sell and convert into cash any and all of my personal property without a court order, or to convey any real property by deed without the necessity of a court order authorizing such conveyance or approving such deed. I specifically request that the Executrix consult with the beneficiaries before making such sale or conveyance, but should my beneficiaries be unable to agree, the final decision on such sale or conveyance shall rest with said Executrix or Alternate Executrix of my Will.

IN WITNESS WHEREOF, I have executed the foregoing Last Will and Testament, consisting of this and two (2) other typewritten pages, and for the purpose of identification, I have signed each page in the presence of the persons witnessing it at my request on the 14th day of March 2006, at Nashville, Tennessee.

ALFONSO B. PATTON, Testator

PAGE TWO (2) OF THREE (3) PAGES
LAST WILL AND TESTAMENT OF:

ALFONSO B. PATTON, Testator

COPY

The foregoing instrument was signed, sealed, published and declared by the Testator, ALFONSO B. PATTON to be his Last Will and Testament, in the presence of both of us at one and the same time, and we at his request and in his presence and in the presence of each other, have hereunto subscribed our names as witnesses, and we do hereby attest to the sound and disposing mind of said Testator and to the performance of the aforesaid act of execution on the date and at the place herein above set out.

ATTESTING WITNESSES:

Joy M. Sims
NAME

611 Woodland Street
Nashville, TN 37206
ADDRESS

Darel Brown
NAME

1607 Wheless St.
Nashville, TN. 37208
ADDRESS

PAGE THREE (3) OF THREE (3) PAGES
LAST WILL AND TESTAMENT OF:

Alfonso B. Patton
ALFONSO B. PATTON, Testator

This legal document prepared by:
THE LAW OFFICE OF JOY M. SIMS
611 Woodland Street
NASHVILLE, TN 37206
615-244-8171

Copy

AFFIDAVIT OF ATTESTING WITNESSES
TO LAST WILL AND TESTAMENT OF
ALFONSO B. PATTON

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

The undersigned attesting witnesses to the Last Will and Testament of ALFONSO B. PATTON after being first sworn according to law, depose and say as follows:

1. That they are adult citizens of the State of Tennessee;

2. That they witnessed the execution of the Last Will and Testament of ALFONSO B. PATTON, Testator, dated the 14th of March 2006; to which this affidavit is attached, and that this affidavit is being made at the request of Testator and in accordance with T. C.A. Section 32-2-110;

3. That their signatures were affixed to said Last Will and Testament; that they signed or affixed their signatures at the instance and at the request of the Testator, and in his presence and in the presence of each other, upon the date and at the place recited in said Last Will and Testament;

4. That at the time they witnessed said Last Will and Testament, the Testator was, in their opinion, of sound mind;

5. That at the time the Testator signed said Last Will and Testament, he did not appear to be acting under any duress or undue influence from any person or persons whomsoever;

6. That the Testator was over the age of eighteen (18) years at the time of executing said Last Will and Testament; and

FURTHER AFFIANT SAIETH NOT.

ATTESTING WITNESS

ATTESTING WITNESS

Sworn to and subscribed before me this the 14th day of March 2006.

NOTARY PUBLIC

My Commission Expires: 05-23-09

YVETTE Y. CAIN
STATE OF TENNESSEE
NOTARY PUBLIC
DAVIDSON COUNTY, TENN.
My Commission Expires MAY 23, 2009

EXHIBIT 2

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
PROBATE DIVISION

2011 MAY -6 PM 3:53

RICHARD V. ROOKER, CLERK

IN THE MATTER OF THE CONSERVATORSHIP OF ALFONSO B. PATTON,

Respondent.

Case No. 10P-191

D.C.

FILED
2016 FEB 19 PM 4:29
DAVIDSON COUNTY CHANCERY COURT

FINAL ORDER APPOINTING CONSERVATOR

This matter came on to be heard in the Seventh Circuit Court for Davidson County, Tennessee before Circuit Judge Randy Kennedy, without a jury, on April 18 and April 25, 2011 for the second part of a bifurcated hearing to determine who should be appointed to serve as the conservator or conservators of Alfonso B. Patton.

On March 31, 2011, the Court entered an order establishing a permanent conservatorship for Alfonso B. Patton following a hearing on February 28, 2011. The order of March 31, 2011 states that the Court found, in part, that the revocation of all powers of attorney on March 11, 2010 was appropriate and warranted by the evidence, that Alfonso B. Patton was disabled and in need of a conservator as required by *T.C.A.* § 34-1-126, and that the previously appointed temporary conservators should remain in place pending further orders of the Court.

On April 18 and April 25, 2011 the Court heard the testimony of Gloria Walker, the temporary conservator of the property of Alfonso B. Patton, and the testimony of Patricia Richmond, the temporary conservator of the person of Alfonso B. Patton. The Court further heard the testimony of all witnesses called to testify, considered the exhibits offered at trial, considered statements of counsel for Gloria Walker and Patricia Richmond and of the attorney ad litem for Alfonso B. Patton and the entire record in this cause. Based on this evidence the Court finds as follows:

1. The request of Patricia Richmond that she be appointed to serve as the conservator of the person and/or property of Alfonso B. Patton is denied.

2. The Court finds that the pending claims brought by the conservators of the property of Alfonso B. Patton against Patricia Richmond concerning her actions as attorney in fact for Alfonso B. Patton prior to the filing of this conservatorship action create an

BILL GARRETT, Davidson County
Trans:T20110618125 ORDER
Recvd: 06/27/11 08:59 5 pgs
Fees:27.00 Taxes:0.00
20110627-0048775

Ex 2

insurmountable conflict of interest that prevents Patricia Richmond from serving as conservator of the property of Alfonso B. Patton. If appointed to serve in this position Patricia Richmond would literally be charged with the responsibility of prosecuting a claim, as conservator, against herself, individually.

3. The Court finds that Patricia Richmond has established a history of violating orders of this Court and refusing to follow Court orders. The Court further finds that Patricia Richmond has engaged in self-dealing to the detriment of Alfonso B. Patton while serving as attorney in fact for Alfonso B. Patton and has exercised poor judgment in the management of Alfonso B. Patton's affairs while acting as his attorney in fact. Just one example of this poor judgment was the use of $137,000 of Alfonso B. Patton's money to purchase a home at 901 Vantrease Avenue in Nashville, Tennessee, titling that property in the name of Patricia Richmond and husband, Ronnie Richmond, spending approximately $30,000 of Alfonso B. Patton's money to renovate this home, and then listing the home for sale for $154,000 within a relatively short period of time.

4. The Court finds that in regard to the care of the person of Alfonso B. Patton, there is no question but that the living conditions of Alfonso B. Patton have been enhanced by the actions of Patricia Richmond. The testimony is undisputed that Alfonso B. Patton lived in a home that was dirty and not well kept before Patricia Richmond became involved in providing assistance to him and that his circumstances have substantially improved with her assistance.

5. The Court further finds that Patricia Richmond may serve as caretaker for Alfonso B. Patton without being the conservator of his person. The Court finds that it would be appropriate for Patricia Richmond to continue as the caretaker of Alfonso B. Patton and may be paid under the terms currently in place, pending further orders of the Court, but it would not be in the best interest of Alfonso B. Patton for Patricia Richmond to serve as the conservator of his person.

6. Gloria Walker has also asked to be appointed to serve as the conservator of the property only or the person and property of Alfonso B. Patton. This request is also denied.

7. The Court finds no evidence of wrongdoing on the part of Gloria Walker while serving as temporary conservator for the property of Alfonso B. Patton but does find that she failed to scrutinize the conduct of her son, John Walker, who served as co-conservator of the property of Alfonso B. Patton with Gloria Walker.

8. The Court further finds that there is the potential for a conflict between the interest of Gloria Walker and Alfonso B. Patton in regard to the ownership of the property on which Patton Brothers Funeral Home is located on South Street in Nashville, Tennessee. Gloria Walker, Mary Katherine Patton and Alfonso B. Patton are co-owners of the property on which this funeral home is located. Alfonso B. Patton and Mary Katherine Patton own Patton Brothers Funeral Home as partners. Patton Brothers Funeral Home leases the property owned jointly by Gloria Walker, Alfonso B. Patton and Mary Katherine Patton.

9. Moreover, the Court finds that the personal conflict existing between Gloria Walker and Patricia Richmond will likely prevent Mrs. Walker and Mrs. Richmond from effectively communicating or working together if Gloria Walker is appointed to serve as conservator of the person and/or property of Alfonso B. Patton.

THEREFORE, the Court finds that it is in the paramount best interest of Alfonso B. Patton that the temporary conservators be replaced by a third party to serve as conservator of the person and property of Alfonso B. Patton. The Court appoints Guardianship and Trusts Corporation, 501 Union Street, Suite 404, Nashville, Tennessee 37219 to act as the conservator of Alfonso B. Patton.

Guardianship and Trusts Corporation is not required to make a bond in this conservatorship.

The attorney ad litem for Alfonso B. Patton shall remain in this action to assist Guardianship and Trusts Corporation in taking over the responsibilities of the conservatorship of Alfonso B. Patton, pending further orders of the Court.

Gloria Walker shall file a complete conservatorship accounting by the close of business on May 20, 2011 and provide copies to Guardianship and Trusts Corporation and all interested parties.

This order is designated a final order pursuant to Rule 54 of the *Tennessee Rules of Civil Procedure* there being no just reason for the delay in the entry of this final order.

IT IS SO ORDERED, ADJUDGED and DECREED this the 6 day of May, 2011.

Randy Kennedy, Judge

APPROVED FOR ENTRY:

Michael M. Castellarin, No. 12015
Attorney Ad Litem for
Alfonso B. Patton
Moody, Whitfield & Castellarin
95 White Bridge Road, Suite 509
Cavalier Building
Nashville, TN 37205-1427
(615) 356-8130

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been mailed on the 26 day of April, 2011 to:

David Callahan, Esq.
424 Church Street, Suite 2800
Nashville, TN 37219-2386

David G. Thompson, Esq.
Neal & Harwell, PLC
150 4th Avenue North, Suite 2000
Nashville, TN 37219

Connie Reguli, Esq.
LawCare – Family Law Center, P.C.
1620 Westgate Circle, Suite 150
Brentwood, TN 37027

W. Frank Ward, Esq.
324 Cherokee Street, N.E.
Suite B
Marietta, GA 30060

Guardianship & Trusts Corporation
501 Union Street, Suite 404
Nashville, TN 37219

Michael M. Castellarin

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 PETITION ORDER- INV. REQUIRED heretofore entered in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 06 day of MAY , 2011 , in Case Number 10P191 between WALKER, GLORIA E. ET.AL Petitioner, and PATTON, ALFONSO B. ET.AL Respondent, as same remains in the records of said Court.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 23 day of JUNE 2011

RICHARD R. ROOKER, Clerk,

SEAL



By Cathy Moreland

Deputy Clerk