Copy

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

FILED
SEP 28 2018
RICHARD R. ROOKER, Clerk
By: Deputy

JAMIE LYNN MORGAN c/o TERESA RYAN, Plaintiff;	)	
v.	)	No.17P-1347 FILED UNDER SEAL
PAUL PATE, Defendant.	)	

AGREED ORDER TO SET ASIDE TRANSFER OF REAL PROPERTY

It appearing to the Court from the signatures of counsel below that the parties have reached an agreement with respect to the pending Complaint for Declaratory Judgment and other relief filed by Teresa Ryan, ("Conservator"). The parties agree, and the Court finds as follows:

1. In 2010, Jamie Morgan, ("Respondent"), was the victim of domestic violence. As a result of the assault, she suffered an acute subdural hematoma and a subsequent stroke.

2. On October 2, 2010, Dr. Gregory Lanford executed a Report of Physician indicating that Respondent needed a fiduciary to manage her personal, medical, and financial affairs. Unfortunately, a Petition for Letters of Conservatorship was never filed.

3. Respondent receives a monthly benefit from the Social Security Administration for her permanent and complete disability. Her disability is the direct result of her traumatic brain injury.

Karen Y Johnson Davidson County
Batch# 167529 ORDER
11/27/2018 02:19:20 PM 7 pgs
Fees: $37.00 Taxes: $0.00
20181127-0115691

EXHIBIT
A

Copy

4. On October 7, 2016, Respondent and Paul Pate, ("Defendant"), executed a Warranty Deed, ("the Deed)", wherein Respondent released all of her right, title and interest to real property located at 604 Fordomatic Drive, Nashville, TN 37209, ("the Property"). The Deed is recorded at Instrument No. 20170405-0033450. At all times relevant to the execution of the Deed and the transfer of any interest in the Property, Defendant had no knowledge of Respondent's brain injury or any other deficiency or disability.

5. Defendant was awarded all right, title and interest to the Property subject to (a) Deed of Trust from Respondent to Charles E. Tonkin, Trustee, to secure Mortgage Investors Group's mortgage recorded at Instrument No. 20001004-0098576, which was subsequently transferred to PNC Mortgage Corp of America at Instrument No. 20001108-0111030 and further assigned to GSMPS Mortgage at Instrument No. 20120816-0073617; (b) Deed of Trust from Respondent to Bruce Balcom, Trustee, to secure a grant from Tennessee Housing Development Agency recorded at Instrument No. 20131202-0122454; (c) Subordinate Deed of Trust from Respondent to Wilson and Associates, Trustee, to secure a loan from Secretary of Housing and Urban Development recorded at Instrument No. 20160302-0019915, (d) 2016 real property taxes, and (e) all other zoning ordinances and easements that may affect the Property.

6. On July 25, 2017, Dr. Brett Parker executed a second Report of Physician indicating that Respondent needed a fiduciary to manage her personal and financial affairs. While Respondent appears to function quite well on a day to day basis, the brain injury left her with permanent deficiencies that prevent her from being able to make major decisions that are in her own best interest.

Copy

7. On August 4, 2017, this Honorable Court entered an Order appointing Teresa Ryan as Conservator over Jamie Morgan. The temporary conservatorship was converted to a Permanent Conservatorship on September 28, 2017. Letters of Conservatorship were issued by the Clerk of the Court shortly thereafter.

8. On April 24, 2018, Conservator filed a Petition for Declaratory Judgment and other relief against Defendant.

9. Mr. Pate was served with service of process on May 15, 2018.

10. All parties agree to the terms being presented herein and request the Court to approve the same.

11. The Court finds this settlement to be in the best interest of all parties and hereby approves the terms as laid out herein.

It is, therefore, **ORDERED, ADJUDGED, and DECREED** that the Deed executed on October 7, 2016, between Jamie Morgan and Paul Pate, for real property located at 604 Fordomatic Drive, Nashville, TN 37209 and recorded at Instrument No. 20170405-0033450 is hereby set aside. All right, title and interest that was divested from Jamie Morgan and vested in Paul Pate is reinvested back in Jamie Morgan.

It is, further, **ORDERED** that Jamie Morgan lacked the capacity to execute the Deed and transfer her interest in the Property from herself to Paul Pate. Nothing in this Order shall be construed as any malfeasance, misfeasance, or wrongdoing by Paul Pate.

It is, further, **ORDERED** that Paul Pate is released from any and all liability associated with the Property and the Deed that is being set aside by this Order. Paul Pate has no further responsibility associated with any of the debts or liens secured by

Copy

the Property. Further, all payments made by Mr. Pate are being refunded to him by Jamie Morgan as part of this agreement.

It is, further, **ORDERED** that Conservator shall pay to Paul Pate the sum of Thirty Thousand Dollars ($30,000) within forty-five (45) days of entry of this Order. This sum includes payments made to or on behalf of Ms. Morgan, payments to lienholders, and out of pocket costs and attorney fees incurred by Mr. Pate in defending this matter and pursuing a Detainer Warrant against Respondent in the Davidson County General Sessions Court.

It is, further, **ORDERED** that Paul Pate shall execute any and all documents necessary to quiet title to the Property, should the same become necessary.

It is, further, **ORDERED** that the Petition for Declaratory Judgment shall be dismissed with prejudice. The Detainer Warrant pending in Davidson County General Sessions (Docket No. 17GT3491) shall be dismissed with prejudice.

It is, further, **ORDERED** that each party shall pay their own attorney fees and discretionary costs associated with this litigation and the litigation in General Sessions Court. Circuit Court costs shall be taxed to the Conservatorship Estate of Jamie Morgan for which execution shall issue if necessary. General Sessions Court costs shall be taxed to Paul Pate for which execution shall issue if necessary.

It is, further, **ORDERED** that this Agreed Order constitutes a final and binding resolution between the parties for all pending lawsuits and any and all claims they have or may have against each other for all matters related to the Property and the Deed.

It is, further, **ORDERED** that this Order shall be filed Under Seal. Conservator

Copy

shall be responsible for filing a certified copy of the Order with the Davidson County Register of Deeds Office.

It is so **ORDERED**.

ENTERED this 25 day of Apr 2018.

HONORABLE RANDY KENNEDY

APPROVED FOR ENTRY:

Jennifer Sheppard (24698)
Garrett Knisley (33391)
MARTIN HELLER POTEMPA & SHEPPARD, PLLC
2122 21st Avenue South
Nashville, TN 37212
(615) 800-7096 Office
jsheppard@mhpslaw.com
Attorneys for Teresa Ryan, Conservator for Jamie Morgan

Frank Wilbert w/permission (JS)

Frank Wilbert, (23090)
Kay Griffin, PLLC
222 2nd Avenue North, Suite 340-M
Nashville, TN 37201
(615) 742-4800 office
Attorneys for Paul Pate

Copy

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been forwarded via U.S. Postal Service, postage prepaid, to the following persons this 5 day of ~~August~~ Sept. 2018:

Teresa Ryan
7701 Poplar Ridge Drive
Nashville, TN 37221

Jamie Lynn Morgan
604 Fordomatic Drive
Nashville, TN 37209

Frank Wilbert
Kay Griffin, PLLC
222 2nd Avenue North, Suite 340-M
Nashville, TN 37201

Jennifer Sheppard

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 ORDER heretofore filed in the SEVENTH Circuit Court for Davidson County, Tennessee, on the 28 day of SEPTEMBER, 2018, in Docket Number 17P1347, IN RE: MORGAN, JAMIE LYNN ET.AL, as same remains of record in the Minutes of said Court.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 19 day of NOVEMBER in the year 2018 and in the 242 year of American Independence.

RICHARD R. ROOKER CIRCUIT COURT CLERK

[SEAL]

RICHARD R. ROOKER, Clerk,

By: _____

Deputy Clerk