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EFILED 07/08/20 08:43 AM CASE NO. 19D1766 Richard R. Rooker, Clerk

IN THE THIRD CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

KELLIE SUE GUTZEIT DAVIS,	]	
	]	
Plaintiff,	]	
	]	
vs.	]	**NO. 19D-1766**
	]	
NEVADA SCOTT DAVIS,	]	
	]	
Defendant.	]	

Karen Johnson Davidson County
Batch# 436620 ORDER
07/13/2020 01:04:21 PM 5 pgs
Fees: $27.00 Taxes: $0.00
20200713-0076343

ORDER

This cause came on to be heard on the 26th day of June, 2020 before the Honorable Phillip Robinson, Judge, upon Plaintiff/Wife's Emergency Motion To Sell Marital Residence And For Advancement Of Proceeds To Pay Husband's Pendente Lite Family Support Ordered Amounts To Wife; for Wife's Pendente Lite Attorneys' Fees; for Scheduling Order Or To Set For Final Hearing; and To Strike Husband's Pleadings For Not Cooperating In Discovery And Violating Court Orders. The Court finds that the Defendant/Husband was duly noticed of the motion and hearing date but failed to appear in opposition thereto. Upon testimony of Wife, statements of Wife's counsel, submission of an exhibit, and the entire record in this cause, from all of which the Court finds as follows:

On February 11, 2020, the Court entered an Order to Withdraw prepared by Husband's former counsel, Nick Leonardo, allowing him to withdraw and granting Husband fifteen (15) days from January 24, 2020 to procure new counsel or be prepared to represent himself. The Court finds, from reviewing the record, that Husband apparently has not retained new counsel to represent him in this cause since there has been no Notice of Appearance filed with the Clerk. The Court further finds that Husband was duly noticed with regard to this Motion and failed to appear.

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The Court finds that Husband is not participating in these legal proceedings since his former counsel withdrew, and that Husband has failed to comply with the parties' pendente lite support Agreed Order, entered by the Court on January 26, 2020, regarding providing monthly family support to Wife, and that there is an arrearage of $7,500 owed by Husband to Wife as of June 10 2020. The Court further finds that Husband has also failed to comply with the parties' second Agreed Order, entered by the Court on February 11, 2020, regarding Husband providing his full and complete sworn discovery responses and requested documents to Wife's counsel by the close of business on January 24, 2020 at 5:00 p.m.

The Court finds from the testimony of Wife, that the parties' marital residence located at 918 Thomas Avenue Nashville, Davidson County, Tennessee 37216 should be placed on the open market for sale and sold as forthwith as possible. The Court hereby divests the Husband Nevada Scott Davis of all right, title and interest in the aforesaid property and transfers all right, title, and interest in and to the residence to Wife, Kellie Sue Gutzeit Davis, for purposes of having all authority to execute a listing agreement for and to sell and to close on the sale of the residence, including the authority to execute all closing documents and warranty deed to transfer title to the property to the purchaser(s). The legal description of the real property is as follows:

> "Land situated in Davidson County, Tennessee, being Unit A, as established in Covenants, Conditions, and Restrictions for 918 Thomas Avenue Townhomes, a Horizontal Property Regime with Private Elements of record at Instrument No. 20170831-0089419, in the Register's Office of Davidson County, Tennessee with Plat attached as "Exhibit B" to which Master Deed reference is hereby made for a more particular description of said property.
>
> This property is known as 918 A Thomas Avenue, Nashville, Tennessee 37216."

The Court shall appoint the realtor proposed by Wife, Mr. Nick Irwin, Realtor, of Base Nashville Realty, 615 Woodland Street, Nashville, Tennessee 37206, to handle the sale of the

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residence, with the listing price to be set upon the recommendation of the realtor or what Wife believes to be the fair market value price should be, whichever is greater.

The Court finds that from a review of the Clerk's file, Husband has never filed an Answer and/or Counter-Complaint to Wife's Complaint for Absolute Divorce which she filed on October 14, 2019 and was served upon Husband on October 14, 2019 through his counsel. Wife, through her counsel, filed an Answer to Counter-Complaint that Husband, through his counsel, sent to him via mail, but never filed. The Court hereby strikes any pleading that has been filed by Wife in response to Husband's pleading that was never filed as it is not needed. The Court hereby enters a default judgment against Husband for his failure to answer the divorce complaint filed against him and further, pursuant to TRCP 37, for failure to comply with the Court's discovery order by January 24, 2020.

The Court finds that upon the sale and closing of the marital residence as set forth above, the net proceeds received from the sale shall be immediately deposited into the escrow account of Wife's counsel, Robert Todd Jackson, Attorney, Chapple Building, 5115 Maryland Way, Suite 301, Brentwood, Tennessee 37027.

The Court shall allow an immediate payment of $5,000 in attorneys' fees to Robert Todd Jackson, Attorney, from the escrow proceeds received from the sale of the marital residence.

The Court shall allow an immediate payment to Wife of $7,500 from the escrow proceeds received from the sale of the marital residence being held in the escrow account of Robert Todd Jackson, Attorney, representing the arrearages owed by Husband to Wife under the pendente lite support Agreed Order (i.e., $1,500 per month owed for the months of February, March, April, May, and June 2020) as family support.

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The Court shall reserve determination on how to credit the above two (2) expenses paid from Mr. Jackson's escrow account until the final hearing in this cause.

Any other award of attorneys' fees and costs shall be reserved, pending the final hearing in this cause.

IT IS ACCORDINGLY ALL SO ORDERED, ADJUDGED AND DECREED.

All other matters are expressly reserved.

ENTERED on the 8 day of July, 2020.

JUDGE PHILLIP ROBINSON

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been forwarded via U.S. Mail, postage prepaid, to the following on the 7 day of July, 2020:

Robert Todd Jackson, Esq.
Robert Lee Jackson, II, Esq.
5115 Maryland Way, Suite 301
Brentwood, TN 37027

Nevada Scott Davis
2357 Benay Road
Nashville, TN 37214

Melissa Barnes

Melissa Barnes
Clerk, Third Circuit Court

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 entered in the THIRD Circuit Court for Davidson County, Tennessee, on the 08 day of JULY, 2020, in Docket Number 19D1766 between DAVIS, KELLIE SUE GUTZEIT, Plaintiff, and DAVIS, NEVADA SCOTT, Defendant, 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 13 day of JULY in the year two thousand twenty and in the 244th year of American Independence.

RICHARD R. ROOKER, Clerk,

By: S Chatman

Deputy Clerk

[SEAL]