IN THE CHANCERY COURT FOR CHEATHAM COUNTY, TENNESSEE
AT ASHLAND CITY
PROBATE DIVISION

FILED 2-2-2021
ENTERED 2-2-2021
PROBATE BOOK 23 PAGE 419
PAMELA JENKINS, Clerk & Master

IN RE:]
]
ESTATE OF DENNIS RAY DELEMOS] File No. P-2940

AGREED ORDER AS TO CERTAIN REAL PROPERTY

This cause came to be heard on the 2 day of Feb, 2020, by the Honorable Judge Dyanne Lockert-Mash, Chancellor, upon agreement by the parties as evidenced by their signature hereto, such agreement being in respect to the determination of ownership of certain real property of the Decedent, whereupon this Court finds as follows:

1. As evidenced by the deed dated December 21, 1983, of record at Book 6214, page 978, Register's Office of Davidson County, Tennessee, Dennis R. DeLemos (the "Decedent") purchased certain unimproved real property in Davidson County, Tennessee described as follows:

A tract of land in the Second Civil District of Metropolitan Nashville-Davidson County, Tennessee, being more fully described according to a survey dated November 18, 1983 prepared by Ragan-Smith-Murphy & Associates, Inc., Job No. 83-054, as follows: To reach the beginning from an iron pin set in the southeasterly boundary line of a tract of land conveyed to J. D. Southerland by deed as of record in Book 2702, page 70, Register's Office for Davidson County, Tennessee, and also being the southwest corner of a tract of land conveyed to C. W. Cone, et ux, by deed as of record in Book 1847, page 522, said Register's Office, proceed: N 10° 46' 51" E 1125.85 feet to an iron pin; thence N 80° 42' 15" W 487.28 feet to an iron pin; thence, N 33° 51' 47" W 629.60 feet to an iron pin, the point of beginning; thence, N 33° 51' 47" W 325.72 feet to an iron pin; thence, N 63° 11' 52" W 218.00 feet to an iron pin; thence, N 59° 56' 18" E 989.99 feet to a point in the center of a 50' private drive; thence, S 18° 57' 07" E 85.00 feet; thence, with a 778.15 foot radius curve to the left 149.54 feet, said curve has a chord bearing and distance of S 24° 27' 26" E 149.31 feet; thence, S 29° 57' 45" E 275.22 feet; thence, leaving said drive S 59° 54' 54" W 817.79 feet to the point of beginning and containing 10.01 acres, more or less.

Karen Johnson Davidson County
Batch# 572517 ORDER
02/11/2021 08:48:56 AM 4 pgs
Fees: $22.00 Taxes: $0.00



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2. Said deed vested the property in "Dennis R. DeLemos, Trustee with full power to transfer, convey, mortgage, and encumber without the joinder of any beneficiary;"

3. After a thorough search by the Decedent's spouse and children, no trust document or other documentation have been found indicating Decedent's intent or terms of Trust other than an unsigned letter from the Decedent stating that he was trustee for his daughter, Rachel DeLemos, and that he was holding title as Trustee to "Tract No. 13 of the C.W. Cone property as shown by a survey dated November 18, 1983 prepared by Ragan-Smith-Murphy & Associates, Inc., Job No. 83-054."

4. The Decedent purchased the property with his own funds. He also personally maintained the property, and he paid all of the property taxes and other expenses on the said property from funds belonging to him and his wife personally until his death;

5. Further, the Decedent used the property as collateral for personal loans for his or his business's benefit in 1989 and 1997;

6. The term "Trustee" after the Decedent's name on the deed and any inferences therefrom and the unsigned letter of the Decedent do not meet the requirements for the creation of a Trust. Those facts, coupled with a lack of any other trust document, establish there is a failure of any actual trust creation. Such failure, combined with the use of the property by Decedent for personal purposes, as well as his payment of the purchase price and taxes and other property costs from his personal funds, further evidences that Decedent owned and maintained the said real property in his individual capacity rather than that of a Trustee;

7. The deed into Decedent should be corrected to indicate that the Decedent took title to the property in his individual capacity rather than as Trustee. Accordingly, the real

property was an asset owned by and vested solely in the Decedent in his individual capacity at the time of his death;

8. As an asset vested in Decedent at the time of his death, pursuant to the terms of the Decedent's Last Will and Testament, title to the said real property is vested in the Decedent's wife, Patsy DeLemos, and the children of the Decedent shall execute a quitclaim deed conveying any interest that they may have in the said real property unto the said Patsy DeLemos;

9. The Executrix, Patsy DeLemos, individually as residuary beneficiary and as Executrix of the Estate, and the children of the Decedent, being Rachel DeLemos Giuffrida, Joseph DeLemos, and Samuel DeLemos, agree to the jurisdiction and venue of this Court as to the question of ownership of the said real property.

IT IS SO ORDERED.

Suzanne Lockert-Mash
CHANCELLOR

APPROVED FOR ENTRY:

Martha Brooke Perry
Attorney for the Estate
Law Offices of Balthrop, Perry & Noe, PLLC
102 Boyd Street, Ashland City, Tennessee 37015
(615) 792-5635

Patsy DeLemos
Patsy DeLemos, Individually and as Executrix
Of the Estate of Dennis Ray DeLemos

I CERTIFY THIS TO BE A TRUE COPY
February 4 2021
Pamela Jenkins C&M

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