E-FILED
2/4/2021 2:51 PM
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT

Karen Johnson Davidson County
Batch# 592300 ORDER
03/15/2021 03:09:43 PM 4 pgs
Fees: $22.00 Taxes: $0.00
20210315-0034172

Estate of Sylvia Rose Barish, Bonnie Small, Administrator	)	
Plaintiff,	)	
v.	)	**No. 20-722-III**
Fannie Wilson, Lewis Wilson, Robie Wilson, Dorothy Binkley, Charles E. Binkley, II, and Tiffany D. Knight,	)	
Defendants.	)	

ORDER GRANTING DEFAULT JUDGMENT AND AWARDING QUIET TITLE

Pursuant to Tenn. R. Civ. P. 55.01, Plaintiff The Estate of Sylvia Rose Barish (the "Estate") moved for a default judgment against Defendants Fannie Wilson, Lewis Wilson, Robie Wilson, Dorothy Binkley, Charles E. Binkley, II, and Tiffany D. Knight on its claim for quiet title to the real property located at 0 39th Avenue in Nashville, Map and Parcel No. 09104007300, Davidson County, Tennessee (the "Property"). For the reasons below, Plaintiff's Motion is GRANTED.

Plaintiff filed the Complaint on July 27, 2020. Defendant Dorothy Binkley and Defendant Tiffany D. Knight were served via U.S. Certified Mail on July 31, 2020; Defendant Charles E. Binkley, II was served via U.S. Certified Mail on August 3, 2020. Returns of service for Defendants Dorothy Binkley, Charles E. Binkley, II, and Tiffany D. Knight were filed on August 12, 2020. Defendants Dorothy Binkley, Charles E. Binkley, II, and Tiffany D. Knight have failed to appear, file an Answer, or otherwise respond to the Complaint or defend the quiet title action.

On August 28, 2020, the Court granted Plaintiff's motion for service by publication on Defendants Fannie Wilson, Lewis Wilson, and Robie Wilson. An Order of Publication was

entered on September 22, 2020. Plaintiff served Defendants Fannie Wilson, Lewis Wilson, and Robie Wilson by publishing a proper notice in the *Tennessean* newspaper for four consecutive weeks on October 2, October 9, October 16, and October 23, 2020. Proof of publication was filed on October 27, 2020. Defendants Fannie Wilson, Lewis Wilson, and Robie Wilson and all their potential heirs have been properly served and have failed to appear, file an Answer, or otherwise respond to the Complaint or defend the quiet title action within the thirty-day deadline set forth in the Court's September 22, 2020 Order of Publication.

No opposition to the Motion for Default Judgment was filed. Based on the filings in this case and pursuant to Local Rule § 26.04, the Court holds that the Estate's request for a default judgment is well-taken and fully supported. This Court, finding that Defendants Dorothy Binkley, Charles E. Binkley, II, Tiffany D. Knight, Fannie Wilson, Lewis Wilson, and Robie Wilson and all their potential heirs have been properly served and have chosen not to appear or to defend the quiet title action, orders that the Motion for Default Judgment should be granted in all respects.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED THAT:

1. The Estate's Motion for Default Judgment is granted in its entirety in the manner set forth in this order.

2. The Plaintiff has quiet title to and is the lawful owner of the real property located at 0 39th Avenue in Nashville, Map and Parcel No. 09104007300, Davidson County, Tennessee.

3. Plaintiff is vested with an absolute and unencumbered fee to the Property and thus has sole and complete possession of the real property located at 0 39th Avenue in Nashville, Map and Parcel No. 09104007300, Davidson County, Tennessee.

4. Defendants and all persons claiming under Defendants are forever barred from any claim to an estate or interest in the real property located at 0 39th Avenue in Nashville, Map and Parcel No. 09104007300, Davidson County, Tennessee.

EHL 5. This is a final order ~~pursuant to Tenn. R. Civ. P. 54.02~~.

6. Court costs are taxed to the Plaintiff.

IT IS SO ORDERED.

ENTERED this ____ day of _____, _____.

s/ Ellen Hobbs Lyle
CHANCELLOR ELLEN HOBBS LYLE

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE THIS 10 DAY OF Jan 2024
MARIA M. SALAS, CLERK & MASTER
BY _____ DEPUTY

APPROVED FOR ENTRY:

/s/ Andrea J. Sinclair
Carla L. Lovell, #013312
Andrea J. Sinclair, #33544
SHERRARD ROE VOIGT & HARBISON, PLC
150 Third Avenue South, Suite 1100
Nashville, TN 37201
(615) 742-4200
clovell@srvhlaw.com
asinclair@srvhlaw.com
Attorneys for Plaintiff The Estate of Sylvia Barish

965451.3 12308-010

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing proposed Order Granting Default Judgment and Awarding Quiet Title has been served, via the method(s) indicated below this the **28th day of January, 2021**.

( ) Hand	Dorothy Binkley
(x) Mail	1214 Lake Rise Place
( ) Fax	Gallatin, Tennessee 37066
( ) Fed. Ex.	
( ) E-Mail	

( ) Hand	Charles E. Binkley, II
(x) Mail	2 Beaver Street
( ) Fax	San Francisco, California 94114
( ) Fed. Ex.	
( ) E-Mail	

( ) Hand	Tiffany D. Knight
(x) Mail	1214 Lake Rise Place
( ) Fax	Gallatin, Tennessee 37066
( ) Fed. Ex.	
( ) E-Mail	

/s/ Andrea J. Sinclair
Andrea J. Sinclair (#33544)

Rule 58 Certification

A copy of this order has been served upon all parties or their Counsel named above.

s/Christy Smith
Deputy Clerk, Chancery Court

February 4, 2021