Karen Johnson Davidson County
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Fees: $42.00 Taxes: $0.00
20220816-0092604

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 29 day of JULY, 2022, in Docket Number 20P1081, IN RE: CALLIS, JON THOMAS, 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 11 day of AUGUST in the year 2022 and in the 246 year of American Independence.

RICHARD R. ROOKER, Clerk,

[SEAL]

RICHARD R. ROOKER CIRCUIT COURT CLERK

By: _____
Deputy Clerk

EFILED 07/29/22 02:27 PM CASE NO. 20P1081 Richard R. Rooker, Clerk

IN THE PROBATE/SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE AT NASHVILLE

JOSEPH C. CALLIS, Plaintiff,	)	
v.	)	Case No.: 20P-1081
JON THOMAS CALLIS, Defendant.	)	

ORDER

This cause came to be heard on the 14th day of April 2022 before the Honorable Randy Kennedy, Judge, Probate / Seventh Circuit Court for Davidson County, upon a Complaint to Quiet Title filed by Plaintiff, Joseph C. Callis. Present before the court was Joseph C. Callis, Marsha Jarrett, and Julia Smith. Jon T. Callis was notified of the date and time of the hearing but failed to appear.

It appearing from the statements of counsel, testimony of Joseph C. Callis, and the witnesses, and the record as a whole:

1. That real property located at 931 Coarsey Drive, Nashville, TN 37214 was owned by Nellie Callis, mother of the parties, in fee simple.

2. Nelly Callis died intestate on December 1, 2014, leaving three heirs-at-law, her sons, Jon Thomas Callis, Mitchell Wayne Callis, and Joseph C. Callis.

3. That upon the death of Nellie Callis, her heirs-at law, Jon Thomas Callis, Mitchell Wayne Callis, and Joseph Charles Callis, Defendant were vested with one-third (1/3) of an interest in 931 Coarsey Drive, as tenants in common.

4. One of the heirs-at-law, Jon T. Callis, resided at 931 Coarsey Drive after Nellie

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Callis died but did not pay rent to the other heirs-at-law.

5. On September 8, 2016, Mitchell Wayne Callis, one of the heirs-at-law and one-third owner of 931 Coarsey Drive, died intestate. He had one heir-at-law, Jamie Callis. An Affidavit of Heirship was registered with the Davidson County Register of Deeds Office on June 10, 2020. On June 1, 2020, Jamie Callis quit-claimed her interest in 931 Coarsey Drive to Joseph C. Call, giving Joseph C. Callis two-thirds (2/3) interest in the property located at 931 Coarsey Drive. Said Affidavits were made Exhibits One and Exhibit Two respectively.

6. That by virtue of Exhibit One and Exhibit Two, the Court can conclude that Joseph C. Callis is the fee simple owner at of two-thirds of the real property located at 931 Coarsey Drive and that Jon T. Callis is a fee simple owner of one-third of said property, as tenants in common.

7. While residing at 931 Coarsey Drive, Jon T. Callis failed to pay the homeowners' association fees. After the homeowner's association filed suit against Jon Thomas Callis, Mitchell Wayne Callis, and Joseph Charles Callis, Defendant appeared in the General Sessions Court for Davidson County, Tennessee and agreed to pay the judgment., plus costs and attorney's fees.

8. Defendant, Jon T. Callis, made no effort to pay said judgment.

9. When Joseph C. Callis learned that Jon T. Callis failed to pay the homeowners' fees, he paid Ten Thousand dollars ($10,000.00) and no/100 for the judgment in favor of Four Maples HOA, which included costs and attorney's fees.

10. Joseph C. Callis paid the property taxes for 931 Coarsey Dr. from 2014 to the present for a total of $3,001.04.

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11. Joseph C. Callis paid the electric bill at the property located at 931 Coarsey Drive from January 1, 2015 to the present for a total of Two-Thousand, One Hundred and Three ($2,103.89) Dollars and Eighty-Nine/100.

12. Defendant John T. Callis caused substantial damages to the real property known as 931 Coarsey Dr., Nashville, TN, 37214, then abandoned the real property in 2020.

13. After Jon T. Callis abandoned the property, Joseph C. Callis made repairs and improvements to 931 Coarsey Drive, which increased the value including a new refrigerator, painting the interior and repairing smoke damage, and flooring totaling $16,732.07

14. That Joseph C. Callis' lost rental value is $17,331.00 due to Jon T. Callis occupying the real property rent free.

15. That Joseph C. Callis' total loss is $49,168.00.

16. That the fair market value of 931 Coarsey Drive in Nashville, Tennessee on the day that Joseph C. Callis took possession, which was substantially less than the value of the Davidson County Property Tax Assessor, which is $90,000.00.

17. Joseph C. Callis filed a Complaint to Quiet Title against Jon T. Callis on July 6, 2020.

18. Joseph C. Callis attempted service of process via the Tennessee Secretary of State at 4898 East Starte Road 44, Wildwood, Florida, where Jon T. Callis was thought to reside. The service packet was returned on July 28, 2020 "not deliverable as addressed. Unable to forward."

19. This Honorable Court granted a Motion for Jon T. Callis to be served by publication. The notice of service of process, pursuant to T.C.A. Section 21-1-204, was publicized on November 19, November 26, December 3, and December 10, 2021.

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20. That John T. Callis was served with a Complaint to Quiet Title by publication pursuant to TCA Section 21-1-204 on December 10, 2021.

21. That Jon T. Callis had until January 10, 2022 to plead or otherwise appear on this matter but failed to do so. A default judgment was granted on February 11, 2022.

22. That it is fair and equitable for the Court to reduce the ownership interest of Jon T. Callis in the property known as 931 Coarsey Drive, due to his willful and deliberate refusal to maintain, keep clean and make habitable the approved property known as 931 Coarsey, Nashville, Tennessee.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. That the Petition to Quiet Title filed by Joseph C. Callis against Jon T. Callis is hereby **GRANTED**.

2. That Joseph C. Callis is hereby awarded a judgment against Jon T. Callis in the amount of $49,168.00 representing the judgment paid to Maple Four Homeowners' Association, the contribution to the electric expenses, property taxes made by Joseph C. Callis, the repairs that had to be completed due to the damages to the property caused by Jon T. Callis, the lost rent, and improvements made by Joseph C. Callis.

3 In satisfaction of a monetary judgment, the one-third ownership interest of Jon T. Callis in the property known as 913 Coarsey Drive and described herein is hereby reduced and extinguished, due to his willful and deliberate refusal to maintain, keep clean and make habitable the improved property known as 931 Coarsey Drive, Nashville, Tennessee and more particularly described as:

Being Unit No. 931, in Four Maples Condominium, a horizontal property regime, of record in Plat Book 5200, Page 283, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made and otherwise known as 931 Coarsey Drive, Nashville, Tennessee.

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Being the same property conveyed to Nellie M. Callis, unmarried, from Richard Allen Kusen, of record in Instrument Number 200002170016231, Register's Office for Davidson County, Tennessee.
Being the same property conveyed to Mitchell W. Callis, Joseph Charles Callis, and Jon Thomas Callis by Affidavit of Heirship, of record in Instrument Number 20160208-0011949, Register's Office for Davidson County, Tennessee.

Being the same property interest conveyed to Jamie Callis by Affidavit of Heirship after the death of Mitchell W. Callis. Said Affidavit of Heirship conveyed the interest of Mitchell W. Callis to Jamie Callis upon the death of Mitchell W. Callis in Instrument No. 20200620-0059388. Ownership of the property was vested in Jamie Callis, Joseph Charles Callis, and Jon Thomas Callis, as tenants in common.

Being the same property conveyed from Jamie Callis to Joseph C. Callis by Quit Claim Deed on June 6, 2020 and registered on April 14, 2022 with the Davidson County Register of Deeds Office in Instrument Number 20220414-0043519.

4. The reduction of the ownership interests divests Jon T. Callis of his interest in said property.

5. The ownership interest of Jon T. Callis, having been divested from him, the Court hereby awards all of Jon T. Callis' right, title, and interest in 931 Coarsey Drive, Nashville, Tennessee to Joseph C. Callis. That the ownership of the whole improved property known as 931 Coarsey Drive, Nashville, Tennessee is hereby 100% be vested in Joseph C. Callis in fee simple and more particularly described as:

Being Unit No. 931, in Four Maples Condominium, a horizontal property regime, of record in Plat Book 5200, Page 283, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made and otherwise known as 931 Coarsey Drive, Nashville, Tennessee.

Being the same property conveyed to Nellie M. Callis, unmarried, from Richard Allen Kusen, of record in Instrument Number 200002170016231, Register's Office for Davidson County, Tennessee.
Being the same property conveyed to Mitchell W. Callis, Joseph Charles Callis, and Jon Thomas Callis by Affidavit of Heirship, of record in Instrument Number 20160208-0011949, Register's Office for Davidson County, Tennessee.

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Being the same property interest conveyed to Jamie Callis by Affidavit of Heirship after the death of Mitchell W. Callis. Said Affidavit of Heirship conveyed the interest of Mitchell W. Callis to Jamie Callis upon the death of Mitchell W. Callis in Instrument No. 20200620-0059388. Ownership of the property was vested in Jamie Callis, Joseph Charles Callis, and Jon Thomas Callis, as tenants in common.

Being the same property conveyed from Jamie Callis to Joseph C. Callis by Quit Claim Deed on June 6, 2020 and registered on April 14, 2022 with the Davidson County Register of Deeds Office in Instrument Number 20220414-0043519.

6. The divestiture of the one-third interest from Jon T. Callis, vested in Joseph C. Callis satisfies the monetary judgment in the amount of $49,168.00, with Joseph C. Callis' understanding that value he is accepting in the transfer of property is less than the monetary amount due him. The transfer of property renders the monetary judgment settled.

7. That because of his intentional and willful acts, costs are taxed to Jon T. Callis, for which execution may issue if necessary.

ENTERED this 28th **day of** July **, 2022.**

JUDGE RANDY KENNEDY

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APPROVED FOR ENTRY:

s/ Paula Ogle Blair

PAULA OGLE BLAIR, #15862
Attorney for Joseph C. Callis
211 Donelson Pike, Suite 214
Nashville, TN 37214
(615) 882-0190 Telephone
(615) 691-7689 Facsimile
Paula@BlairLawPLLC.net

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been served via the following method (s), upon the following individual (s), on this the 25th day of July 2022, unless the following individual (s) have agreed to be electronically served through the E-Flex system pursuant to the Tennessee Supreme Court Rule 46, Section 4.01, in which case, the electronic copy sent to the following individual (s) will satisfy the service of the following document.

Jon Thomas Callis
4898 East State Road 44
Lot 13
Wildwood, FL 34785

( ) Hand Delivery
(X) U.S. Mail
( ) Electronic Mail
( ) Facsimile
( ) E-Flex

s/ Paula Ogle Blair

PAULA OGLE BLAIR