Karen Johnson Davidson County
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IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

RANDELL CHERRY, Plaintiff, v. TAYLOR HALE, PRATCHER PROPERTY LLC, MICHAEL PRATCHER, PRATCHER PROPERTY #5, LLC, and ALL UNKNOWN PARTIES HAVING AN INTEREST IN PARCEL ID NUMBER 092 050 328 00, Defendants.	)	Civil Action No. 22-0397-IV

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PROPOSED ORDER ON MOTION FOR DEFAULT JUDGMENT

The matter before the Court is Plaintiff's Motion for Default Judgment against Defendants Pratcher Property LLC and Pratcher Property #5, L.L.C. Upon consideration of Plaintiff's Motion, the accompanying affidavit of Richard W. F. Swor, and the record as a whole, it is hereby **ORDERED** that Plaintiff's Motion for Default Judgment is **GRANTED** on all claims asserted by Defendant Randell Cherry ("Plaintiff" or "Cherry") against Defendants Pratcher Property LLC and Pratcher Property #5, LLC, for the reasons stated below.

On March 17, 2022, Plaintiff filed a complaint for quiet title and declaratory relief against numerous defendants, including Pratcher Property LLC and Pratcher Property #5, L.L.C. The record shows that the Complaint was properly served on Pratcher Property LLC and Pratcher Property #5, L.L.C. via their registered agents on March 17, 2022.[1] Tenn. R. Civ. P. 4.04(4),

[1] Addresses for Defendants Taylor Hale and Michael Pratcher are unknown and cannot be ascertained by diligent inquiry and the name(s) of All Unknown Parties Having an Interest in Parcel ID Number 092 050 328 00 are unknown and cannot be ascertained after a diligent inquiry. Accordingly, Plaintiff filed a Motion for Entry of Order by Publication, which was granted.

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4.05(1)(a). Proof of service was filed with this Court on June 17, 2022. Pursuant to Rule 12.01, Pratcher Property LLC's and Pratcher Property #5, L.L.C.'s answers were due within thirty (30) days—here, no later than April 18, 2022.

Despite such service, Pratcher Property LLC and Pratcher Property #5, L.L.C. have failed to answer or otherwise show an intent to defend against the Complaint. Plaintiff filed his Motion for Default Judgment on June 17, 2021, and Pratcher Property LLC and Pratcher Property #5, L.L.C. likewise failed to respond to the Motion. As a result, a default judgment is due to be granted pursuant to Tennessee Rule of Civil Procedure 55.01. Pursuant to Rule 55.01 of the Tennessee Rules of Civil Procedure and Local Rule 5.03(c) & 5.03(d), the Court takes the following facts as true:

A cloud of title exists on the title to real property that is subject of this action is unimproved property identified as Map/Parcel No. 092 050 328 00 on the Tax Assessor's Map for Davidson County, Tennessee with a street address of 3120 Torbett Street, Nashville, Tennessee 37209 (the "Property"). Pratcher Property LLC purchased the Property at a July 12, 2006 tax sale. *See* Compl. ¶ 11–13 & Ex. C. Pratcher Property LLC recorded the Final Decree Confirming Sale of the Property to Pratcher Property LLC on or about March 18, 2008 and again on December 15, 2008. *Id.* ¶ 15–16 & Exs. C & E. On or about March 2, 2009, Pratcher Property LLC and Michael Pratcher signed a quitclaim deed purporting to transfer the Property from Pratcher Property LLC to Michael Pratcher. *Id.* ¶ 17 & Ex. E. Then on or about July 10, 2009, Michael Pratcher and

Accordingly, service by publication is occurring via the Tennessean on June 10, 2022, June 17, 2022, June 24, 2022, and July 1, 2022 for Taylor Hale, Michael Pratcher, and All Unknown Parties Having an Interest in Parcel ID 092 050 328 00 and this Motion only to addresses any claims and defenses of Pratcher Property LLC and Pratcher Property #5 L.L.C.

Pratcher Property L.L.C. #5 signed a quitclaim deed purporting to transfer the Property from Michael Pratcher to Pratcher Property L.L.C. # 5. *Id.* ¶ 18 & Ex. G.

On or about January 23, 2013, David A. Majors purchased the Property at a tax sale. *Id.* ¶ 19–21 & Ex. H. The Final Decree Confirming Sale of the Property to Majors provided that "All rights, title and interest of the Defendant(s) HALE, TAYLOR and any and all unknown heirs-at-law or devisees, and of all other interested parties to this suit and to said parcel of land be divested out of them and be vested into the purchaser(s), DAVID A MAJORS, subject to the equity of redemption." *Id.* ¶ 23 & Ex. H. On or about May 14, 2018, the Final Decree Confirming Sale of the Property to Pratcher Property LLC was again re-recorded. *Id.* ¶ 25 & Ex. I. On or about October 8, 2021, Majors and Plaintiff signed a quitclaim deed to transfer the Property from Majors to Cherry. *Id.* ¶ 26 & Ex. J. The 2013 Tax Sale extinguished the interests of "all other interest parties . . . to said parcel of land" in favor of Majors. *Id.* ¶ 30 & Ex. H. In the 2021 Quitclaim Deed, Majors sold, remised, released, conveyed and quit claimed unto Plaintiff all of Major's rights, title, and interest in the Property. *Id.* ¶ 31 & Ex. J.

The Court finds that neither Pratcher Property LLC nor Pratcher Property #5 L.L.C. may assert any claim as to the Property because such claims have been wholly or effectually extinguished and barred by subsequent acts and occurrences, and that Plaintiff owns and possesses the Property and free of, and wholly discharged from, any and every such claim, demand, or encumbrance by Pratcher Property LLC or Pratcher Property #5 L.L.C. The Court also finds that Pratcher Property LLC and Pratcher Property #5 L.L.C. are forever barred from all claims to an estate or interest in the Property.

This is a final and appealable order there being no just cause for delay.

IT IS SO ORDERED.

DATED: July ___, 2022

Chancellor Russell T. Perkins

I HEREBY CERTIFY THAT THIS IS A TRUE COPY
OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 27 DAY OF September 2022
MARIA M. SALAS, CLERK & MASTER
BY DEPUTY

SUBMITTED FOR ENTRY:

BRADLEY ARANT BOULT CUMMINGS LLP

By: *s/ Richard W. F. Swor*

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2022, a true and correct copy of the forgoing was served on the following via United States Mail, postage prepaid.

Pratcher Property LLC
c/o Anthony C. Pratcher
20165 North 67th Ave. #122A
Glendale, AZ 85308

Pratcher Property #5 L.L.C.
c/o Pratcher Property LLC
6214 West Kerry Lane
Glendale, AZ 85308

/s/ Richard W. F. Swor
Richard W. F. Swor

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Certificate of Authenticity

I, Richard Swor, do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 10/26/22.

Date

Affiant Signature

10/26/22
Date

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Sworn to and subscribed before me this 26th day of October, 2022.

Stephanie G Covington
Notary's Signature

My Commission Expires: 1/8/24
Date

Notary's Seal (if on paper)

STEPHANIE G. COVINGTON
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
My Commission Expires JAN. 8, 2024