Karen Johnson Davidson County
Batch# 933807 ORDER
10/26/2022 11:10:30 AM 6 pgs
Fees: $32.00 Taxes: $0.00
20221026-0115962

E-FILED
9/7/2022 2:30 PM
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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.	)	F.04 - A's Civil Action No. 22-0397-IV

2022 SEP 16 PM 2:42

PROPOSED ORDER ON MOTION FOR DEFAULT JUDGMENT

The matter before the Court is Plaintiff's Motion for Default Judgment against Defendants Taylor Hale, Michael Pratcher, and All Unknown Parties Having an Interest in Parcel ID Number 092 050 328 00. 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 Plaintiff Randell Cherry ("Plaintiff" or "Cherry") against Defendants Taylor Hale, Michael Pratcher, and All Unknown Parties Having an Interest in Parcel ID Number 092 050 328 00, for the reasons stated below.

On March 17, 2022, Plaintiff filed a complaint for quiet title and declaratory relief against numerous defendants, including Taylor Hale, Michael Pratcher, and All Unknown Parties Having an Interest in Parcel ID Number 092 050 328 00.[1] The record shows that the residences of Defendants Taylor Hale and Michael Pratcher were unknown and could not be ascertained by

[1] Default judgment was previously entered against the other two Defendants, Pratcher Property LLC and Pratcher Property #5 L.L.C.

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diligent inquiry. *See, e.g.*, Mot. for Default J., Ex. A ¶ 3. Moreover, the record shows that 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 diligent inquiry. *See, e.g., id.* ¶ 4. Accordingly, Plaintiff moved to serve by publication on April 22, 2022, which was granted vis-à-vis an Order of Publication on June 1, 2022. A copy of the Order of Publication ran on June 17, 2022, June 24, 2022, July 1, 2022, and July 8, 2022. *See id.*, Ex. A, Ex. 1.

Despite such service by publication, Taylor Hale, Michael Pratcher, and All Unknown Parties Having an Interest in Parcel ID Number 092 050 328 00 have failed to answer or otherwise show an intent to defend against the Complaint. Plaintiff filed his Motion for Default Judgment on August 16, 2022, and Taylor Hale, Michael Pratcher, and All Unknown Parties Having an Interest in Parcel ID Number 092 050 328 00 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 the subject of this action of 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. In or about September of 2007, Annie Evelyn Frierson and Taylor Hale signed a quitclaim deed to transfer the Property from Frierson to Hale. *See id.* ¶ 14 & Ex. D. Pratcher Property LLC then 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 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 none of Taylor Hale, Michael Pratcher, or All Unknown Parties Having an Interest in Parcel ID Number 092 050 328 00 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 Taylor Hale, Michael Pratcher, or All Unknown Parties Having an Interest in Parcel ID Number 092 050 328 00. The Court also finds that Taylor Hale, Michael Pratcher, or All Unknown Parties Having an Interest in

Parcel ID Number 092 050 328 00 are forever barred from all claims to an estate or interest in the Property.

Because the Court already entered default judgment against Pratcher Property LLC and Pratcher Property #5 L.L.C. and the Court now enters Default Judgment against the remaining Defendants, the Court orders that title in the Property be quieted to Plaintiff and Plaintiff be deemed to be the lawful owner of the Property and vested with an absolute and unencumbered fee to the Property. Moreover, the Court declares that the sole and complete possession of the Property be awarded to Plaintiff and that Plaintiff remain in possession thereof.

This is a final judgment from which either party may appeal as a matter of right under the provisions of the Tennessee Rules of Appellate Procedure 3. Court costs are R.T.P taxed to Defendant, jointly and severally. R.T.P

IT IS SO ORDERED.

DATED: September 15, 2022

Russell T. Perkins
Chancellor Russell T. Perkins

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

RULE 58 CERTIFICATION

A Copy of this order has been served by U. S. Mail upon all parties or their counsel named above.

Deputy Clerk and Master
Chancery Court

9/16/22
Date

SUBMITTED FOR ENTRY:

BRADLEY ARANT BOULT CUMMINGS LLP

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

Russell B. Morgan (No. 20218)
Richard W. F. Swor (No. 37640)
1600 Division Street, Suite 700
Nashville, Tennessee 37203
Phone: (615) 252-2311
Fax: (615) 252-6311
rmorgan@bradley.com
rswor@bradley.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 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

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