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12/6/2022 4:19 PM
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IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE AT NASHVILLE

MICHAEL EDWARD ROOKS, **Petitioner,**	)	
vs.	)	**Docket Number: 22-0218-II**
UNKNOWN HEIRS OF HARRISON CULLOM DONNELLY;	)	
UNKNOWN HEIRS OF HARRISON CRAIG DONNELLY;	)	
DEBORAH SIMS; JOHN TIDWELL; and ANGELA NICOLE KNIGHT-LAVENDER, **Respondents.**	)	

Karen Johnson Davidson County
Batch# 948822 ORDER
12/07/2022 12:58:22 PM 5 pgs
Fees: $27.00 Taxes: $0.00
20221207-0127632

FINAL ORDER QUIETING TITLE

This matter came before the Chancery Court for Davidson County, Tennessee at Nashville, Part II, on the Friday, December 2, 2022 nonresponse docket, upon the Motion for Default, Motion to Set for Final Hearing, and Motion to Approve Expedited Hearing by Contemporaneous Audio-Visual Transmission ("Motion for Default") filed by Michael E. Rooks ("Petitioner"), requesting the Court enter a Default Judgment and a Final Order Quieting Title.

Upon review of the Motion for Default, supporting affidavit, exhibits, the Verified Amended Petition to Quiet Title, and the entire record herein this cause, the Court finds that the Motion is well-taken and is granted, that a Judgment for Default shall be entered, and the title to Real Property located at 4122 Saunders Avenue, Nashville, TN 37216 shall be rightly titled and forever vested in the Petitioner, Michael E. Rooks. The Court further finds as follows:

I. ORDER GRANTING JUDGMENT BY DEFAULT

1. On September 2, 2022, the Petitioner filed the Amended Petition to Quiet Title

("Amended Petition").

2. The Amended Petition requested the Court enter an Order Quieting the Title to the Real Property located at 4122 Saunders Avenue, Nashville, TN 37216 ("Real Property"), by vesting the Real Property in the only known legal heir-at-law of the former owners of the property: Petitioner, Michael E. Rooks.

3. The Amended Petition listed the following Respondents:

a. Unknown Heirs of Harrison Cullom Donnelly;
b. Unknown Heirs of Harrison Craig Donnelly;
c. Deborah Sims;
d. John Tidwell; And
e. Angela Nicole Knight-Lavender.

4. On September 22, 2022, this Court entered two Orders approving service by publication on all Unknown Heirs of Harrison Cullom Donnelly and all Unknown Heirs of Harrison Craig Donnelly, with a requirement for said Respondents to respond thirty (30) days from the date of last publication, or else a default would be entered against them.

5. On October 28, 2022, the Tennessean returned two affidavits of Publication with Tennessean Tear Sheets for service on all Unknown Heirs of Harrison Cullom Donnelly and all Unknown Heirs of Harrison Craig Donnelly with run dates of 10/7/22, 10/14/22, 10/21/22, and 10/28/22.

6. Deborah Sims was served by US Certified Mail and acknowledged service on September 28, 2022, with a requirement for said Respondent to respond within thirty (30) days, or else a judgment by default can be rendered for the relief sought in the Amended Petition.

7. John Tidwell was served by US Certified Mail on September 7, 2022, with a requirement for said Respondent to respond within thirty (30) days, or else a judgment by default can be rendered for the relief sought in the Amended Petition.

8. Angela Nicole Knight-Lavender acknowledged service by US Certified Mail on October 24, 2022, with a requirement for said Respondent to respond within thirty (30) days, or else a judgment by default can be rendered for the relief sought in the Amended Petition.

9. Pursuant to the Tennessee Rules of Civil Procedure, the time for filing a defense has lapsed and no answer or responsive pleading has been filed in this matter.

10. Pursuant to Rule 55.01 of the Tennessee Rules of Civil Procedure, this Court may enter a judgment by default granting the relief requested in the Amended Petition: quieting the title to the Real Property.

11. As such, judgment shall be entered by default against all respondents and interested parties, in favor of the Petitioner, Michael E. Rooks, and a final Order Quieting Title shall be entered.

II. ORDER QUIETING TITLE

12. The Real Property located at 4122 Saunders Avenue, Nashville, TN 37216 is more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 36 on the Plan of Maplewood Heights Subdivision of record in Plat Book 547, Page (s) 77 and 78, in the Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description of the property.
>
> Said Lot No. 36 fronts 100 feet on the Easterly side of Saunders Avenue and runs back between parallel lines 300 feet to the Westerly margin of the Louisville and Nashville Railroad right-of-way. The rear line measures 99.9 feet.
>
> This is improved property known as 4122 Saunders Ave Nashville, TN 37216.

13. On June 25, 2014, an incorrect Affidavit of Heirship was recorded in the Davidson County Register of Deeds Office referencing the Real Property that stood as a cloud on the title.

14. This Order shall quiet the title to the Real Property be deeming the incorrect Affidavit of Heirship defective by forever vesting title to the Real Property in the Petitioner, Michael E. Rooks.

15. The Real Property was formerly owned by Harrison Cullom Donnelly, who died intestate on June 22, 2012, at the age of eighty-three (83).

16. Harrison Cullom Donnelly left two (2) heirs-at-law: the Petitioner, Michael E. Rooks, and Harrison Craig Donnelly.

17. Harrison Craig Donnelly died on July 21, 2021, at the age of sixty-one (61).

18. Harrison Craig Donnelly left one (1) heir-at-law: the Petitioner, Michael E. Rooks.

19. Harrison Craig Donnelly's estate has been fully administered in the Seventh Circuit Court for Davidson County, Tennessee in case number 22P260, which further details and confirms Michael E. Rooks as the sole heir-at-law of Harrison Craig Donnelly.

20. Therefore, sufficient evidence has been presented to the Court to find that the sole owner of the Real Property is Michael E. Rooks.

It is therefore **ORDERED, ADJUDGED, AND DECREED** that the Motion for Default is granted and a judgment by default is entered against all respondents and interested parties in favor of the Petitioner, Michael E. Rooks;

It is further **ORDERED, ADJUDGED, AND DECREED** that the incorrect Affidavit of Heirship filed with the Register's Office on June 25, 2014 shall be ~~removed~~ void (12-6-22 ACM) as a cloud on the title to the Real Property located at 4122 Saunders Avenue, Nashville, TN 37216 and forever disregarded as defective;

It is further **ORDERED, ADJUDGED, AND DECREED** that title to the Real Property located at 4122 Saunders Avenue, Nashville, TN 37216 shall be forever vested in Michael E.

Rooks, as an heir-at-law of Harrison Cullom Donnelly and the sole heir-at-law of Harrison Craig Donnelly.

It is further **ORDERED, ADJUDGED, AND DECREED** that this Order, once filed with the Davidson County Register of Deeds, shall serve to notice the ownership of the Real Property as being held and vested in the Petitioner, Michael E. Rooks, in fee simple interest.

It is further **ORDERED, ADJUDGED, AND DECREED** that the costs of this cause shall be taxed to the Petitioner, Michael E. Rooks, for which execution may issue if necessary.

IT IS SO ORDERED.

ENTERED this 6th day of December, 2022.

s/Anne C. Martin
CHANCELLOR MARTIN

Approved for Entry:

HARRINGTON LAW OFFICE

/s/ C. Michael Robinson
C. MICHAEL ROBINSON #35301
Attorney for the Petitioner
Temporary Office Address:
223 Carden Ave
Nashville, Tennessee 37205
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I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 7th DAY OF December 2022
MARIA M. SALAS, CLERK & MASTER
BY Lisa Deal
DEPUTY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30th day of November 2022, a true and exact copy of the foregoing *Order* has been forwarded via U.S. Mail, Postage Pre-Paid, to the following individuals: Deborah Sims, 1436 Holly Hill Drive Franklin TN 37064; John Tidwell, 9039 SE177 Grassmere St, The Villages, Florida 32162; and Angela Nicole Knight-Lavender, 100 Placid Grove Ln Apt 1503 Goodlettsville, TN 37072.

/s/ C. Michael Robinson
C. MICHAEL ROBINSON