IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
(PROBATE DIVISION)
AT NASHVILLE

Karen Johnson Davidson County
Batch# 1030114 ORDER
07/24/2023 03 00 12 PM 14 pgs
Fees $72.00 Taxes. $0 00
20230724-0057002

IN THE MATTER OF
THE ESTATE OF:
PATRICIA ANN NIKULICH **DOCKET NO. 23P455**

NOTICE OF LIEN LIS PENDENS AND ABSTRACT

Please take notice that a PETITION FOR SPECIFIC PROPERTY, YEAR'S SUPPORT ALLOWANCE, ELECTIVE SHARE, APPLICATION FOR HOMESTEAD AND FOR DAMAGES DUE TO UNJUST ENRICHMENT has been filed in the above-captioned proceeding. The Petition seeks to establish certain rights to the real estate owned by the Decedent, Patricia Ann Nikulich, at the time of her death, more particularly described as.

> Land in Davidson County. Tennessee. being Lot No. 8. on the Plan of Martinwood Heights, of record in Book 2133, Page 63, Register's Office for said County, to which plan reference is hereby made for a more complete description.
>
> Being the same property conveyed to Jane G. Waddey, Trustee, or her Successors in Trust, under the Wife's Separate Property Trust established in The Gary W. Waddev and Jane G. Waddey Revocable Livlng Trust by Quitclaim Deed from Gary W. Waddey and wite, Jane G. Waddey, dated May 1, 1998, recorded May 4, 1998, of record in Book 10914, Page 26, Register's Office for Davidson County, Tennessee. The said Jane G. Waddey having since died.
>
> Further being the same property conveyed to Sharon Tomlinson by Quitclaim Deed from Sharon Tomlinson, Trustee of The Wife's Separate Property Trust established in The Gary W Waddey and Jane G. Waddey Revocable Living Trust, dated February 7, 2005, recorded February 16, 2005, of record in Instrument No. 20050216-0017341, Register's Office for Davidson County, Tennessee.
>
> Further being the same property conveyed to Ronald Tomlinson, Jr. by Quitclaim Deed from Sharon Tomlinson, dated February 23, 2005, recorded Februarv 25, 2005, of record in Instrument No 20050225-0020968, Register's Office for Davidson County. Tennessee.

Further being the same property conveyed to Patricia Nikulich by Warranty Deed from Ronald Tomlinson, Jr , dated April 12, 2010, recorded April 20, 2010, of record in Instrument No 201000420-0029621, Register's Office for Davidson County Tennessee

This property is improved property known as 2619 Lakeland Drive Nashville. Tennessee 37214

A copy of the filed Petition is attached hereto as Exhibit A.

A copy of the last deed conveying 2619 Lakeland Drive Nashville. Tennessee 37214 is attached hereto as Exhibit B.

CERTIFICATE

I hereby certify that the above is an abstract of the Original Petition filed in the above-styled case on March 29, 2023, in the Probate Court of Davidson County, Tennessee

Given under my hand and official seal at this office, this 20th day of July, 2023.

Davidson County Probate Court Clerk

JOSEPH P. DAY CIRCUIT COURT CLERK

Respectfully Submitted,

*_/s/ Radford H. Dimmick_*
Radford H. Dimmick (#18625)
Attorney for Petitioner
315 Deaderick Street, Suite 1550
PO Box 198588
Nashville, TN 37219
(615) 263-1278
raddimmick@gmail.com

CERTIFICATE OF SERVICE

I, Radford H. Dimmick, do hereby certify that a true and correct copy of this document has been served via U.S. Mail, postage prepaid and by the filing system, on this 20th day of July, 2023, to the following:

Rex Clinton Peters
2619 Lakeland Drive
Nashville, Tennessee 37214

Jack E. Gritton
Attorney at Law
Gritton & Gritton, PLLC
752 S. Church St.
Murfreesboro, TN 37130

*_/s/ Radford H. Dimmick_*
Radford H. Dimmick

EXHIBIT A

COPY

EFILED 03/29/23 05 44 PM CASE NO 23P455 Joseph P. Day, Clerk

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
(PROBATE DIVISION)
AT NASHVILLE

IN THE MATTER OF
THE ESTATE OF:
PATRICIA ANN NIKULICH **DOCKET NO. 23P455**

PETITION FOR SPECIFIC PROPERTY, YEAR'S SUPPORT ALLOWANCE, ELECTIVE SHARE, APPLICATION FOR HOMESTEAD AND FOR DAMAGES DUE TO UNJUST ENRICHMENT

Comes now the Petitioner, Rex Clinton Peters, by and through counsel, and as the surviving spouse of the Decedent, and would respectfully show unto the Court as follows:

1. The Decedent died on January 3, 2023, a resident of Davidson County, Tennessee. The Decedent's Last Will and Testament is being sought to be admitted to probate by this Court and Josh Nikulich is seeking to be appointed personal representative by the Court.
2. Rex Clinton Peters is the surviving spouse of the Decedent. The Decedent and Patricia Ann Nikulich were married on November 7, 2020.
3. To the best of the Petitioner's knowledge, information and belief, the following persons are the persons interested in the estate and/or the distributees and recipients of portions of the Decedent's estate whose interests will be affected by the granting of the relief sought by the Petitioner:

Rex Clinton Peters (spouse)
2619 Lakeland Drive
Nashville, Tennessee 37214

Josh Nikulich (son)
105 Warren Circle
Shelbyville, Tennessee 37160

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4. None of the interested parties are minors.
5. The Decedent left a probate estate to be administered, including tangible personal property and real property. One parcel of real property left by the Decedent was maintained by the Decedent and the Petitioner as a personal address, having a street address of 2619 Lakeland Drive, Nashville, Tennessee 37214.
6. The Petitioner applies for, and elects to receive, the specific property, also known as exempt property, described in Tennessee Code Annotated Section 30-2-101.
7. The Decedent died testate and the Petitioner has elected against Decedent's Will.
8. The Petitioner requests that, if the precise itemization and identification of the items to be awarded to the Petitioner as specific property are not agreed upon by Petitioner and the personal representative of the estate and/or any other parties in interest prior to the hearing of this matter, that the Court award the Petitioner the personal property described in Tennessee Code Annotated Section 30-2-101, including, but not limited to any motor vehicles.
9. The Petitioner applies for, and elects to receive, the year's support allowance described in Tennessee Code Annotated Section 30-2-102.
10. The Petitioner requests that, if the amount of the allowance is not agreed upon by Petitioner and the personal representative of the estate and/or any other parties in interest prior to the hearing of this matter, that the

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Court award the Petitioner the year's support allowance described in Tennessee Code Annotated Section 30-2-102, in an amount to be determined by the Court in accordance with applicable law.

11. The Petitioner applies for, and elects to receive, the elective share described in Tennessee Code Annotated Section 31-4-101 et seq.
12. The Petitioner requests that the personal representative disclose the state and condition of the Decedent's estate to the Petitioner and to counsel for the Petitioner, and application is hereby made for such information.
13. The Petitioner also requests that, if the amount of the elective share, and any related issues regarding the funding, satisfaction and payment of the elective share are not agreed upon by Petitioner and the personal representative of the estate and/or any other parties in interest prior to the hearing of this matter, that the Court award the Petitioner an elective share of the Decedent's estate described in Tennessee Code Annotated Section 31-4-101, et seq.
14. The Petitioner applies for, and elects to receive, the homestead right described in Tennessee Code Annotated Section 30-2-201, et seq.
15. The Petitioner made significant and material improvements to the real property titled in the name of the Decedent, which has resulted in an increase in value of the real property. Additionally, the Petitioner has paid, and continues to pay the mortgage debt attached to the real property. Any inurement of monetary or equitable benefit to the Decedent and the Estate to the exclusion of the Petitioner would be inequitable and would

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result in unjust enrichment. Petitioner should rightfully be compensated for any increase in value or equity he has caused to the real property and for any mortgage payments thereon.

16. The Petitioner has complied with the notice requirements of Tennessee Code Annotated Section 30-2-203 and has given 5 days' notice in writing of the Petitioner's intention to file this application for homestead to the personal representative of the decedent's estate and to the heirs or devisees, and distributees and legatees, of the estate, all of whom are adults and residents of the State of Tennessee.

PREMISES CONSIDERED, PETITIONER PRAYS:

A. That the Personal Representative of the Decedent's estate disclose to Petitioner and Petitioner's counsel any and all relevant information regarding the Decedent's estate and financial affairs;

B. That the Court set a date for the hearing of this Petition;

C. That the Court award to Petitioner his rights to specific property, also known as exempt property, described in Tennessee Code Annotated Section 30-2-101;

D. That the Court award to Petitioner his rights to a year's support allowance, described in Tennessee Code Annotated Section 30-2-102;

E. That the Court award the Petitioner an elective share of the Decedent's estate described in Tennessee Code Annotated Section 31-4-101, et seq.

F. That the Court award to Petitioner his rights to homestead described in Tennessee Code Annotated Section 30-2-201, et seq.;

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G. That the Court enter a judgment in favor of the Petitioner and against the Estate for the monetary value of the improvements to the Decedent's real property made by the Petitioner, as well as for the payments made by the Petitioner for the mortgage debt attached to the real property of the Decedent all in an amount to be proven at a hearing of this matter.

H. That all costs, both discretionary and non-discretionary, be taxed to the Estate;

I. For general relief.

RESPECTFULLY SUBMITTED,

*_/s/ Radford H. Dimmick_*
Radford H. Dimmick (18625)
Attorney for Petitioner
315 Deaderick Street, Suite 1550
Post Office Box 198588
Nashville, TN 37219
Office: (615) 263-1278
raddimmick@gmail.com

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OATH

STATE OF Florida
COUNTY OF Pinellas

Personally appeared before me, the undersigned Notary Public for said County and State, Rex Clinton Peters, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), being first duly sworn, says he is the Petitioner in the above-styled action, that he has read the foregoing Petition and knows the contents thereof, and that the same is true to the best of his knowledge, information and belief.

Witness my hand this 22 day of March, 2023.

Rex C. Peters

Rex Clinton Peters

Sworn to and subscribed to me this 22nd day of March, 2023.

CHIKA BARNHIZER
MY COMMISSION # GG 947202
EXPIRES: February 10, 2024
Bonded Thru Notary Public Underwriters

Chika Barnhizer

NOTARY PUBLIC

My commission expires: _____

COPY

EFILED 03/29/23 05 44 PM CASE NO 23P455 Joseph P Day, Clerk

CERTIFICATE OF SERVICE

I, Radford H. Dimmick, do hereby certify that a true and correct copy of this document has been served via U.S. Mail, postage prepaid and by the filing system, on this 29th day of March, 2023, to the following:

Rex Clinton Peters
2619 Lakeland Drive
Nashville, Tennessee 37214

Jack E. Gritton
Attorney at Law
Gritton & Gritton, PLLC
752 S. Church St.
Murfreesboro, TN 37130

/s/ *Radford H. Dimmick*
Radford H. Dimmick

EXHIBIT B

Prepared by.
Realty Title & Escrow Company, Inc
808 N Mt Juliet Road
Mt Juliet, TN 37122

After Recording Return to:
Keystone Title Inc.
9005 Overlook Blvd
Brentwood TN 37027

STATE OF TENNESSEE
COUNTY OF Davidson
The actual consideration or value, whichever is greater, for this transfer is $150,000 00

Affiant

Subscribed and sworn to before me, this 12th day of April, 2010

Notary Public
My commission expires: 3-7-11

TISHA C. DAVIDSON COUNTY NOTARY PUBLIC AT LARGE TENNESSEE

06-1003-73842

Address of New Owner:	Send Tax Bills to:	Tax Information
Patricia Nikulich 2619 Lakeland Drive Nashville TN 37214	New owner	095-12-0-141 00

WARRANTY DEED

For and in consideration of the sum of ten dollars & no/100 ($10 00), cash in hand paid by the hereinafter named Grantees, and other good and valuable consideration, the receipt of which is hereby acknowledged, **Ronald Tomlinson, Jr., an unmarried man**, hereinafter referred to as Grantors, have bargained and sold, and do hereby transfer and convey to **Patricia Nikulich, an unmarried person**, hereinafter called the Grantees, their successors and assigns, a certain tract or parcel of land in Davidson County, State of Tennessee, described as follows to- wit

Land in Davidson County, Tennessee, being Lot No 8, on the Plan of Martinwood Heights, of record in Book 2133, Page 63, Register's Office for said County, to which plan reference is hereby made for a more complete description

Being the same property conveyed to Jane G Waddey, Trustee, or her Successors in Trust, under the Wife's Separate Property Trust established in The Gary W Waddey and Jane G Waddey Revocable Living Trust by Quitclaim Deed from Gary W Waddey and wife, Jane G Waddey, dated May 1, 1998, recorded May 4, 1998, of record in Book 10914, Page 26, Register's Office for Davidson County, Tennessee The said Jane G Waddey having since died

Further being the same property conveyed to Sharon Tomlinson by Quitclaim Deed from Sharon Tomlinson, Trustee of The Wife's Separate Property Trust established in The Gary W Waddey and Jane G Waddey Revocable Living Trust, dated February 7, 2005, recorded February 16, 2005, of record in Instrument No 20050216-0017341, Register's Office for Davidson County, Tennessee

Further being the same property conveyed to Ronald Tomlinson, Jr by Quitclaim Deed from Sharon Tomlinson, dated February 23, 2005, recorded February 25, 2005, of record in Instrument No 20050225-0020968, Register's Office for Davidson County, Tennessee

This conveyance is subject to all easements, restrictive covenants and conditions, and other matters of record, including all items set out on any applicable plat of record

This property is improved property known as 2619 Lakeland Drive, Nashville, TN 37214

To have and to hold the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said Grantoes, their heirs, successors and assigns, forever Grantors covenant with Grantees that Grantors are lawfully seised and possessed of said land in fee simple, have a good right to convey it, and the same is unencumbered, unless otherwise herein set out Grantors do further covenant and bind ourselves, our heirs, successors, assigns and representatives, to warrant and forever defend the title to said land to said Grantees, their heirs and assigns, against the lawful claims of all persons whomsoever.

BILL GARRETT, Davidson County
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Fees 13 00 Taxes 555 00

20100420-0029621

Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders

WITNESS my hand this 12th day of April, 2010

Ronald Tomlinson, Jr

STATE OF TENNESSEE
COUNTY OF WILSON

Personally appeared before me, the undersigned, a Notary Public in and for said county and state, Ronald Tomlinson, Jr , with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged they executed the within instrument for the purposes therein contained

Witness my hand in Mt Juliet, TN, this 12th day of April, 2010

* Notary Public
~~Davidson~~ Wilson

My Commission expires 1-17-12

KATHLEEN A. TOMLINSON
STATE OF TENNESSEE NOTARY PUBLIC
WILSON COUNTY
My Commission Expires January 17, 2012

* Notary is Not Related to Grantor.