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SEP 11 2024
Dav. Co. Chancery Court

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE

Malinaly Shibolet Zamorategui)
Plaintiff)
)
vs) Docket No. 23-1594-IV
)
Francisco Hurtado)
Defendant)

FILED
2024 SEP 18 PM 1:16
CLERK & MASTER
DAVIDSON CO. CHANCERY CT.
D.C.&M.

ORDER

This matter came before the Court on September 6, 2024 on Plaintiff 's motion for a default judgment. Present for the hearing was attorney, Dan R. Alexander. No one appeared for the Defendant. The matter came before the Court on the no-response docket. The Court finds from the record, the following:

1. This sworn complaint was filed on December 21, 2023 alleging that the Defendant had ~~filed~~ recorded (Ptm) a fraudulent quitclaim (Ptm) deed transferring real property owned by the Plaintiff at 3233 Luann Drive, Nashville, Davidson County, Tennessee 37013 to the Defendant without authority or consent in a fraudulent conveyance. The quitclaim (Ptm) deed referenced in the complaint, Davidson County Register of Deeds Instrument No. 20230901-0068681 (Ptm), on its face transferred the following real property from the Plaintiff to the Defendant, to wit:

> Land in Davidson County, Tennessee, being Lot No. 16-B on the Plan of Cherry Hills, Section 12, Zone of Lot Division of Lots 15-18 of record in Plat Book 6200, Page 342, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete description.
>
> Being the same property conveyed to Malinaly Shibolet Zamorategui . . . (Ptm) of record as Instrument ~~20230901 in the~~ 20191125-0121737 (Ptm) Register of Deeds office for Davidson County, Tennessee.
>
> This real property is improved property ~~and bears the address of~~ known as (Ptm) 3233 Luann Drive, Nashville, (Antioch) Davidson County, Tennessee 37013.

The quitclaim deed purporting to convey the above real property from the Plaintiff to

Karen Johnson Davidson County
Batch # 1184600 ORDER
09/23/2024 08:27:47 AM 3 pgs
Fees: $17.00 Taxes: $0.00
20240923-0073282

the Defendant, was recorded in the office of the Davidson County Register of Deeds on September 1, 2023 as instrument # 20230901-0068681.

2. The Plaintiff attempted to have the complaint serviced on the Defendant by having a copy of the complaint and summons served by the Davidson County Sheriff.

3. The Davidson County Sheriff returned the summons on January 8, 2024 marked "not to be found in my county."

4. On May 14, 2024, this Court entered an order on Plaintiff's second motion for service finding that service by publication by publication to be appropriate pursuant to the provisions of T.C.A. § 21-1-203(a).

5. Publication ran in a newspaper of general circulation in Davidson County, Tennessee on June 7, 2024; June 14, 2024; June 21, 2024 and June 28, 2024. An Affidavit is filed in the court record by the publisher, the Tennesseean, a Gannett newspaper of general circulation in Davidson County, Tennessee, giving notice by publication to the Defendant. The notice was published in the newspaper on 06/07/2024, 06/14/2024, as well as June/28/2024 and is found to be adequate to obtain service by publication.

6. No Answer or other response to the complaint ~~responsive pleading~~ has been filed, ~~to date~~. and no response to the motion for default was filed and Defendant did not appear at the hearing.

From all of the above, and after careful consideration of the entire record, the Court is of the opinion and finds that the Plaintiff should be granted a default judgment against the Defendant and should be granted the relief for which she has prayed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff, Malinaly Shibolet Zamorategui, is granted a default judgment against the Defendant, Francisco

of record as Instrument No. 20230901-0068681, Register of Deeds office for Davidson County. PHM

Hurtado. The above described and identified quitclaim deed is found to be a fraudulent conveyance and is declared null and void and for nothing further held.

Pursuant to the provisions of T.C.A. § 20-3-103, the Abstract of *Lien Lis Pendens* recorded in the Davidson County, Tennessee Register of Deeds Office as instrument 20231221-0090383 is terminated. A certified copy of this order shall be presented to the Register of Deeds and recorded. Plaintiff shall be responsible for obtaining a certified copy of this order and recording the order in the Office of the Davidson County, Tennessee Register of Deeds.

~~Entered this____ of____ 2024.~~ PHM

Chancellor, Patricia Head Moskal

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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

9/18/24
Date

Certificate of Service

I certify that a true and exact copy of the above proposed order was mailed to the Defendant, Francisco Hurtado, at his last know claimed address of 3233 Luann Drive, Nashville, Antioch, Tennessee 37013 on this 11th day of September 2024.

Dan R. Alexander

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 23rd DAY OF September 2024
MARIA M. SALAS, CLERK & MASTER
BY _____ DEPUTY