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CLERK & MASTER
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IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

SUMMIT OAKS HOMEONWERS ASSOCIATION, INC. *Plaintiff,* v. LARRY COX, *Defendant/ Third-Party Plaintiff,* v. HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR MERRILL LYNCH MORTGAGE INVESTORS, INC. *Third-Party Defendant.*	)	Case No.: 24-0802-I

Karen Johnson Davidson County
Batch # 1201048 ORDER
11/04/2024 10:37:03 AM 4 pgs
Fees: $22.00 Taxes: $0.00
20241104-0085420

FINAL ORDER
(LARRY COX v. HSBC)

This matter came before the Court on October 25, 2024, on Third-Party Plaintiff, Larry Cox's *Motion for Default Judgment*, against Third-Party Defendant HSBC Bank USA, National Association as Trustee for Merrill Lynch Mortgage Investors, Inc. ("HSBC"). There was no opposition filed by HSBC or the Plaintiff. Therefore, the Court **GRANTS**, Mr. Cox's *Motion for Default Judgment* and finds and orders as follows:

Larry Cox filed his Third-Party Complaint against HSBC on September 4, 2024. The Court finds that on September 9, 2024, as evidenced by the return of service, HSBC was properly served with the Third-Party Complaint through its registered agent, C T Corporation System. HSBC had until October 9, 2024, to file an answer or other responsive motion. HSBC failed to respond within

the time provided by Tenn. R. Civ. P. 12.01. On October 11, 2024, Mr. Cox timely filed his *Motion for Default Judgment* against HSBC pursuant to Tenn. R. Civ. P. 55.

In his Third-Party Complaint against HSBC, Mr. Cox seeks a declaration to quiet title on the real property known as 460 Summit Oaks Dr., Nashville, TN 37221 (Map & Parcel: 128 16 0B 028.00) (hereinafter the "Property"). Specifically, Mr. Cox seeks to extinguish the mortgage lien held by HSBC, evidenced by Exhibit 1 to the Third-Party Complaint. The Court finds that Mr. Cox acquired title to the Property via a judicial foreclosure deed. (*See* Complaint, Exhibit B). Further, in a separate lawsuit, the Chancery Court for Davidson County, Tennessee held that Mr. Cox is the rightful owner of the Property. (*See* Complaint, Exhibit H; *see also*, *Summit Oaks HOA v. Larry Cox*, No. 23-0892-III). When Mr. Cox acquired the Property through a foreclosure deed, all other junior liens were extinguished, leaving only HSBC's interest. (*See* Tenn. R. Civ. P. 69.07(4); *see also, e.g., Minton v. Long*, 19 S.W.3d 231 (Tenn. Ct. App. 1999)).

The Court finds that the Tanners, the owners of the Property prior to Mr. Cox, abandoned the Property (Third-Party Complaint, ¶ 7) and since that time, HSBC has taken no action to protect the lien or otherwise enforce its interest (*Id.* at ¶ 10-12). Therefore, since Mr. Cox is the true owner of the Property and because he is not the mortgagor of HSBC or otherwise obligated to pay the mortgage, HSBC's mortgage lien shall be extinguished.

It is therefore **ORDERED, ADJUDGED, and DECREED,** that Mr. Cox is the true owner of the Property; and

It is further **ORDERED,** that HSBC's mortgage lien, as evidenced by Exhibit 1 to the Third-Party Complaint, and recorded with the Davidson County Register of Deeds bearing instrument number 20131118-0118624, is hereby extinguished, discharged, and released. Mr. Cox

shall be entitled to own the Property, in fee simple, free and clear of any and all liens or encumbrances against the Property; and

It is further **ORDERED,** that this Order shall be recorded with the Davidson County Register of Deeds and shall be effective on recording; and

It is further **ORDERED,** that this is a final judgment as to Third-Party Plaintiff Larry Cox v. Third-Party Defendant HSBC pursuant to Tenn. R. Civ. P. 58. The case will proceed on Plaintiff Summit Oaks Homeowners Association claims against Defendant Larry Cox. PHM

Entered this _____ day of _____ 2024.

s/Patricia Head Moskal
Chancellor Patricia H. Moskal
Davidson County Chancery Court

SUBMITTED FOR ENTRY:

/s/Bennett J. Wills
Bennett J. Wills (#034831)
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Counsel for Larry Cox

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF ORIGINAL INSTRUMENT FILED IN MY OFFICE.
THIS 4th DAY OF November 2024
MARIA M. SALAS, CLERK & MASTER
BY Lisa Beal
DEPUTY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of October 2024, a copy of the foregoing Motion for Default was served on the following via:

VIA EMAIL/ELECTRONIC FILING SYSTEM
Garrett Asher
Plaza I, Suite 310
220 Athens Way
Nashville, TN 37228
615-997-1908
gasher@tennlawfirm.com

VIA USPS POSTAGE PREPAID
HSBC Bank USA, NA
Registered Agent:
C T Corporation System
300 Montvue Road
Knoxville, TN 37919

/s/Bennett J. Wills
Bennett J. Wills