STATE OF TENNESSEE

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IN RE: ***JEROME MCCULLOUGH II***

Docket No: ***22P207***

Karen Johnson Davidson County
Batch # 1229812 ORDER
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Fees: $32.00 Taxes: $0.00
20250123-0005392

I, JOSEPH P. DAY, Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the Order heretofore entered in the above styled case on November 26, 2024 in the Seventh Circuit Court for Davidson County, Tennessee, as same remains of record in the Minutes of said Court.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, on January 23, 2025.

JOSEPH P. DAY CIRCUIT COURT CLERK

JOSEPH P. DAY, Clerk,

By: J Anderson
Deputy Clerk

IN THE SEVENTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
PROBATE DIVISION

ESTATE OF JEROME MCCULLOUGH, II,	)	
Petitioner,	)	
	)	
vs.	)	**No.: 22P207**
	)	
LAWANDA R. MAJORS, and	)	**NOTICE OF ENTRY REQUIRED**
YOLANDA ROLAND,	)	
Respondents.	)	

ORDER

This cause came to be heard on November 19, 2024, before the Honorable Andra Hedrick, Judge of the Seventh Circuit Court of Davidson County, Tennessee upon the *Petition to Sell Real Estate to Pay Debts, for Damages, and for Expungement of Deed* filed on September 28, 2022 by the Estate of Jerome McCullough, Jr. (hereinafter "Petitioner" or "Estate") against Respondents Lawanda R. Majors and Yolanda Roland. Present in Court were Marquenta Whiteside, Administratrix for the Estate and her counsel, and counsel for Respondent Majors. From testimony from Administratrix Whiteside and Respondent Majors (by deposition), testimony of expert witness Marty Pearce, review of exhibits and the entire record, and statements of counsel the Court found as follows:

1. Preliminarily, counsel for Respondent Majors announced that his client was out of the country and expected to return to the United States sometime in the evening. Said counsel moved for continuance and, upon objection of the Estate's counsel, the motion was denied. The Court noted that the order setting the trial was an agreed order, and Counsel for Respondent Majors confirmed that he informed Respondent Majors of the hearing date but was unable to explain why client was out of the country and not present at the hearing. Counsel for Respondent Majors moved, in the alternative, to allow Respondent Majors to appear via Zoom link, and there being no objection, the Motion was granted. During the

trial that ensued, Respondent Majors periodically appeared on the Zoom screen to observe the proceedings, but then disconnected and ultimately did not testify live. Respondent was not called as a live witness by either party.

2. The Estate took the discovery deposition of Respondent Majors on October 4, 2022 and counsel for Respondent Majors moved that certain portions of her deposition testimony be admitted as direct evidence. That Motion was granted, and the Court accepted portions of her sworn deposition testimony into the record, the same being read into the record by the attorneys.
3. The Court finds that it does have jurisdiction to hear the instant Petition. It appears that all interested parties or heirs have been properly served. It further appears from the record that Respondent Yolanda Roland was served with process but failed to file an answer within the time prescribed by law. Default judgment was entered against her on March 3, 2023. Counsel for Respondent was never able to achieve service of process regarding the third-party complaint against Brandi Jones but elected to proceed to trial without the third-party complaint being heard.
4. The primary issue before the Court is the question of the validity of a Quit Claim Deed, recorded on March 23, 2022 and a Quit Claim Deed, dated in 2019 but never recorded. Petitioner asserted that the 2022 Quit Claim Deed was fatally defective as it did not contain a derivation clause, pursuant to TCA 66-24-110(a). The Court finds that this allegation is unsubstantiated because the said statute concerns the recordation of a deed as opposed to validity of a deed.
5. The Estate further alleged that both the 2022 and the 2019 Quit Claim Deeds were forgeries, in that Marquenta Whiteside did not personally sign the Deeds. The testimony

was conflicting from Respondent Majors as to whether she witnessed the Deeds being signed. Administratrix Whiteside denied ever meeting with Respondent Majors, signing any deeds, or receiving the purported $2,000 of consideration. There was other evidence that the Notary Public's on both documents were not present when the documents were to have been signed. The Court heard lengthy testimony from Marty Pearce, a certified forensic document examiner and handwriting expert. Ms. Pearce was accepted by the Court as an expert witness, without opposition. The Court found her testimony and analysis to be persuasive and gives it great weight. Her uncontroverted opinion was that the handwritten signatures on the 2022 Quit Claim Deed and 2019 Quit Claim Deed, purporting to be that of Marquenta Whiteside were indeed not signed by Ms. Whiteside and were therefore forged. From consideration of all surrounding circumstances of the execution of the two Quit Claim Deeds, the Court finds that Petitioner has proven by clear and convincing evidence that the Deeds were forged, should be held invalid and void, and therefore shall be set aside and expunged from the records of the Davidson County Register of Deeds.

6. The Court cannot determine exactly who forged the said Deeds from the evidence presented, since Respondent Majors testified that Brandi Jones prepared and gave her the deeds.
7. As to other relief sought by Petitioner, including conversion, unjust enrichment, or rents received, the Court is unable to find that damages are owed by either Respondent to Petitioner under any of those theories.
8. The Court does find that the personal property of the probate Estate is insufficient to pay its debts and expenses except for the real estate, located at 3217 Masonwood Drive,

Nashville, Tennessee. The Court therefore orders the said real estate be divested from the heirs and brought into the probate Estate and that the property be placed for sale by Administratrix Whiteside. Any contract for the sale of the property must identify the estate (Marquenta Whiteside, Administratrix) as the seller and state that it is contingent on the approval of this Court. Court approval may be sought by motion, with certificate of service notice to the heirs.

9. Respondent Majors' counsel sought equitable relief in the form of reimbursement for property tax payments and repairs/improvements to the property, however there is no affirmative pleading before the Court for this relief so the same is therefore denied.
10. Attorney's fees and expenses, other than discretionary ligation expenses will not be awarded the Estate because the same were not pled. The Estate can file a motion for an award of discretionary expenses, pursuant to TRCP 54.04(2). Cost of this cause are hereby assessed to Respondent Majors, for which let execution issue if necessary.

IT IS ACCORDINGLY SO ORDERED, ADJUDGED AND DECREED.

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Case Title: WHITESIDE V MCCULLOUGH II

Case Number: 22P207

Type: ORDER

The foregoing is hereby ORDERED, ADJUDGED AND DECREED:

Judge Andra Hedrick, Seventh Circuit