STATE OF TENNESSEE

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Davidson County
ORDER
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20250319-0019590

IN RE: ***GLADYS MINERVA SOWELL***

Docket No: ***22P2250***

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 February 20, 2025 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 March 14, 2025.

JOSEPH P. DAY CIRCUIT COURT CLERK

JOSEPH P. DAY, Clerk,

By: _____
Deputy Clerk

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

IN THE MATTER OF: **THE ESTATE OF** **GLADYS MINERVA SOWELL,** **Deceased.** **JAMES E. KENNEDY,** **Petitioner.**	**Docket No. 22P2250**

ORDER GRANTING MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS AND TO HOLD ALL OTHER MATTERS IN ABEYANCE

This matter was heard on the **18th day of February 2025**, before the HONORABLE ANDRA HEDRICK on Motion for Partial Judgment on the Pleadings and to Hold All Other Matters in Abeyance filed by the PETITIONER, JAMES E. KENNEDY, Executor of the Estate of Gladys Minerva Sowell, (the "Petitioner"), by and through counsel, in which he requested that the Court 1) void the fraudulent quitclaim deed on the property located at 1624 12th Avenue North, Nashville, TN 37208 (the "Property") as prayed for in its Petition to Void Fraudulent Quitclaim Deed, Recoup Estate Assets, and for Prejudgment Attachment, (the "Petition"); and 2) to hold all other remaining matters of the Petition in abeyance. Present before the Court were Petitioner's Counsel, Bobbie Jean Lamar, the Petitioner, James E. Kennedy, and Glenda William, beneficiary to the Estate. RESPONDENT, KENNETH L. BROWN, (the "Respondent" or "Mr. Brown"), pro se, did not appear.

The Court considered the following pleadings: the Petition to Void Fraudulent Quitclaim Deed, Recoup Estate Assets, and for Prejudgment Attachment, filed on October 22, 2024, the Respondent's Answer and Counterclaim (the "Answer"), filed on November 22, 2024, and the

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exhibits attached thereto. The Court did not consider the Notary's Affidavit attached as Exhibit-1 to the Petitioner's Pre-hearing Brief, finding it to be outside the pleadings. The hearing began at 1:30 P.M. The Court made its ruling at 2:48 P.M. finding as follows:

1. That conversion of the motion to one for summary judgment was not required and the exhibits were appropriately considered as the Respondent was not present to oppose the authenticity of the exhibits attached to the Petition, and counsel for the Petitioner stipulated in open court to the authenticity of the Respondent's Exhibit of recorded telephone conversations filed in its Answer.
2. That the thumb drive containing the recorded telephone conversations, filed by the Respondent as an exhibit to his Answer, did not include a transcript; however, the Court considered the transcription provided in the Petitioner's pre-hearing brief.
3. Based on the pleadings and exhibits considered by the Court, there is no dispute that on December 21, 2018, Glenda Williams informed Mr. Brown during a telephone conversation that his power of attorney had been revoked. Additionally, it is alleged that on January 4, 2019, Ms. Williams sent Mr. Brown a follow-up letter confirming that the power of attorney for Mr. Brown was revoked. In his Answer, Mr. Brown did not deny the allegation but instead claimed a lack of knowledge. His response fails to specifically deny the revocation, and his Answer lacks a general denial of any allegations not explicitly admitted.
4. The quitclaim deed dated September 18, 2020, was executed by Mr. Brown, who signed as attorney-in-fact. At that time, Mr. Brown was on actual notice, through his telephone conversation with Ms. Williams and her follow-up letter, that his power of attorney had been revoked. Mr. Brown, having no authority to act under the power of attorney, renders

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the quitclaim deed executed by Mr. Brown void *ab initio* and invalid.

IT IS THEREFORE ORDERED that the quitclaim deed dated September 18, 2020 and recorded with the Register of Deeds Office in Davidson County, Tennessee, on September 23, 2020, having an instrument number of 20200923-0109234, is hereby declared NULL AND VOID, having NO LEGAL EFFECT WHATSOEVER, and is to be TREATED AS IF IT NEVER EXISTED.

IT IS FURTHER ORDERED that all other matters pled by the Executor in the Petition to Void Fraudulent Quitclaim Deed, Recoup Estate Assets, and for Prejudgment Attachment are held in abeyance.

The Court makes no ruling on the remaining grounds asserted by the Executor in the Motion and Petition. Those arguments are expressly reserved.

IT IS SO ORDERED.

{ELECTRONIC SIGNATURE PAGE OF JUDGE ATTACHED}

APPROVED FOR ENTRY:
Middle Tennessee Probate Solutions, PLLC

/s/ Bobbie Jean Lamar
Bobbie Jean Lamar (BPR 038699)
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Brentwood, TN 37024
Telephone: (615) 640-6113
bobbiejean@middletennesseeprobate.com
Attorney for Executor

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been served upon the following interested parties as indicated on this **the 20th day of February 2025** as follows:

By electronic mail as follows:

Kenneth L. Brown
klbhomes@hotmail.com

James Edward Kennedy
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William Leroy Kennedy
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Glenda K. Williams
gkwilliа66@gmail.com

Thomas Michael Kennedy
c/o James Edward Kennedy
constructionkennedy@gmail.com

/s/ Bobbie Jean Lamar
Bobbie Jean Lamar

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Case Title: BROWN V SOWELL

Case Number: 22P2250

Type: ORDER

The foregoing is hereby ORDERED, ADJUDGED AND DECREED:

Judge Andra Hedrick, Seventh Circuit