

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

IN RE: RELOCATION OF CEMETERY)
AT 798 HIDDEN HILL DR.,)
)
Meritage Homes of Tennessee, Inc.,) Docket No. _____
Petitioner.)

**PETITION FOR TERMINATING USE OF LAND AS BURIAL GROUND AND FOR
REMOVAL AND REINTERMENT OF REMAINS OF DECEDENTS**

Meritage Homes of Tennessee, Inc. (“Petitioner”), by and through its undersigned counsel, respectfully petitions the Court for the termination of use of an abandoned cemetery in Davison County as a burial ground and for removal and reinterment of remains of the decedents. In support of its Petition, Petitioner states as follows:

I. PARTIES AND JURISDICTION

1. Petitioner is an Arizona corporation with its principal place of business at 8800 East Raintree Drive, Suite 300, Scottsdale, Arizona 85260-3966.

2. In 2021, Petitioner purchased land at 798 Hidden Hill Drive, Hermitage, Tennessee 37076 in Davidson County (the “Property”). Further information pertaining to the location of the Property, including legal descriptions of the real property, is contained in the Special Warranty Deeds attached as **Collective Exhibit A**.

3. The cemetery at issue (the “Cemetery”) is located at the Property in Davidson County. Accordingly, jurisdiction and venue are proper in this Court pursuant to Tenn. Code Ann. § 46-4-103(a).

4. The persons believed to be buried in the Cemetery and their dates of death and birth are unknown. The graves are largely marked by fieldstones. Based upon a site visit by James Greene, MA, RPA, a Senior Archaeologist with TRC Companies, Inc. in Nashville, Tennessee, the Cemetery is likely from the 19th century, and there may be between twenty-five to fifty

individuals buried at the Cemetery.

5. Notably, the Cemetery at issue is separate and distinct from a nearby cemetery on the Property often referred to as the Withers and/or Hagar Cemetery, which is not the subject of this Petition and which the Petitioner is not seeking to relocate.

6. Pursuant to Tenn. Code Ann. § 46-4-103(b), necessary respondents in this proceeding are all “interested persons” (“Interested Persons”), which are defined in Tenn. Code Ann. § 46-4-102 as the following:

As used in this chapter, unless context otherwise requires, “interested persons” means any and all persons who have any right or easement or other right in, or incident or appurtenant to, a burial ground as such, including the surviving spouse and children, or if no surviving spouse or children, **the nearest** relative or relatives by consanguinity of any one (1) or more deceased persons whose remains are buried in any burial ground.

(emphasis added).

7. In this case, due to the lack of information pertaining to the Cemetery, the potential heirs of the persons buried at the Cemetery cannot be ascertained.

8. Accordingly, the Interested Persons are unknown. Petitioner requests that the Court cause notice to be made to all unknown Interested Persons by publication in a newspaper of general circulation in Davison County, Tennessee, for four consecutive weeks. Tenn. Code Ann. § 46-4-103(b) provides, in part, that: “Nonresident and unknown defendants may be proceeded against by order of publication, and publication, in the manner provided by law.” *See also* Tenn. Code Ann. § 21-1-204 (detailing service by publication in Tennessee).

9. In addition, Petitioner is providing the requisite notice to the Tennessee Historical Commission pursuant to Tenn. Code Ann. § 46-4-103(c).

II. FACTS

10. The Cemetery appears to be abandoned and is in an abandoned and neglected state.

11. Moreover, the current location of the Cemetery hinders Petitioner's residential development plans for the Property. Specifically, Petitioner intends to develop the Property in such a way that the current location of the Cemetery would interfere with a planned point of ingress and egress for the Property as well as residential homes.

12. Accordingly, the Cemetery is unsuitable as a resting place for the remains of the decedents in accordance with the conditions set forth in Tenn. Code Ann. § 46-4-101, which supports termination of the use of land as a cemetery when: "(1) The burial ground is abandoned; (2) The burial ground is in a neglected or abandoned condition; or (3) The existence of any conditions or activities about or near the burial ground that the court finds render the further use of the burial ground for the purposes mentioned in this section that are inconsistent with due and proper reverence or respect for the memory of the dead, or for any other reason unsuitable for those purposes."

13. Petitioner respectfully requests permission from this Court to terminate the use of the Cemetery as a burial ground and to have the remains of the decedents removed from the current location of the Cemetery and reburied in a suitable new location on the Property as permitted by Tenn. Code Ann. § 46-4-103(a).

14. Petitioner is working to identify a suitable reinterment site for the Cemetery on the Property. The new location at the Property will be undeveloped and clear of trees or other obstructions.

15. In undertaking to relocate the decedents, Petitioner will conduct the reinterment of the remains with due care and decency in accordance with Tenn. Code Ann. § 46-4-104.

16. Petitioner will erect an appropriate memorial at the new location. The new cemetery will be surrounded by fencing and/or natural landscape, in order to separate it and

protect it from disrepair. Going forward, Petitioner will maintain the cemetery during its ownership of the Property.

WHEREFORE, Petitioner respectfully requests that the Court:


1. In accordance with Tenn. Code Ann. §§ 21-1-204 and 46-4-103, enter an Order authorizing notice to all unknown Interested Persons by publication in a newspaper of general circulation in Davidson County, Tennessee, for four consecutive weeks;
2. In accordance with Tenn. Code Ann. §§ 46-4-101 and 46-4-104, enter an Order finding that the current Cemetery is unsuitable as a resting place for the remains of the decedents because it is abandoned, it is in an abandoned and neglected state, and because the conditions and activities about or near the Cemetery (Petitioner's development of the Property) are inconsistent with due and proper reverence or respect for the memory of the dead;
3. In accordance with Tenn. Code Ann. § 46-4-104, enter an order approving the reinterment of the remains in the manner and location proposed in this Petition; and
4. For such further and general relief as may be appropriate.

Respectfully submitted,

/s/ Lisa K. Helton
Lisa K. Helton, #023684
SHERRARD, ROE, VOIGT & HARBISON, PLC
150 Third Avenue South, Suite 1100
Nashville, TN 37201
Telephone: (615) 742-4525
Fax: (615) 742-4539
lhelton@srvhlaw.com

Meritage Homes of Tennessee, Inc.

Karen Johnson Davidson County
 Batch# 689085 DEEDWARRSP
 08/02/2021 03:26:30 PM 4 pgs
 Fees: \$23.00 Taxes: \$3,052.50
 20210802-0103830

| | |
|---|--|
| SPECIAL WARRANTY DEED  | STATE OF TENNESSEE COUNTY OF Davidson THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$825,000.00 <u>Hand Shook</u> Affiant SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE <u>26th</u> day of <u>July</u> , 2021. <u>Mark Donnell, Jr.</u> Notary Public MY COMMISSION EXPIRES: <u>Nov. 8, 2021</u> (AFFIX SEAL) |
|---|--|

THIS INSTRUMENT WAS PREPARED BY
 Sidwell & Barrett, PC
 Stewart Title Company Tennessee Division, 100 Bluegrass Commons Blvd Ste. 115, Hendersonville, TN 37075

| ADDRESS NEW OWNER(S) AS FOLLOWS: | SEND TAX BILLS TO: | MAP PARCEL NUMBERS |
|--|--|--------------------|
| Meritage Homes of Tennessee, Inc., an Arizona Corporation | Meritage Homes of Tennessee, Inc., an Arizona Corporation | 076-00-0-153.00 |
| (NAME) | (NAME) | |
| 8800 E. Raintree Drive, Suite 300 | 8800 E. Raintree Drive, Suite 300 | |
| (ADDRESS) | (ADDRESS) | |
| Scottsdale, AZ 85260 | Scottsdale, AZ 85260 | |
| (CITY) (STATE) (ZIP) | (CITY) (STATE) (ZIP) | |

For and consideration of the sum of Ten Dollars, cash in hand paid by the hereinafter named GRANTEE(S), and other good and valuable considerations, the receipt of which is hereby acknowledged, **Desperado Partners, a Tennessee General Partnership**, hereinafter called the GRANTOR(S), has bargained and sold, and by these presents do transfer and convey unto **Meritage Homes of Tennessee, Inc., an Arizona Corporation**, hereinafter called the GRANTEE(S), its successors and/or assigns, a certain tract or parcel of land in **Davidson County, State of Tennessee**, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

This conveyance is further subject to (1) all applicable zoning ordinances (2) utility, sewer, drainage and other easements of record, (3) all subdivision/condominium assessments, covenants, bylaws, restrictions, declarations and easements of record, (4) building restrictions, and (5) other matters of public record.

unimproved

This is improved property, known as 54.84 Acre Chandler Road, Hermitage, TN 37076
(House Number) (Street) (P.O. Address) (City or Town) (Postal Zip)

TO HAVE AND TO HOLD said tract of land, with the appurtenances, estate, title and interest thereto belonging to said GRANTEE(S), its successors and/or assigns, forever. 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.

GRANTOR(S) does hereby covenant with GRANTEE(S) that GRANTOR(S) has not made, done, executed, allowed or permitted any act, instrument or thing whatever whereby said land, or any part thereof, now or at any time hereafter shall be charged or encumbered in any manner whatsoever; and GRANTOR(S) does further covenant and bind itself, its successors, assigns and representatives, to warrant and forever defend the title to said land to said GRANTEE(S), its successors and/or assigns, against the lawful claims of all persons claiming by, through or under said GRANTOR(S), but not otherwise.



Witness our hands this 26th day of July, 2021.

DESPERADO PARTNERS, A TENNESSEE GENERAL
PARTNERSHIP



Floyd Shechter, Partner

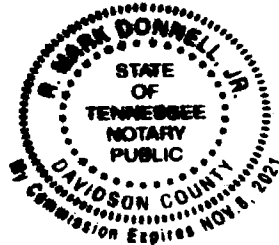
State of Tennessee
County of Davidson

Personally appeared before me, a notary public in and for the state and county aforementioned, Floyd Shechter with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be Partner of Desperado Partners, a Tennessee General Partnership and that he as such Partner executed the foregoing instrument for the purposes therein contained, by signing the name of the entity by himself as Partner.

WITNESS my hand and seal this 26th day of July, 2021.



Notary Public
My Commission Expires: Nov. 8, 2021



RETURN TO:
Stewart Title Company Tennessee Division
100 Bluegrass Commons Blvd Ste. 115
Hendersonville, TN 37075

EXHIBIT "A"
LEGAL DESCRIPTION

Being a certain tract or parcel of land lying and being in the Twelfth Council District of Metropolitan Nashville/ Davidson County, Tennessee, located on Tax Map 076 as a portion of Parcel 20.00 and is a portion of the Eva Richardson property recorded in Book 7212, Page 133, and is more particularly described as follows:

Beginning at a 1/2" Rebar (0) {State Plane Coordinates N: 683577.174, E: 1796323.578} in the south line of Latting Road Partners, LLC (200605240060884), this being the northwest corner of the property described herein and the northeast corner of Hidden Hill (4860/043); thence with Latting Road Partners, LLC and a fence N 88° 01' 29" E a distance of 814.14' to a 1/2" Rebar (0) at a fence corner, this being the northeast corner of the property described herein and a common corner of Crye (839/543 R.O.W.C.T.) and Hickory Hills (PB 20, PG 673, R.O.W.C.T.); thence leaving Latting Road Partners, LLC and with Hickory Hills and a fence for three calls; S 09° 07' 00" W a distance of 575.96' to a 1/2" Rebar (0) in the north right of way of Leesa Ann Lane; S 09° 44' 32" W a distance of 365.68' to a 1/2" Rebar (0); S 08° 59' 30" W a distance of 271.29' to a 1/2" Rebar (0) at the intersection of two fences; thence leaving Hickory Hills (200511140136610) and severing the lands of Eva Richardson the following courses and distances: S 28° 31' 39" W a distance of 14.70'; S 06° 27' 00" W a distance of 598.19'; on a curve to the left having an arc length of 107.13' and a radius of 250.00' (chord bearing of S 05° 49' 34" E, chord length of 106.31'); S 18° 27' 28" E a distance of 125.88'; S 44° 19' 44" W a distance of 145.60'; on a curve to the left having an arc length of 303.27' and a radius of 425.00' (chord bearing of S 64° 15' 42" E, chord length of 296.88'); S 84° 42' 15" E a distance of 69.53'; S 84° 42' 15" E a distance of 46.96'; on a curve to the right having an arc length of 43.52' and a radius of 30.00' (chord bearing of S 43° 08' 44" E, chord length of 39.80'); S 01° 47' 03" E a distance of 191.36'; S 08° 56' 24" E a distance of 84.56'; S 01° 20' 08" W a distance of 132.05'; S 84° 42' 15" E a distance of 9.27'; S 11° 41' 52" W a distance of 185.36'; on a curve to the left having an arc length of 65.66' and a radius of 675.00' (chord bearing of N 81° 05' 20" W, chord length of 65.63); S 06° 07' 28" W a distance of 129.96' to a point, this being the southeast corner of the property described herein; on a curve to the left having an arc length of 4.41' and a radius of 545.00' (chord bearing of N 84° 28' 21" W, chord length of 4.41'); N 84° 42' 15" W a distance of 116.59'; on a curve to the right having an arc length of 793.66' and a radius of 1165.00' (chord bearing of N 65° 11' 15" W, chord length of 778.40'); N 45° 40' 16" W a distance of 151.03'; on a curve to the right having an arc length of 417.86' and a radius of 355.00' (chord bearing of N 11° 57' 03" W, chord length of 394.15'); N 75° 31' 52" W a distance 39.33' to a 1/2" Rebar (0) in a fence, this being the southwest corner of the property described herein in the east line of Stoner Mill (6900/904); thence with Stoner Mill and Hidden Hill, respectively, N 06° 27' 00" E a distance of 2157.41' to a point of beginning containing 54.84 acres, more or less, according to a survey performed by Mid-Tenn Surveying, LLC, Christopher Blake Sexton, RLS 2400, 2159 N. Thompson, Suite B1, Murfreesboro, TN 37129.

Being the same property conveyed to Desperado Partners, a Tennessee General Partnership, by Warranty Deed dated 06/25/2013 from Wilson Bank & Trust of record in Instrument 201306250065369, Register's Office for Davidson County, Tennessee, and in Book 1551, Page 314, Register's Office for Wilson County, Tennessee.

CERTIFICATE OF AUTHENTICITY

I, Deborah Rand do hereby make oath that I am a licensed attorney and/or custodian of the original version of the electronic document tendered for registration herewith, and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on July 26, 2021.

[Handwritten Signature]

Affiant

Date: August 2, 2021

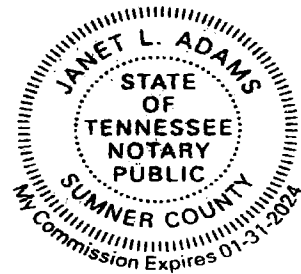
STATE OF TENNESSEE
COUNTY OF Sumner

Sworn to and subscribed before me this 2nd day of August, 2021

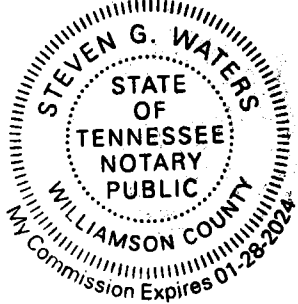

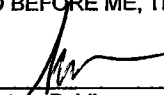
[Handwritten Signature]

Notary Public

My Commission Expires: _____



Karen Johnson Davidson County
 Batch# 773586 DEEDWARRSP
 12/14/2021 02:31:30 PM 5 pgs
 Fees: \$28.00 Taxes: \$2,949.60
 20211214-0165283

| | |
|---|--|
| SPECIAL WARRANTY DEED  | STATE OF TENNESSEE COUNTY OF Davidson THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$797,190.00  _____ Affiant SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 9th day of December, 2021.  _____ Notary Public MY COMMISSION EXPIRES: _____ (AFFIX SEAL) |
|---|--|

THIS INSTRUMENT WAS PREPARED BY
 Sidwell & Barrett, PC
 Stewart Title Company Tennessee Division, 100 Bluegrass Commons Blvd Ste. 115, Hendersonville, TN 37075

| ADDRESS NEW OWNER(S) AS FOLLOWS: | SEND TAX BILLS TO: | MAP PARCEL NUMBERS |
|--|--|------------------------------|
| Meritage Homes of Tennessee, Inc., an Arizona Corporation | Meritage Homes of Tennessee, Inc., an Arizona Corporation | 0760000200 (Davidson County) |
| (NAME) | (NAME) | |
| 8800 E. Raintree Drive, Suite 300 | 8800 E. Raintree Drive, Suite 300 | |
| (ADDRESS) | (ADDRESS) | |
| Scottsdale, AZ 85260 | Scottsdale, AZ 85260 | |
| (CITY) (STATE) (ZIP) | (CITY) (STATE) (ZIP) | |

For and consideration of the sum of Ten Dollars, cash in hand paid by the hereinafter named GRANTEE(S), and other good and valuable considerations, the receipt of which is hereby acknowledged, I, **J. D. Eatherly, Trustee of the J. D. Eatherly Revocable Living Trust, dated July 13, 2018**, hereinafter called the GRANTOR (S), has bargained and sold, and by these presents do transfer and convey unto **Meritage Homes of Tennessee, Inc., an Arizona Corporation**, hereinafter called the GRANTEE(S), its successors and/or assigns, a certain tract or parcel of land in **Davidson County**, State of Tennessee, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

This conveyance is further subject to (1) all applicable zoning ordinances (2) utility, sewer, drainage and other easements of record, (3) all subdivision/condominium assessments, covenants, bylaws, restrictions, declarations and easements of record, (4) building restrictions, and (5) other matters of public record.

unimproved

This is improved property, known as 53.146 Ac Chandler Road, Hermitage, TN 37076
(House Number) (Street) (P.O. Address) (City or Town) (Postal Zip)

TO HAVE AND TO HOLD said tract of land, with the appurtenances, estate, title and interest thereto belonging to said GRANTEE(S), its successors and/or assigns, forever. 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.

GRANTOR(S) does hereby covenant with GRANTEE(S) that GRANTOR(S) has not made, done, executed, allowed or permitted any act, instrument or thing whatever whereby said land, or any part thereof, now or at any time hereafter shall be charged or encumbered in any manner whatsoever; and GRANTOR(S) does further covenant and bind itself, its successors, assigns and representatives, to warrant and forever defend the title to said land to said GRANTEE(S), its successors and/or assigns, against the lawful claims of all persons claiming by, through or under said GRANTOR(S), but not otherwise.

Witness my/our hand(s) this 9th day of December, 2021.

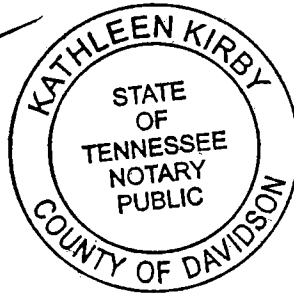
J. D. Eatherly
J. D. Eatherly, Trustee of the J. D. Eatherly Revocable Living Trust, dated July 13, 2018

State of Tennessee
County of Davidson

Personally appeared before me J. D. Eatherly, Trustee of the J. D. Eatherly Revocable Living Trust, dated July 13, 2018, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the foregoing instrument for purposes therein contained.

WITNESS my hand and seal this 9th day of December, 2021.

Kathleen Kirby
Notary Public
My Commission Expires: 9/8/25



RETURN TO:
Stewart Title Company Tennessee Division
100 Bluegrass Commons Blvd Ste. 115
Hendersonville, TN 37075

EXHIBIT "A"
LEGAL DESCRIPTION

BEING A CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING IN THE TWELFTH COUNCIL DISTRICT OF METROPOLITAN NASHVILLE/DAVIDSON COUNTY, TENNESSEE, LOCATED ON TAX MAP 076 AS A PORTION OF PARCEL 20.00, A PORTION OF THE J.D. EATHERLY REVOCABLE LIVING TRUST, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, BEGIN AT AN IRON PIN (STATE PLANE COORDINATES N: 683577.174. E: 1796323.578) IN THE SOUTH LINE OF HERITAGE HILLS PHASE 3, THIS BEING THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED HEREIN AND THE NORTHEAST CORNER OF HIDDEN HILL;

THENCE WITH HERITAGE HILLS PHASE 3 AND A FENCE N 88° 07' 03" E, 710.24 FEET TO AN IRON PIN ON THE OLE SOUTH/CRAIGHEAD PROPERTY LINE;

THENCE WITH THE OLE SOUTH/CRAIGHEAD PROPERTY S 16°18'34" E, 242.53 FEET TO AN IRON PIN AND S 8°25'18" W, 44.71 FEET TO AN IRON PIN AT THE COMMON CORNER OF OLE SOUTH/CRAIGHEAD PROPERTY AND HICKORY HILLS SECTION 11 PROPERTY;

THENCE WITH HICKORY HILLS SECTION 11 AND HICKORY HILLS 19 PHASE 3 SECTION 3 PROPERTY LINES THE FOLLOWING CALLS: S 12°00'20" W, 74.57 FEET TO AN IRON PIN, S 8°47'31" W, 50.10 FEET TO AN IRON PIN WITH (MEC INC. CAP), S 8°47'31" W, 130.14 FEET TO AN IRON PIN, S 9°46'03" W, 379.95 FEET TO AN IRON PIN, S 9°01'09" W, 293.56 FEET TO AN IRON PIN, IN THE SOUTH LINE OF HICKORY HILLS 19 PHASE 3, SECTION 3, AND BEING THE SOUTHWEST CORNER OF LOT 251 OF SAID SUBDIVISION, THE TRUE POINT OF BEGINNING FOR THIS PARCEL;

THENCE WITH THE SOUTH LINE OF SAID SUBDIVISION, S 79°21'20" E, 296.66 FEET TO AN IRON PIN, S 77°49'51" E, 180.56 FEET TO AN IRON PIN ON THE DAVIDSON COUNTY AND WILSON COUNTY DIVISION LINE;

THENCE WITH THE DAVIDSON COUNTY AND WILSON COUNTY DIVISION LINE, DIVIDING THE J.D. EATHERLY REVOCABLE LIVING TRUST PROPERTY S 16°18'34" E, 2364.52 FEET TO AN IRON PIN ON THE NORTH RIGHT OF WAY LINE OF NASHVILLE AND EASTERN RAILROAD AND CHANDLER ROAD RIGHT OF WAY;

THENCE WITH SAID RIGHT OF WAY LINE THE FOLLOWING CALLS: N 65°14'07" W, 119.53 FEET TO AN IRON PIN, BY A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 31°06'17", A RADIUS OF 1482.69 FEET, AN ARC LENGTH OF 804.92 FEET, A CHORD BEARING AND DISTANCE OF N 80°41'50" W, 795.07 FEET TO AN IRON PIN, S 82°15'29" W, 225.91 FEET TO AN IRON PIN, S 83°40'07" W, 294.76 FEET TO A POINT IN STONER CREEK, N 14°02'33" W, 27.12 FEET TO A POINT IN STONER CREEK, S 57°34'27" W, 26.60 FEET TO A POINT IN STONER CREEK, S 24°40'27" W, 15.00 FEET TO A POINT IN STONER CREEK, LEAVING STONER CREEK S 83°28'26" W, 357.87 FEET TO AN IRON PIN ON SPACIOUS SKIES LAND & INVESTMENTS, LLC PROPERTY LINE;

THENCE LEAVING THE NASHVILLE AND EASTERN RAILROAD AND CHANDLER ROAD RIGHT OF WAY AND WITH SPACIOUS SKIES LAND & INVESTMENTS, LLC PROPERTY LINE THE FOLLOWING CALLS: N 79°02'05" W, 344.15 FEET TO AN IRON PIN, N 8°03'00" E, 207.45 TO AN IRON PIN ON THE SOUTHEAST BANK OF STONER CREEK, N 28°45'25" W, 182.53 FEET TO A POINT IN THE CENTER OF STONER CREEK, N 5°34'23" W, 110.54 FEET TO A POINT IN THE CENTER OF STONER CREEK, N 18°16'53" W, 184.77 FEET TO A POINT IN THE CENTER OF STONER CREEK, N 59°04'21" W, 64.31 FEET TO A POINT IN THE CENTER OF STONER CREEK, S 85°50'50" W, 86.47 FEET TO A POINT IN THE CENTER OF STONER CREEK, N 55° 04'46" W, 38.37 FEET TO A POINT IN THE CENTER OF STONER CREEK, SAID POINT BEING A COMMON CORNER FOR THE PROPERTY HEREIN CONVEYED AND STONER MILL SUBDIVISION;

THENCE WITH STONER MILL SUBDIVISION PROPERTY LINE AND LEAVING STONER CREEK THE FOLLOWING CALLS: N 31°50'06" E, 156.60 FEET TO A 1" IRON PIPE, N 68°58'38" E, 46.86 FEET TO AN IRON PIN, N 74°25'54" E, 78.23 FEET TO AN IRON PIN N 78°27'09" E, 209.50 FEET TO AN IRON PIN, N 6°39'33" E, 77.87 FEET TO AN IRON PIN, N 6°52'45" E, 190.75 FEET TO AN IRON PIN, AND N 6°31'05" E, 69.96 FEET TO AN IRON PIN, THE COMMON CORNER BETWEEN STONER MILL SUBDIVISION AND HIDDEN HILL

SUBDIVISION;

THENCE LEAVING HIDDEN HILL SUBDIVISION LINE AND ALONG DESPERADO PARTNERS PARCEL THE FOLLOWING CALLS: S 75°22'36" E, 39.27 FEET TO A POINT, BY CURVE TO THE LEFT HAVING A DELTA ANGLE OF 67°26'27", A RADIUS OF 355.00 FEET, AN ARC LENGTH OF 417.86 FEET, A CHORD BEARING OF S 11°57'35" E, AND A CHORD LENGTH OF 394.15 FEET TO A POINT, S 45°40'48" E, 151.03 FEET TO A POINT, BY A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 39°01'59", A RADIUS OF 1165.00 FEET, AN ARC LENGTH OF 793.66 FEET, A CHORD BEARING OF S 65°11'47" E, AND A CHORD LENGTH OF 778.40 FEET TO A POINT, S 84°42'16" E, A DISTANCE OF 121.00 FEET TO A POINT, N 6°06'56" E, A DISTANCE OF 129.96 FEET TO A POINT, S 81°05'52" E, A DISTANCE OF 65.63 FEET TO A POINT, N 11°41'20" E, A DISTANCE OF 185.36 FEET TO A POINT, N 84°42'47" W, A DISTANCE OF 9.27 FEET TO A POINT, N 1°19'36" E, A DISTANCE OF 132.05 FEET TO A POINT, N 8°56'56" W, A DISTANCE OF 84.56 FEET TO A POINT, N 1°47'35" W, A DISTANCE OF 191.36 FEET TO A POINT, BY A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 82°46'42", A RADIUS OF 30.10 FEET, AN ARC LENGTH OF 43.48 FEET, A CHORD BEARING OF N 43°09'16" W, AND A CHORD LENGTH OF 39.80 FEET TO A POINT, N 84°42'47" W, 116.49 FEET TO A POINT, BY A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 40°53'07", A RADIUS OF 425.00 FEET, AN ARC LENGTH OF 303.27 FEET, A CHORD BEARING OF N 64°16'14" W, AND A CHORD LENGTH OF 296.88 FEET TO A POINT, N 44°19'12" E, A DISTANCE OF 145.60 FEET TO A POINT NEAR A CEMETERY, N 18°28'00" W, A DISTANCE OF 122.78 FEET TO A POINT, BY A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 25°15'49", A RADIUS OF 250.00 FEET, AN ARC LENGTH OF 110.23 FEET, A CHORD BEARING OF N 6°11'26" W, AND A CHORD LENGTH OF 109.34 FEET TO A POINT, N 6°26'28" E, A DISTANCE OF 598.19 FEET TO A POINT, N 28°24'31" E, A DISTANCE OF 14.58 FEET TO THE POINT OF BEGINNING, CONTAINING 53.146 ACRES, MORE OR LESS.

BEING A TRACT OF LAND ACCORDING TO THAT CERTAIN ALTA/NSPS LAND SURVEY DATED OCTOBER 7, 2020 PREPARED BY JOEY C. WILSON, II, TN RLS #2089.

Being part of the same property conveyed to J. D. Eatherly, a married man by Warranty Deed dated 03/30/2017 from Frank E. Stratton, Jr. of record in Instrument 201704030032250, Register's Office for Davidson County, Tennessee.

Being part the same property conveyed to J. D. Eatherly, Trustee of the J. D. Eatherly Revocable Living Trust, dated July 13, 2018 by Quitclaim Deed dated 01/20/2020 from J. D. Eatherly of record in Instrument 202001290010735, Register's Office for Davidson County, Tennessee.

CERTIFICATE OF AUTHENTICITY

I, Deborah Rand do hereby make oath that I am a licensed attorney and/or custodian of the original version of the electronic document tendered for registration herewith, and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 12-9-2021.

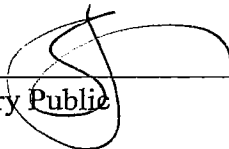


Affiant

Date: 12-10-2021

STATE OF TENNESSEE
COUNTY OF Sumner

Sworn to and subscribed before me this 10th day of December, 2021



Notary Public

My Commission Expires: _____

