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Tays Realty & Auction, LLC  
620 Maxwell Street  
Cookeville, TN 38501  
Attn: Mr. Cameron Nixon

Map: 061  
Parcel: 014.00  
Jackson County Property

**Re: Donal Elrod and wife Wilma Sue Elrod  
228 Elrod Lane  
Gainesboro, TN 38562**

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**CERTIFICATE OF TITLE EXAMINATION**

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This is to certify that I have examined the relevant and properly indexed records of the Office of the Register of Deeds for Jackson County, Tennessee, for a period in excess of twenty (20) years prior to the date of this opinion regarding the following described property.

**Located in the Ninth (9<sup>th</sup>) Civil District of Jackson County, Tennessee and described as follows:**

BEGINNING on a Sugartree, running east 164 P to a stake; thence S 30° E 6 P to a Hickory; thence S 21° E 8 P to a Sugartree; thence S 10° E 14 P to a Beech; thence S 7° E 32 P to a Beech; thence S 10° W 20 P to a stake; thence S 18° W 40 P to a stake; thence S 30° \_\_\_\_ 23 3/5 P to a stake; thence S 82° E 6 P to a beech; thence South 64 P to a stake; thence east 60 P to a poplar; thence South 104 P to a beech; thence west 133 P to a stump; thence North 12 P to a stake; thence N 30° W 7 P to a stake; thence N 5° E 17 P to a stake; thence North 10 P to a stake; thence N 39° E 14 P to a stake; thence N 26° E 58 P to a stake; thence North 34 P to a stake; thence N 58° W 24 P to a stake; thence N 35 1/2° W 18 P to a stake; thence N 66° W 12 P to a stake; thence N 46° W 10 P to a stake; thence \_\_\_\_ 65 1/2° W 56 1/2 P to a gate post; thence N 46° W 14 P to an oak; thence N 30° W 12 P to an oak; thence North 18 P to a stake; thence N 5° W 14 P to a stake; thence N 53° W 20 P to a stake; thence N 10° W 46 P to the beginning, containing 221 acres, more or less.

The previous and last conveyance being a Warranty Deed from Lucille Lynn, widow of James Lynn, Barbara Frazier and Beverly Barlow, married children of James Lynn, to Donald Elrod, a/k/a Donal Elrod, and wife, Wilma Sue Elrod at

Warranty Deed Book H-3, Pages 437-439, Register's Office, Jackson County, Tennessee.

**This property is all of that listed on Tax Map 061, Parcel 014.00, Assessor's Office, Jackson County, Tennessee.**

Based upon my examination, I find that a marketable title to the above described property, in fee simple, free and clear of all encumbrances and defects, except as noted below, is vested in and can be conveyed by **Donal Elrod, and wife Wilma Sue Elrod at Warranty Deed Book H-3, Pages 437-439, Register's Office, Jackson County, Tennessee.**

**This opinion does not make any representation with regard to** (a) rights or claims of parties other than the above titled owner, in actual possession of any or all of the property; (b) deficiencies in quantities of land; (c) boundary line disputes and location of improvements; (d) unrecorded easements, if any, on, above or below the surface and any discrepancies or conflicts in boundary lines and shortages in area or encroachments, if any, which a correct survey or an inspection of the premises would disclose; (e) roadways; (f) any unrecorded liens, including liens for labor performed and materials furnished within the statutory period; (g) accuracy of the index books of the Register's Office, Jackson County, Tennessee; (h) any matter not of record in the Register's Office, Jackson County, Tennessee, which would be disclosed by an accurate survey or inspection of the property; (i) any undisclosed heirs; (j) any fraud or forgery in connection with any of the instruments in the chain of title; (k) mental incompetence; (l) confusion with regard to the name or proper identity of parties; (m) improprieties with regard to delivery of deeds; (n) marital rights (spouse or former spouse of past owner not revealed in the instruments); (o) any instrument executed by a minor; (p) lack of requisite capacity or approval of any corporation, partnership, trust or other entity; (q) lack of authority of any person executing an instrument on behalf of a corporation, partnership, trust or other entity or as an attorney-in-fact or representative for another person; (r) any instrument executed by a surviving spouse that falsely states the other spouse is deceased, or fails to disclose that the surviving spouse is responsible for the intentional killing of the deceased spouse; (s) governmental building and zoning laws and regulations; (t) any threatened or pending lawsuits or other action, unless notice thereof has been recorded in the Register's Office, Jackson County, Tennessee; (u) any environmental law or protection matters or problems, unless notice thereof has been recorded in the Register's Office, Jackson County, Tennessee; or (v) any matter or claim arising by reason of the operation of any bankruptcy, insolvency, receivership, or similar creditors' rights laws. These are matters which would not be revealed by an examination of the records in the Register's Office, Jackson County, Tennessee, and are therefore matters which we have not examined and about which we make no representation.

These are matters which would not be revealed by an examination of the records in the Register's Office, Jackson County, Tennessee, and are therefore matters which we have not examined and about which we make no representation. Item (a), (b), (c), (d), and (e) could be protected against by an accurate survey by a qualified licensed surveyor. Item (f) could be guarded against by an inspection of the premises for new improvements, and if such appear to be present, the utilization of the notice of completion and waiting ten (10) days to close as per TCA 66-11-143, *et seq.* Item

(g) through (q) may be insured against by utilization of title insurance, and should you desire more information in that regard, I will be pleased to discuss same with you.

**The property subject to this examination is subject to:**

- A. This examination does not certify as to oil, gas and mineral rights, but does state the record indicates the property is subject to a AMENDMENT TO MINING LEASE AGREEMENT, at Record Book 57, Pages 797-800, Register of Deeds Office for Jackson County, Tennessee. (See instrument for additional information regarding this Agreement).
- B. Records in the Trustee and Clerk and Master's Office, Jackson County, Tennessee, indicate that the county property taxes for 2019, and prior years have been paid.
- C. Records in the Trustee's Office, Jackson County, Tennessee, indicate that the county property taxes for 2020, are a lien not yet due and payable.


If improvements are completed after January 1<sup>st</sup>, of any year, the law requires supplemental assessment for the year in which improvements are completed as defined by statute. We assume no liability for taxes assessed by correction pursuant to the provisions of Section 67-5-603, *et seq.*, Tennessee Code Annotated.

- D. Your attention is called to the fact that we were not furnished with a current survey and, therefore make no representation and accept no liability for matters which relate to the survey and property description. This item could be cured by a current survey by a licensed land surveyor.
- E. Examiner notes subject property subject to an EASEMENT to UPPER CUMBERLAND ELECTRIC MEMBERSHIP CORPORATION at Record Book EB-1, Page 55, Register of Deeds for Jackson County, Tennessee.
- F. Examiner notes property subject to a Deed of Trust to Mike Estes, Murfreesboro, Rutherford County, Tennessee, as Trustee for Farm Credit Services of Mid-America, FLCA, in the principal amount of \$90,249.64 and any other sums which may be and become payable under the terms thereof, including but not limited to principal, interest and service fees. (See instrument for complete terms and conditions as well as possible rights and options of the mortgagee for holder thereof, including rights respecting assumption of the secured thereby).
- G. In the Grantee's Warranty Deed, Madewell & Jared, Attorneys at Law, Cookeville, Tennessee failed to determine the correct spelling of Donal Elrod's first name, and erroneously spelled the grantee's name Donald Elrod. In the Lease documents, Donal Elrod's name appears as Donald Elrod, but signed Donal Elrod. In the UCEMC Easement, Donal Elrod's name is Donald Elrod, but signed Donal Elrod. In the Farm Credit Deed of Trust, Donal Elrod's name is spelled Donald Elrod, but signed Donal Elrod.

H. Examiner finds that Donald Elrod and Donal Elrod are one in the same person as relates to this chain of title to the subject real property.

This document is issued for the sole and exclusive use of Tays Realty & Auction LLC and the undersigned shall have no responsibility to any other person relying on it, and the liability of the undersigned is expressly limited to the fee paid for the services rendered.

DATED: May 11, 2020, at 8:00 a.m.



STEVEN A. CASSETTY  
ATTORNEY AT LAW

## EXHIBIT A PROPERTY DESCRIPTION

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**Located in the Ninth (9<sup>th</sup>) Civil District of Jackson County, Tennessee and described as follows:**

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