

ATTORNEY'S OPINION OF TITLE

TO

REAL ESTATE

I hereby certify to certify **Tays Realty & Auction, LLC**, and no one else, that the title to the premises described in Schedule "A" hereof has been examined by the undersigned, and that a good title thereto in fee simple, clear of all encumbrances and defects, except as listed in Schedule "B" is on the date hereof vested in:

SAMUEL EARL ALLEN, TRUSTEE OF THE LEONARD ALVIN ALLEN, JR., 2018

REVOCABLE TRUST DATED OCTOBER 3, 2018,

EARL M. HUDDLESTON, JR., AKA MACK HUDDLESTON,

VIRGINIA HELEN HUDDLESTON NUNLEY,

SAMUEL EARL ALLEN,

LEONARD ALVIN ALLEN, III,

SAMUEL EARL ALLEN, EXECUTOR OF THE ESTATE OF BETTY SUE H.

ALLEN,

SAMUEL EARL ALLEN, TRUSTEE OF THE BETTY SUE H. ALLEN FAMILY

TRUST, and,

LEONARD ALVIN ALLEN, JR.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

Lot #1 (1.59 Acres) and #2 (1.60 Acres) Plat Book 3, Page 314, White County
Tax Map 049A; Grp B; Ctrl Map 049H; Parcel 026.00
Spring St N

SCHEDULE "A"

Located in the First (1st) Civil District of White County, Tennessee, and more particularly described as follows:

TRACT A

Being Lot 1 on the plat entitled "Huddleston Heirs Division" of record in Plat Book 3, Page 314 of the White County Register's Office, Sparta, Tennessee, containing 1.59 Acres by Survey. Actual field survey performed under the direct personal supervision of Charles T. Whittenburg, R. L. S. #2501, Whittenburg Land Surveying, LLC, 214 East Stevens Street, Cookeville, Tennessee on December 1, 2020.

Being a portion of the same property as conveyed to Samuel Earl Allen, Trustee of the Leonard Alvin Allen Jr., 2018 Revocable Trust in Record Book 424, Page 145 of the White County Register's Office, Sparta, Tennessee, which is the previous and last conveyance.

TRACT B

Being Lot 2 on the plat entitled "Huddleston Heirs Division" of record in Plat Book 3, Page 314 of the White County Register's Office, Sparta, Tennessee, containing 1.60 Acres by Survey. Actual field survey performed under the direct personal supervision of Charles T. Whittenburg, R. L. S. #2501, Whittenburg Land Surveying, LLC, 214 East Stevens Street, Cookeville, Tennessee on December 1, 2020.

Being a portion of the same property as conveyed to Samuel Earl Allen, Trustee of the Leonard Alvin Allen Jr., 2018 Revocable Trust in Record Book 424, Page 145 of the White County Register's Office, Sparta, Tennessee, which is the previous and last conveyance.

Tracts A and B, being a PORTION of the land with a PREVIOUS AND LAST conveyance through the following deeds:

Warranty Deed from W. I. Howell and wife, Gladys Howell, to Community Realty, Incorporated, registered on June 29, 1949, in Deed Book 100, Page 24, Register's Office White County, Tennessee. Community Realty, Incorporated, dissolved and the equity and ownership of said real property passed to its shareholders J. O. Slate, Leonard A. Allen, Jr., and wife, Betty Sue Allen, Earl M. Huddleston, Sr., and Earl M. (Mack) Huddleston, Jr.

Warranty Deed from Growers Commercial Warehouse, Incorporated, to J. O. Slate (1/3), Leonard A. Allen Jr., and wife, Betty Sue Allen (1/3), Earl M. Huddleston (1/6), and Mack Huddleston (1/6) registered on June 20, 1997, in Warranty Deed Book 162, Page 465, Register's Office White County, Tennessee.

The ownership of James Osby (J. O.) Slate was devised through Last Will and Testament to Irene Elizabeth Boaze Slate, James Walter Slate, issue of James Alfred Slate, Lavinia Faye Slate Flippin, Patrick Gray Slate and Brandon Gray Slate, the issue of Osby Gray Slate, and Elizabeth Kay Slate Spaugh. In the Matter of the Estate of James Osby Slate, In the General Court of Justice Superior Court Division, Stokes County, State of North Carolina, Case Number 2004-2-116.

The ownership of Irene Elizabeth Boaze Slate was devised through Last Will and Testament to Elizabeth Kay S. Spaugh, Patrick Slate and Brandon Slate, the issue of Osby Gray Slate, and Faye S. Flippin. In the Matter of the Estate of Irene Elizabeth Boaz Slate, in the General Court of Justice, Superior Court Division, Stokes County, State of North Carolina, Case Number 2006-2-115.

The ownership of Earl M. Huddleston, Sr., was devised through the Last Will and Testament of Earl M. Huddleston and the First Codicil to the Will and Testament of Earl Lot #1 (1.59 Acres) and #2 (1.60 Acres) Plat Book 3, Page 314, White County Tax Map 049A; Grp B; Ctrl Map 049H; Parcel 026.00 Spring St N

M. Huddleston, pursuant to TCA 31-2-103, where, in the First provision, the will contains a specific provision directing the real property to be administered as part of the estate subject to the control of the personal representative, Earl M. Huddleston, Jr., Executor, to be conveyed upon the death of Ruby M. Huddleston to Virginia Helen Nunley, Samuel E. Allen and Leonard A. Allen, III, issue of Betty Sue Allen and Earl M. Huddleston, Jr., registered on December 31, 2018, in Record Book 427, Page 151, Register's Office Putnam County, Tennessee.

Quitclaim Deed from Earl M. Huddleston, Jr., as Executor of the Estate of Earl M. Huddleston, Sr., to Virginia Huddleston Nunley (1/18), Earl M. Huddleston, Jr., (1/18), Samuel E. Allen (1/36) and Leonard A. Allen, III (1/36) registered September 14, 2005, in Record Book 187, Page 279, Register's Office White County, Tennessee.

Quitclaim Deed from Leonard A. Allen, Jr., and wife, Betty Sue Allen, to Samuel A. Allen (1/12) and Leonard A. Allen, III, (1/12) registered on September 14, 2005, in Record Book 187, Page 281, Register's Office White County, Tennessee.

Limited Warranty Deed from Lavinia Faye Slate Flippin, James Walter Slate, Elizabeth Kaye Slate Spaugh, Patrick Gray Slate and Brandon Gray Slate, unto Virginia Helen Nunley (2.77%), Earl M. Huddleston, Jr., (11.11%) and Betty Sue Allen (19.45%) dated March 7, 2008, and registered March 14, 2008, in Record Book 245, Page 384, Register's Office White County, Tennessee.

Quitclaim Deed from Leonard A. Allen, Jr., surviving spouse of Betty Sue Allen, deceased, unto Samuel Earl Allen, Trustee of the Leonard Alvin Allen, Jr., 2018 Revocable Trust dated October 3, 2018, registered October 25, 2018, in Record Book 424, Page 145, Register's Office White County, Tennessee.

The ownership of Betty Sue H. Allen was devised through the Last Will and Testament of Betty Sue H. Allen to Samuel Earl Allen, Trustee of the Betty Sue H. Allen Family Trust, registered on December 31, 2018, in Record Book 427, Page 130, Register's Office White County, Tennessee.

Limited Warranty Deed from Lavinia Faye Slate Flippin, James Walter Slate, Patrick Gray Slate and Brandon Gray Slate unto Earl M. Huddleston, Jr., Virginia Helen Nunley, Samuel Earl Allen, Executor of the Estate of Betty Sue H. Allen, Leonard Alvin Allen, III, Samuel Earl Allen and Leonard Alvin Allen, Jr., registered on September 9, 2019, in Record Book 440, Page 272, Register's Office White County, Tennessee.

Order for Judgment by Default, entered September 24, 2019, in the matter of Earl M. Huddleston, Jr., Virginia Helen Nunley, Samuel Earl Allen, Executor of the Estate of Betty Sue H. Allen, Leonard Alvin Allen, III, Samuel Earl Allen and Leonard Alvin Allen, Jr., Plaintiffs, vs. Lavinia Faye Slate Flippin, James Walter Slate, Elizabeth Kaye Slate Spaugh, Patrick Gray Slate and Brandon Gray Slate, Defendants, In the Chancery Court for White County, Tennessee; Case Number 2019-CV-48, which reformed Limited Warranty Deed registered in Record Book 245, Page 384, Register's Office White County, Tennessee, to include as part of its conveyance the (6.63 acre) tract described in Deed Book 100, Page 24, Register's Office White County, Tennessee owned by the J. O. Slate Heirs, and to divest ownership from Elizabeth Kaye Slate Spaugh and vest said ownership in Plaintiffs. Said Order for Judgment by Default was registered on September 24, 2019, in Record Book 441, Page 332, Register's Office White County, Tennessee.

Limited Warranty Deed from Elizabeth Kaye Slate Spaugh unto Earl M. Huddleston, Jr., Virginia Helen Nunley, Samuel Earl Allen, Executor of the Estate of Betty Sue H. Allen, Leonard Alvin Allen, III, Samuel Earl Allen and Leonard Alvin Allen, Jr., registered on October 7, 2019, in Record Book 442, Page 233, Register's Office White County, Tennessee.

Lot #1 (1.59 Acres) and #2 (1.60 Acres) Plat Book 3, Page 314, White County
Tax Map 049A; Grp B; Ctrl Map 049H; Parcel 026.00
Spring St N

SCHEDULE "B"

1. TAXES:

TAX MAP 049; GRP B; CTRL MAP 049H; PARCEL 026.00

2020 White County Property Taxes in the amount of \$794.00 are paid.

2020 City of Sparta Property Taxes in the amount of \$356.00 are paid.

2021 White County Property Taxes are not yet due and payable but constitute a lien encumbering the subject property.

2021 City of Sparta Property Taxes are not yet due and payable but constitute a lien encumbering the subject property.

2. EASEMENTS:

Subject to Easement of record in Record Book 79, Page 55, Register's Office White County, Tennessee.

3. RESTRICTIONS:

Subject to information contained in Plat as of record in Plat **Cabinet 92, Page 534**, Register's Office of White County, Tennessee.

Subject to information contained in Plat as of record in Plat **Book 3, Page 314**, Register's Office of White County, Tennessee.

4. LIENS: None of record.

5. LEASES: None of record.

6. DEEDS OF TRUST OR MORTGAGES: None of record.

7. OTHER:

THIS OPINION TO VALIDITY OF TITLE IN THE ABOVE OWNERS IS SUBJECT TO THE FOLLOWING EXCEPTIONS:

1. UNRECORDED, CONTRACTOR, MECHANIC, LABORER, FOUNDER, MACHINIST, MATERIALMAN OR FEDERAL AND STATE TAX LIENS OR LIENS OF TENANTS IN POSSESSION.
2. ANY QUESTION OF SECURITY INTERESTS OR LIENS UNDER THE UNIFORM COMMERCIAL CODE.
3. FEDERAL OR STATE COURT RECORDS AFFECTING TITLE.
4. SUCH STATE OF FACTS AS AN ACCURATE SURVEY OR VISIBLE INSPECTION OF THE PROPERTY WOULD DISCLOSE.

Lot #1 (1.59 Acres) and #2 (1.60 Acres) Plat Book 3, Page 314, White County
Tax Map 049A; Grp B; Ctrl Map 049H; Parcel 026.00
Spring St N

5. DEFICIENCIES OR DEFECTS IN THE METES AND BOUNDS DESCRIPTION OR SURVEY DESCRIPTION.
6. THE RIGHTS OF PARTIES IN POSSESSION, ENCROACHMENTS, OVERLAPS, OVERHANGS, UNRECORDED EASEMENTS, VIOLATED RESTRICTIONS AND BOUNDARY LINE DISPUTES.
7. ALL VISIBLE EASEMENTS, AND THE RIGHTS OF THE PUBLIC IN AND OVER ALL PUBLIC ROADS RUNNING THROUGH SAID LAND.
8. ANY ERROR OF IMPROPER INDEXING BY THE REGISTER'S OFFICE, TRUSTEE'S OFFICE OR CLERK AND MASTER'S OFFICE OF SAID COUNTY.
9. THAT THE LAST NAMES OF ANY OWNERS IN THE CHAIN OF TITLE WERE NOT CHANGED DURING THEIR PERIOD OF OWNERSHIP.
10. ANY UNDISCLOSED HEIRS.
11. ANY FRAUD OR FORGERY IN CONNECTION WITH ANY OF THE INSTRUMENTS IN THE CHAIN OF TITLE.
12. MENTAL INCOMPETENCE OR MINORITY OF PERSONS IN THE CHAIN OF TITLE.
13. LACK OF CORPORATE CAPACITY IN THE EVENT A CORPORATION IS IN THE CHAIN OF TITLE.
14. LACK OF AUTHORITY OF AN AGENT TO EXECUTE ANY DOCUMENT FOR AND ON BEHALF OF HIS OR HER PRINCIPAL.
15. SUCH STATE OF FACTS AS MAY BE DISCLOSED BY THE DOCUMENTS OR ACTIVITIES IN ANY COURT OF RECORD.
16. THIS TITLE OPINION IS WRITTEN FOR THE BENEFIT OF **TAYS REALTY & AUCTION, LLC**. NO ONE ELSE MAY RELY UPON IT OR HOLD THE UNDERSIGNED ATTORNEY LIABLE.

This certificate is based upon examination of all record evidence of title in the county in which the real estate is situated for a period of thirty (30) years and is limited in opinion to that period.

IN TESTIMONY WHEREOF, I hereby certify, this 31st day of January 2021, at 8:00 a.m.

By: 

WILLIAM D. BIRDWELL
Attorney at Law
457 East Broad Street
Cookeville, Tennessee 38501

Lot #1 (1.59 Acres) and #2 (1.60 Acres) Plat Book 3, Page 314, White County
Tax Map 049A; Grp B; Ctrl Map 049H; Parcel 026.00
Spring St N