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**ATTORNEY'S PRELIMINARY REPORT ON TITLE**

TO: **TAYS REALTY & AUCTION, LLC**  
RE: **Map 103, Parcels 30.00 and 37.00 in Cumberland County, Tennessee**

Based upon a personal examination of the public records for a period of thirty (30) years preceding the date of this certificate affecting the title to the real estate described on Exhibit "A" attached to this Attorney's Preliminary Report on title, the undersigned certifies to the above-named addressee that marketable fee simple title to the real property described on Exhibit "A" is vested in **James W. Smith and wife, Lucy Smith; Michael Scott Smith; Kendall Smith; Samantha Smith; Carrie Smith and a life estate interest held by Terry D. Smith**, by virtue of the instrument referenced in Exhibit "A" and subject to the matters appearing on Exhibit "B" and the following matters:

1. The lien of Cumberland County real property taxes for the year 2022, not yet due nor payable and subsequent years for Map 103, Parcel 30.00. 2021 taxes were paid January 10, 2022 in the amount of \$1,412.00 on Receipt #53722.
2. Pursuant to application for Greenbelt status at Book 1190, page 2415, Register's Office, Cumberland County, Tennessee, this property is subject to roll-back taxes under T.C.A. Section 67-5-1008 if it ceases to qualify under the Greenbelt status.
3. Right of way for Chestnut Hill Road.
4. Judgment Lien of record at Book 1447, page 1195, Register's Office, Cumberland County, Tennessee. (Samantha Smith)
5. Judgment of record at Book 1599, page 1978, Register's Office, Cumberland County, Tennessee. (Michael Smith) This exception may be removed with an affidavit to the effect that this lien does not apply to the vested Michael Smith.
6. State Tax Lien of record at Book 1585, page 137, Register's Office, Cumberland County, Tennessee. (Michael Smith) This exception may be removed with an affidavit to the effect that this lien does not apply to the vested Michael Smith.
7. Out-sale from James W. Smith, Tommy O. Smith, Terry D. Smith and Kendall Smith to Dora Smith, widow of Otis T. Smith, of record at Deed Book 245, page 646, Register's Office, Cumberland County, Tennessee.

This Certificate is dated as of the 16<sup>th</sup> day of May, 2022 at 8:00 A.M.

**LOONEY, LOONEY & CHADWELL, PLLC**

BY: \_\_\_\_\_

**Kenneth M. Chadwell, Attorney**

**EXHIBIT 1**

The following described tracts or parcels of land lying and being in the FOURTH CIVIL DISTRICT of Cumberland County, Tennessee, bounded and described as follows:

MAP 103, PARCELS 30.00 & 37.00

**PARCEL NO. 1:**

**TRACT NO. 1:** Beginning at a stone where the Kentucky Stock Road crosses the Center-Crossville Road near the Chestnut Hill School House; thence with the Kentucky Stock Road, South 30° West 69 poles to a stake in the original line of the Wyrick-Tanner land; thence with said line North 86° 45' West, 25 poles to a stake; thence North 30° East about 56 poles to a stake in the edge of the Center-Crossville Road; thence with said road to the beginning, containing 10 acres, more or less.

**TRACT NO. 2:** Beginning at a stone the Southeast corner of Willie Davenport's home place in the North line of Earl Oakes land; thence running South 86-3/4° East about 25 poles with Oakes line to a stone, Oakes Northeast corner, thence North 30 East 1020 feet to the North line of G. E. Harrison, Dorton-Wyrick-First National Bank tract; thence with said North line in a Westerly direction about 20 poles to the East line in a Westerly direction about 20 poles to the East line of Willie Davenport's home tract; thence in a Southerly direction with Davenport's East line to the beginning, containing by estimation 5 acres be the same more or less.

But this conveyance is made for the surface only and there is reserved the right to enter on said land and drill for or otherwise mine and remove any minerals found. Said minerals have heretofore been reserved by G. E. Harrison.

**TRACT NO. 3:** Beginning at a cross road at the Chestnut Hill School House, Davenport's Southeast corner; thence running with Davenport's East boundary line 55 poles to Earl Oakes North line; thence with Oakes line South 86-3/4° East about 11 poles to a stone; thence North 30° East parallel with Davenport's East boundary line to the road about 56 poles; thence with the road to the beginning, being a strip 11 poles wide fronting Davenport's residence, containing 3.8 acres, more or less.

HOWEVER, THERE IS HEREBY EXCLUDED from the above described tracts of land, the following parcel heretofore conveyed to Kendall Smith and wife, Linda Smith, of record in Deed Book 226, page 230, Register's Office, Cumberland County, Tennessee, bounded and described as follows:

"BEING a part of the O. T. Smith property located in the Fourth Civil District of Cumberland County, Tennessee. BEGINNING on a metal stake in the North property line of the Oaks property; thence North 33 degrees 45 minutes 19 seconds East 1000.14 feet to a metal stake; thence North 86 degrees 34 minutes 52 seconds East 200 feet to a metal stake; thence South 32 degrees 54 minutes 16

seconds West 1023.84 feet to a metal stake being the Northeast corner of the Oaks property; thence with the Oaks property line North 85 degrees 39 minutes 06 seconds West 200 feet to the point of BEGINNING. Containing 3.89 acres more or less."

SURFACE ONLY is hereby conveyed with reservation of the right to enter in or on said land and drill for or otherwise mine and remove any minerals found. Said minerals having heretofore been reserved by G. E. Harrison.

Parcel No.1 being a part of the same property conveyed to O. T. Smith and wife, Dora Smith, by virtue of a deed dated September 5, 1963, from Willie Davenport et ux., of record in Deed Book 63, Page 233-234, Register's Office, Cumberland County, Tennessee.

PARCEL NO. 2:

TRACT NO. 1: Beginning on a stone at the side of the road on a hillside; thence South 100 poles to a spotted oak, now down, with black oak and gum pointers on a hill; thence East 160 poles to a stake with black gum pointers in pine thicket branch; thence North 100 poles to a black oak; thence West 160 poles to the beginning and containing 100 acres, more or less.

TRACT NO. 2: Adjoining the tract hereinbefore described Beginning at a stone at the southwest corner of the first tract; thence North 88° 15' West 18 poles to a stone; thence North 3° East 100 poles to a stone; thence South 88° 15' East to a stone near a white pine; a corner of the first tract herein described; thence South 3° West with line of first tract herein described to the place of beginning and containing 11-1/4 acres, more or less.

However, there is excluded from this a 16 feet right-of-way, deeded by Walter Cardwell to G. L. Harrison and described in the Register's Office of Cumberland County, Tennessee, in Deed Book 44, Page 100.

There is also excluded from the operation hereof the easement of right-of-way heretofore granted to the Tennessee Valley Authority for the power line now already erected and in operation across the above described property.

Parcel No. 2 being the same property conveyed to Otis T. Smith, et ux., by warranty deed dated January 15, 1959, of record in Deed Book 53, Page 234-235, Register's Office, Cumberland County, Tennessee.

PARCEL NO. 3:

TRACT NO. 1: Beginning at J. A. Melton's southwest corner, a stone marked "X"; thence South 15° West 89.5 poles to a stone on the east bank of Barnes branch, black oak and maple pointers; thence South 88° 15' (east) 90 poles to a stone with two black oaks and one post oak as pointers; thence North 15° East 89.5 poles to a stone in J. S. Melton's line; thence North 88° 15' West with Meltons line to place of beginning, containing 50 acres, more or less, and being a part of the land known as the Elgin 1257 acre tract.

TRACT NO. 2: Beginning at the southwest corner of G. L. Harrison's tract, (a stone on east bank of Barnes branch), running thence South 24° East 17.5 poles to Richard Thompson's corner (stone with two white oak and one hickory pointers); thence South 87° and 30' East with Thompson line 99 poles to a stone with black oak pointer; thence north 15° East 106.7 poles to a stone in Melton's line; thence North 88° 15' West 20 poles with Melton's line to intersection of Melton and Harrison lines (stone with black oak pointer); thence South 15° West with Harrison line 89.5 poles to Harrison's southeast corner (stone with two black oak and one post oak pointers); thence North 88° and 15' West 90 poles with Harrison line to place of beginning, containing 22.3 acres, more or less.

TRACT NO. 3: Being a 16 foot right of way strip described in conveyance from Walter Cardwell and wife, \_\_\_\_\_ Cardwell dated June 17, 1952, to G. L. Harrison and of record in aforesaid record place in Deed Book \_\_\_\_\_, Page \_\_\_\_\_, Register's Office, Cumberland County, Tennessee.

Parcel No. 3 being the same property conveyed to O. T. Smith and wife, Dora Smith, by virtue of a deed dated December 15, 1964, from Dossie M. Lord, et ux., of record in Deed Book 66, Page 368-370, Register's Office, Cumberland County, Tennessee.

PARCEL NO. 4: Bounded substantially:  
on the North by county blacktopped Chestnut Hill Road and by lands of O. T. Smith and of Chester Teal;

on the East by lands of Hughs Centers heirs and of Clinton Henry;

on the West by lands of Cordell Davenport, of PPIT, and of Hiwassee Land Company;

More specifically described as:

Beginning at a stake in O. T. Smith's western boundary line where same intersects the southern edge of the right-of-way of the Chestnut Hill Road; and running thence, with said edge of right-of-way, South 58° West, 2.6 poles to a set stone marking the northernmost corner of a 10-acre tract, Mabel Harrison, et al. to Cordell Davenport, Deed Book 57, at Page 91;

thence, with a fence and with eastern boundary lines, first of said Davenport 10-acre tract and then of an 18-acre tract, PPIT to Cordell Davenport et ux., Deed Book 57, at Page 152, the following four courses and distances:

South 3° 15' West, 32.6 poles;

South 7° West 13 poles;

South 7° 45' West, 7.5 poles; and

South 3° West, 42.9 poles to a stone at a fence corner marking the southeastern corner of said 18-acre tract;

thence, with a new line of PPIT, South 14° West, crossing a drain at 49 poles, crossing another drain at 74 poles, crossing a branch flowing eastwardly at 129 poles, in all 174.6 poles to a set stone with white oak pointers in a northeastern boundary line of Hiwassee Land Company;

thence, with said Hiwassee line, South 57° East, 2.8 poles to an iron stake, a corner of Hiwassee Land Company;

thence, with another northeastern boundary line of Hiwassee Land Company, South 25° East, crossing a small branch at 49.5 poles, entering Barnes Branch at 50 poles, leaving Barnes Branch at 55 poles, passing Hiwassee Land Company corner at 279 poles, in all 309 poles to a set stone with white oak pointer;

thence, South 77° East, 48 poles to a set stone with hickory pointers marking the southernmost corner of the tract from which this conveyance is made;

thence, with an eastern boundary line of last said tract, North 4° East, crossing a drain at a rock quarry at 111 poles, passing a stone corner of Centers heirs at 182.7 poles, crossing a drain at 201 poles, passing a fence corner at 282.5 poles, continuing with a fence, in all 314.5 poles to a stone at a fence corner, a corner of lands now or formerly owned by Clinton Henry.

thence, with a fence on a northwestern boundary line of said Henry lands, North 35° East, crossing a branch at 13.5 poles, crossing another branch at 71 poles, in all 88.5 poles to a stone at a fence corner with red oak pointer marking the southeastern corner of a 50-acre tract, Mabel Harrison et al, to Chester Teal, et ux., Deed Book 54 at Page 466;

thence North 86° 30' West, first with the southern boundary line of said Teal tract, passing Teal's southwestern corner at 100 poles and continuing the same course with a southern boundary line of O. T. Smith, in all 200 poles to a stone with post oak pointer, a corner of said Smith lands;

thence, with said Smith's western boundary line the following four courses and distances;

North 22° West, 18 poles to a stone with maple pointers on the eastern bank of Barnes Branch;

North 16° East, 90.8 poles to a white oak in a fence corner;

North 85° 30' West, 17.9 poles to a stone with white oak pointers; and

North 4° 15' East, 54.5 poles to the beginning;

containing 354 acres, more or less; this conveyance, however, being by the boundary and not by the acre; and

being a part of Item C52 in the conveyance to Plateau Properties, Inc., Trustee of record in Deed Book 60, Page 67, et seq.

This conveyance is made subject to any and all existing easements and lawful rights-of-way, public roads and highways which may pass over, across or through the said land or any part of same.

Parcel No. 4 being the same property conveyed to O. T. Smith and wife, Dora May Smith, by virtue of a deed dated December 14, 1970, from Plateau Properties, Inc. of record in Deed Book 106, Page 431, Register's Office, Cumberland County, Tennessee.

All Parcels and Tracts being a part of the same property conveyed until James W. Smith, Tommy O. Smith, Terry D. Smith and Kendall Smith by Deed dated September 22, 1981 from Dora Smith, widow of Otis T. Smith, of record in Deed Book 243, Page 76, Register's Office, Cumberland County, Tennessee.

## **EXHIBIT "B"**

### (Additional Exceptions)

1. Any lien or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
2. The rights of parties in possession, encroachments, overlaps, overhangs, unrecorded easements, violated restrictions, boundary line disputes, or any matter not of record which would be disclosed by an accurate and certified transit survey and/or visual inspection of the premises. This certificate will not insure the acreage or area contained in a given tract nor the accuracy of location of boundary lines, nor the location or contiguity of the interior lines of any parcels making up such premises.
3. Easements, or claims of easements, not shown by the public records.
4. The rights of upper and lower riparian owners. The potential riparian rights, if any, are neither guaranteed nor certified.
5. Any instrument in the chain of title being a forgery or having been procured by fraud.
6. Any impropriety in the delivery of any deed in the chain of title.
7. The incompetence or minority of any person executing any instrument in the chain of title.
8. Lack of corporate capacity or the proper corporate authorization for the execution of any instrument in the chain of title executed by a corporation.
9. Any claim or ownership interest of undisclosed heirs and the omission by any such heirs of the execution of any instrument in the chain of title.
10. The effect of any laws, ordinances, governmental regulations, the power of eminent domain, or governmental exercise of the police power, that may affect the subject property.
11. Marital rights of any undisclosed spouse of any grantor executing instruments in the chain of title who did not join in the conveyance of the subject property.
12. Any federal litigation or bankruptcy proceedings affecting title to the subject property for which there is nothing of record in the Register's Office of the County where the land lies to indicate the pendency and/or status of such litigation or proceedings.
13. Subject to the proper indexing of all instruments in the chain of title in the Register's Office of the County where the land lies.
14. Any potential rollback taxes which may be imposed pursuant to the Agricultural, Forest and Open Space Land Act of 1976, codified at Tennessee Code Annotated §67-5-101, et seq.
15. All oil, gas, or other minerals that are, or may be, claimed by others.
16. Such state of facts and/or circumstances as may be known to the addressees of this Report on Title and their privies for whom this opinion is prepared which may be contrary to or inconsistent with the findings herein expressed, which facts and/or circumstances have not been made known to the undersigned.
17. The effects of the Subdivision Regulations of the Cumberland County Regional Planning Commission and Regional and Municipal Planning Statutes codified in Chapters 3 and 4 of Title 13 of the Tennessee Code Annotated, and any amendments thereto, upon or with regard to the subject real property, including, but not limited to, any loss, damages or claims arising from failure to comply to said regulations and statutes or failure to obtain authorization under said regulations and statutes for the subdivision of the real property or the division of the subject real property from a larger tract of property.