

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

GATEWAY FIVE, LLC)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:07-cv-249
)	(Phillips)
THE ESTATE OF MILLER S. PRICE,)	
MARK PRICE, Personal Representative,)	
ET AL,)	
)	
Defendants.)	

AGREED JUDGMENT

The undersigned parties have announced to the Court that they have reached terms for an agreed judgment prior to trial set in this cause. Judgment by Default has previously been entered (Doc. #86) against all other defendants binding them to any judgment entered by this Court. The terms of the agreed judgment are set forth below and having been approved by this court, IT IS ORDERED, ADJUDGED AND DECREED:

1. Any and all right, title, and interest in and to the property described on Exhibit A attached hereto and made a part hereof (the "Property") is hereby divested from Miller S. Price, deceased, the Estate of Miller S. Price (hereinafter "Estate") and Personal Representative, all of his heirs and the Testamentary Trust of Miller S. Price, and all remaining defendant creditors of the Estate, with said divestiture being effective nunc pro tunc from January 22, 1999, and said Property and all right, title and interest thereto are hereby vested in fee simple in Gateway Five, LLC nunc pro tunc from January 22, 1999, free and clear of all liens and encumbrances from that

date forward (including the judgment lien recorded in Book 1060, Page 55 and any claim/lien by the Internal Revenue Service for taxes of any type against the deceased and/or the Estate) however **remaining subject to** those liens and encumbrances in favor Citizens Bank & Trust Company of Grainger County, which are specifically set forth in paragraph 2.

2. The Property remains subject to the deed of trust from Gateway Five, LLC, et al. to Douglas R. Beier, Trustee for Citizens Bank & Trust Company of Grainger County, dated January 21, 2000 and recorded in book 736, page 440 in the Hamblen County Register of Deeds Office and any modifications to that deed of trust of record in the Hamblen County Register of Deeds office. The Property also remains subject to that assignment of rents and leases from Gateway Five, LLC to Citizens Bank and Trust Company of Grainger County, dated January 21, 2000 and of record in book 736, page 452 in the Hamblen County Register of Deeds Office.

3. The recording of a certified copy of this Order in the Hamblen County Register of Deeds Office shall serve as a muniment of title of the vesting of this property in Gateway Five, LLC as of January 22, 1999.

4. This agreed judgment constitutes full resolution and release of all claims of any type that exist or may have existed between the Plaintiff and any Defendants except for any note obligations owing from Gateway to Defendant Citizens Bank and Trust Company of Grainger County, which are not released and specifically excepted from this judgment. Within five days of entry of this judgment, Gateway shall pay Estate the sum of \$10,000. Gateway shall pay Estate the additional sum of \$31,000 on or before August 15, 2010. These terms constitute full and complete resolution, settlement and

general release of all claims of any type that exist or that may exist between Gateway and its members and all defendants (except for those defendants in paragraph 2 herein), whether said claims related to Property or arose from any other circumstances. Estate shall indemnify Gateway for and shall hold Gateway and its members harmless from any amounts claimed against Gateway by defendants.

5. Each party shall be responsible for their own attorney fees, costs and discretionary cost.

ENTER this 2nd day of MARCH, 2010.

Thomas H. Phillips

U.S. District Judge

APPROVED FOR ENTRY:

THE LAW OFFICE OF
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ST. PAUL TRAVELERS successor in
interest to Gulf Insurance Company

SMYTHE, PURYEAR &
ROBERTSON

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By: Paul Harmon *h DSD with written permission*
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EXHIBIT "A"

SITUATE in the Fifth (5th) Civil District of Hamblen County, Tennessee, to-wit:

BEGINNING at an old iron pin set in the eastern margin of the right of way of Southern Railroad corner with Lot 11 of the Wayne Wood Property; thence with the line of said Lot 11, North 75 deg. 51 min. 54 sec. East, 2250.94 feet to an old iron pin; thence South 11 deg. 37 min. 48 sec. East, 125.01 feet to an old iron pin; thence North 76 deg. 28 min. 11 sec. East, 756.70 feet to an old iron pin set in the western margin of the right of way of Sulphur Springs Road; thence with the western margin of the right of way of Sulphur Springs Road, South 14 deg. 58 min. 02 sec. East, 250 feet to an old iron pin corner with property of Long (Deed Book 417, page 65) which said iron pin lies 0.15 mile, more or less, from the intersection of Sulphur Springs Road and Highway 160; thence with the line of Long, South 76 deg. 28 min. 00 sec. West, 771.25 feet to an old iron pin; thence still with the line of Long, South 13 deg. 33 min. 00 sec. East, 310.38 feet to an old iron pin; thence still with the line of Long, South 66 deg. 14 min. 00 sec. West, 313.09 feet to a highway marker set in the northern margin of the right of way of U.S. Highway 160 Morristown By-Pass; thence with the northern margin of the right of way of U.S. Highway 160 the following five (5) calls and distances; North 69 deg. 39 min. 09 sec. West, 260.37 feet to a highway marker; thence North 88 deg. 51 min. 05 sec. West, 761.33 to a highway marker; thence North 53 deg. 36 min. 49 sec. West, 169.65 feet to a highway marker; thence North 84 deg. 40 min. 30 sec. West, 261.64 feet to a point; thence South 86 deg. 08 min. 19 sec. West, 621.46 feet to a point set in the eastern margin of the right of way of Southern Railroad; thence with the eastern margin of the right of way of Southern Railroad, North 14 deg. 14 min. 21 sec. West, 90.06 feet to the point of BEGINNING, containing 25.70 acres, more or less, according to survey of Murrell Weems, RLS, Tennessee No. 285, P.O. Box 304, Rogersville, TN 37857, dated September 5, 1997.

BEING the same property conveyed to Miller S. Price by Warranty Deed dated November 4, 1998, and recorded in Book 456, Page 127 in the Hamblen County Register of Deeds Office.

BEING part of Map 041, Parcels 045.12, 045.26 and 045.28.

THERE IS SPECIFICALLY less and excepted from the above-described property that parcel of property containing 1.204 acres, more or less, which was conveyed to the State of Tennessee by Warranty Deed dated August 2, 2000 and recorded in Official Records Book 758, page 452, in the Hamblen County Register of Deeds Office.

THERE IS ALSO SPECIFICALLY less and excepted from the above-described property that part of said property which was contained in the legal description of the property conveyed by Gateway Five, LLC and Miller S. Price to Lakeway Warehousing, LLC by Warranty Deed dated May 4, 2001 and recorded in Official Records Book 804, page 772, in the Hamblen County Register of Deeds Office.