

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

STOREY MOUNTAIN, LLC,)
Assignee of IBERIABANK,)
)
Plaintiff,)
)
v.)
)
MACIEL PROPERTIES, LIMITED)
LIABILITY COMPANY a/k/a MACIEL)
PROPERTIES, LLC, INTERNATIONAL)
PALLET, INC., MACIEL RECOVERY &)
RECYCLING, LLC, and MARTIN MACIEL)
SANCHEZ,)
)
Defendants.)

AF
No. 15-1319-I
D.C.M.
DAVIDSON CO. CHANCERY CT.
2021 NOV -2 PM 4:31
FILED

ORDER POSTPONING RULE 69 SHERIFF'S SALE

This matter came before the Court for hearing by videoconference on November 2, 2021, on Movant Irma Maciel's *Emergency Motion to Postpone Rule 69 Sheriff's Sale*,¹ pursuant to Rules 24.01 and 69.07 of the Tennessee Rules of Civil Procedure. Participating in the hearing were Attorney Ivannoel G. Dollar, representing Irma Maciel, and Attorney Matthew Murphy, representing Plaintiff Storey Mountain, LLC, assignee of IberiaBank.

On January 4, 2016, this Court entered an Order of Final Judgment, enrolling foreign judgments in favor of Plaintiff against Defendants Maciel Properties, LLC, International Pallet, Inc., Maciel Recovery & Recycling, LLC, and Martin Maciel Sanchez. On July 15, 2021, the Court granted Plaintiff's motion under Tenn. R. Civ. P. 69.07 to order a Sheriff's sale of a one-half interest in real property located at 5510 Country Drive, Nashville, Davidson County,

¹ Ms. Maciel also filed motions to intervene, to set aside order, and to dismiss enforcement of foreign judgment, but the Court only heard the emergency motion to postpone the Rule 69 Sheriff's Sale.

Tennessee (the “Property”) owned by Defendant Martin Maciel Sanchez. *See* July 15, 2021 Order. The Davidson County Sheriff’s sale was noticed for November 3, 2021 at 9:30 a.m.

On November 1, 2021, Irma Maciel filed her emergency motion to postpone the November 3, 2021 sale of the Property. As grounds for her motion, Ms. Maciel stated she owned an undivided one-half interest in the Property, had not received notice of the enrollment of the foreign judgment, and had not received actual notice of the sale at least twenty days prior to the sale. At the hearing, counsel for Ms. Maciel represented that Mr. Sanchez had transferred his one-half interest in the Property by warranty deed to Ms. Maciel on December 16, 2020, and she now owns the Property in its entirety.² Ms. Maciel asks the Court to postpone the Sheriff’s sale for up to six (6) months to allow time for her to protect her interest in the Property. Plaintiff opposed the motion on multiple grounds.

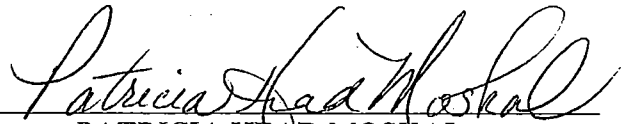
At the conclusion of the hearing, the Court found that the motion would be granted and the Sheriff’s sale postponed for thirty (30) days, provided that Ms. Maciel, through counsel, filed with the Court before 4:30 p.m. on November 2, 2021 (i) her reply with the attached copy of the December 16, 2020 warranty deed, and (ii) a notice containing Ms. Maciel’s current address. If the required items were not timely filed, the Court found that the motion would be denied. Ms. Maciel timely filed both required items with the Court.

It is, accordingly, ORDERED that the Irma Maciel’s *Emergency Motion to Postpone Rule 69 Sheriff’s Sale* is hereby GRANTED; and

It is FURTHER ORDERED that the Rule 69 Sheriff’s Sale of the Property scheduled for November 3, 2021 at 9:30 a.m. is hereby POSTPONED for thirty (30) days.

² Prior to the hearing, Ms. Maciel’s counsel attempted to file electronically a copy of the December 16, 2020 warranty deed attached as an exhibit to her reply to Plaintiff’s response, but as of the time of the hearing, the reply and warranty deed could not be accepted for filing.

All other matters are reserved.



PATRICIA HEAD MOSKAL
CHANCELLOR, PART I

CERTIFICATE OF SERVICE

I hereby certify that I am forwarding a true and exact copy of the foregoing via U.S. Mail, postage pre-paid, with a courtesy copy by email, to the parties or their counsel named below.

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With a courtesy copy to:

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Deputy Clerk & Master

11/2/21
Date