

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

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.)

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DAVIDSON COUNTY CHANCERY CT
Day, Co. Chancery Court
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Case No. 15-1319-I
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ORDER DIRECTING THE DAVIDSON COUNTY SHERIFF TO CONDUCT EXECUTION SALE OF MARTIN MACIEL SANCHEZ'S INTEREST IN REAL PROPERTY

This matter was noticed to be heard before this Court on July 16, 2021, upon the Motion of the Plaintiff, Storey Mountain, LLC, as assignee of IberiaBank, to Order a Sheriff's Sale of Real Property, pursuant to Rule 69.07(3) and (4) of the Tennessee Rules of Civil Procedure ("Motion"). Plaintiff moved the Court for an execution sale of Defendant Martin Maciel Sanchez's interest in real property located at 5510 Country Drive, #114, Nashville, Tennessee 37211 (the "Property"), to satisfy Plaintiff's Foreign Judgment of \$1,159,998.31, entered on August 25, 2015, in the Circuit Court of Shelby County, Alabama, and registered and entered as a final judgment in this Court on January 4, 2016. (P111)

There was no written response to the Motion filed by Defendant, and no person appeared at the hearing to contest the relief requested. Upon the Motion, and the entire record, the Court GRANTS the Motion and, accordingly,

IT IS ORDERED ADJUDGED, AND DECREED that, pursuant to Tennessee Rule of Civil Procedure 69.07(4), as well as Tenn. Code Ann. § 26-5-101, et. seq., the Davidson County

Sheriff is authorized and directed to conduct an Execution Sale (the "Sale") of Defendant Martin Maciel Sanchez's interest in certain real property known as 5510 Country Drive, #114, Nashville, Tennessee 37211. Defendant owns a one half interest as a tenant in common in the Property, pursuant to Warranty Deed of Record as Instrument Number 20090602-0050826, Register's Office for Davidson County (the "Deed"). Plaintiff claims a judgment lien on the Defendant's interest in the Property pursuant to Instrument Number 20160121-0006046, of record in said Register's office.

As recited in the Motion, a title search of the Property indicates that the following liens are attached to the Property:

- a. Davidson County ad valorem taxes to the Davidson County Trustee for 2020, which are a lien, and the 2021 taxes, which are a lien, but are not yet due and payable.
- b. First Lien Judgment in favor of Brent Goulet of record as Instrument Number 20140225-0015851; and
- c. Second Lien Foreign Judgment in favor of Plaintiff of record as Instrument Number 20160121-0006046.

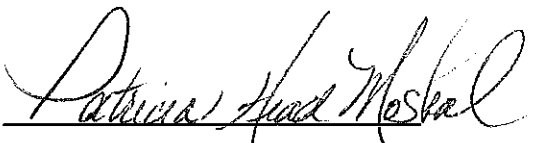
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, after submission of an execution form to the Chancery Court Clerk, the Clerk shall transmit the execution for processing to the Davidson County Sheriff. Plaintiff shall be responsible for preparing all sale documents and satisfying the requirements of Tenn. R. Civ. P. 69.07(4) and Tenn. Code Ann. §26-5-101, *et. seq.*, including preparation of the Notice of Sheriff's Sale, coordination of publication, and advancement of expenses (which shall be reimbursed first from any proceeds of

the Sale). In addition to those requirements contained at Tenn. Code Ann. §26-5-101, *et. seq.*, other terms of the Sale, as requested in the Motion, are:

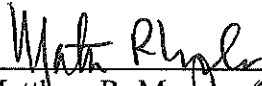
- (i) That the Property remains subject to the continuing priority of Davidson County ad valorem taxes to the Davidson County Trustee for 2020, which are a lien, and the 2021 taxes, which are a lien, but are not yet due and payable;
- (ii) That the Property remains subject to the First Lien Judgment in favor of Brent Goulet; and
- (iii) Per Tenn. Code Ann. § 66-8-101(2), this Court Orders that any Sheriff's sale of the Property be on credit terms of six (6) months with six (6) equal monthly installments of the purchase price for the Property to be paid to the Sheriff, if the purchaser so elects, and based on these offered credit terms, the Sheriff's sale to be ordered herein will specifically indicate that the Sheriff's sale will be in bar of any right of redemption of the Property upon confirmation of such Sheriff's sale.

After such Sale, Plaintiff shall move for an Order of this Court to confirm the sale that will direct the payment of the sale purchase price, the disbursement of proceeds, and this Sale will not be final until Court approval and recordation of a Sheriff's/Execution Deed. All interested parties, including Defendant and any parties holding a lien interest in the Property, shall receive notice of the Sale.

IT IS SO ORDERED.


Chancellor Patricia Head Moskal

APPROVED FOR ENTRY:



Matthew R. Murphy (TN Reg. No. 24627)
Smythe Huff & Murphy, PC
1222 16th Avenue South
Suite 301
Nashville, TN 37212
(615) 255-4849

Attorneys for Storey Mountian, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been placed in the U. S. mail, via regular and certified mail, postage pre-paid and properly addressed to:

Martin Maciel Sanchez
2936 Brook Highland Dr.
Birmingham, AL 35242

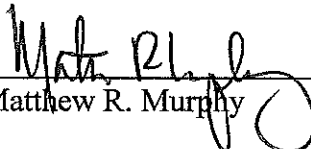
Martin Maciel Sanchez
5510 Country Dr.
#114
Nashville, TN 37211

Irma Maciel
2936 Brook Highland Dr.
Birmingham, AL 35242

J. Timothy Crenshaw
The 501 Union Building, Suite 701
P.O. Box 190676
Nashville, TN 37219

on this 15th day of July, 2021.

 **MAILED**
7/30/21 



Matthew R. Murphy