

TITLE OPINION

DATE: FEBRUARY 20, 2021
PROPERTY OWNER: HAROLD H. FREELS and wife, BETTY JO M. FREELS (a/k/a Betty Jo Freels Hartley)
PROPERTY ADDRESS: 5105 MOUNTAINCREST DRIVE, KNOXVILLE, TN 37918

The undersigned hereby certifies to **POWELL AUCTION & REALTY, 6729 Pleasant Ridge, Knoxville, Tennessee 37921**, that, based on personal examination of the public records of Anderson County, Tennessee, for a period of thirty years down to 8:30 A.M. on the date hereof, it is the opinion of the undersigned that, subject to the liens, encumbrances and other objections noted in Schedule B hereof, the marketable fee simple title in the real estate herein below described is vested in **HAROLD H. FREELS and wife, BETTY JO M. FREELS (a/k/a Betty Jo Freels Hartley)**.

SCHEDULE A

Description

SITUATED in the Seventh (formerly Second) Civil District of Knox County, Tennessee, and without the corporate limits of the City of Knoxville, Tennessee, and being known and designated as all of Lot 20 in HICKORY HEIGHTS UNIT NO. 2 ADDITION, as shown by Map of said Addition of record in Map Book 19, Page 22 (now Map Cabinet B, Slide 289-A), in the Register's Office of Knox County, Tennessee, said property having a frontage of 120 feet on the Northwestern side of Barbara Drive, and extending back in a Northwesterly direction therefrom between parallel lines 150 feet, said property being more particularly bounded and described as shown on the Map of said Addition aforesaid, to which Map reference is made for more particular description.

THIS CONVEYANCE is made, however, subject to the conditions, reservations, and restrictions, together with easements, applicable to subject property.

BEING the same property conveyed from Tom O. Kesterson and wife, Betty S. Kesterson, to Harold H. Freels and wife, Betty Jo M. Freels, by Warranty Deed dated June 11, 1953 and recorded on June 13, 1953 in Deed Book 919, Page 57 in the Register of Deeds Office for Knox County, Tennessee.

SCHEDULE B

Liens, Objections, Etc.

1. **TAXES:** The Knox County Taxes are paid through 2019. The 2020 Knox County taxes are due and payable in the amount of \$758.00. The 2021 Knox County taxes are accruing, but not yet due and payable.

Tax Parcel ID No. 049AF-020

2. **DEEDS OF TRUST, LIENS, etc.:**

I find none of record affecting the subject property.

3. **RESTRICTIONS:**

a. Subject to all applicable easements, restrictions and right of ways as shown of record in the Register of Deeds Office, Knox County, Tennessee, including without limitation, those recorded in Deed Book 889, Page 323, and as shown on the plat recorded in Map Cabinet B, Slide 289-A, but deleting restrictions, if any, indicating any preference, limitation or discrimination, based on race, color, religion, national origin, sex and handicap/disability.

4. **EASEMENTS:**

a. Subject to all applicable easements, restrictions and right of ways as shown of record in the Register of Deeds Office, Knox County, Tennessee, including without limitation, those recorded in Deed Book 889, Page 323, and as shown on the plat recorded in Map Cabinet B, Slide 289-A, but deleting restrictions, if any, indicating any preference, limitation or discrimination, based on race, color, religion, national origin, sex and handicap/disability.

5. OTHER EXCEPTIONS, OBJECTIONS, REMARKS OR REQUIREMENTS:

a. We are advised that record owner Harold H. Freels is deceased (Date of Death: December 14, 1969). An Affidavit should be obtained and recorded stating that Betty Jo M. Freels a/k/a Betty Jo Moore Hartley obtained title to subject property in Deed Book 919, Page 57 as surviving tenant by the entirety, there being no divorce or legal separation, and that there are no claims or state inheritance taxes due against the estate.

b. The subject property passes through the estate of Betty Jo Hartley (Date of Death: June 17, 2018), deceased, Knox County, Tennessee, Chancery Court, Probate Division, Probate Docket No. 81034-3. There is a will of record in Will Book 248, Page 38. The devisees are Patsy Moore Dennis, Harry E. Moore, James E. Moore, David W. Moore, and Elise B. Moore. The Administrator CTA is Carolyn Smith. The Administrator CTA can sell and convey real property pursuant to Article VII of the Will. The time for filing claims of creditors has expired. The following two creditor claims were filed and are not released: (1) Rose Mortuary, Inc., in the amount of \$9,069.53; and (2) Senior Citizens Home Assistance Service, Inc., in the amount of \$3,595.75. There is no claim or release from the State of Tennessee, Bureau of TennCare. All net proceeds must be held in escrow until a release is obtained from the Bureau of TennCare.

DISCLAIMERS:

a. This Report of Title does not make any representation with regard to (A) any parties in possession; (B) deficiencies in quantities of land; (C) boundary line disputes; (D) roadways; (E) any unrecorded easements; (F) any unrecorded liens; (G) accuracy of the index books of the Register of Deed's Office for the County in which the property is situate; (H) any matter not of public record which would be disclosed by an accurate survey or inspection of the premises; (I) any undisclosed heirs; (J) any fraud or forgery in connection with any of the instruments of the chain of title; (K) mental incompetence; (L) confusion with regard to the name or proper identity of parties; (M) improprieties with regard to the delivery of any deed; (N) marital rights - spouse or former spouse of past owners not revealed in the instrument; (O) any instrument executed by a minor; (P) lack of corporate capacity in the event a corporation is in the chain of title; (Q) mineral and/or mineral related rights; and (R) rights of any parties or persons under any other unrecorded deeds, mortgages, or other instruments of whatsoever type or nature.

b. The items listed under the preceding paragraph are matters which would not be revealed by an examination of the records in the Register of Deed's Office for the county in which the property is situate, and, therefore, matters in which we have no means of securing the necessary information. The matters under (A), (B), (C), (D), and (E) could be protected against by an accurate survey by a qualified licensed surveyor. Item (F) unrecorded liens, could be guarded against by inspection of the premises for newer improvements, and if such appear to have been present, the utilization of the notice of completion and expiration of the waiting period as per Tennessee Code Annotated Section 66-11-143. The remaining items listed under the preceding paragraph number, (G) through (R), may be insured against by the utilization of title insurance, and should you desire more information in that regard, we would be pleased to discuss same with you and our position, if you desire, to arrange for title insurance to be secured.

c. This Report of Title is intended for the exclusive use of **POWELL AUCTION & REALTY, 6729 Pleasant Ridge, Knoxville, Tennessee 37921**, and makes no warranties, express or implied, to any other bank, corporation, group, person, or persons, for any purpose whatsoever.

d. This Certificate of Title does not warrant against any claims known or unknown arising at any time as a result of the presence of toxic or hazardous substances or pollutants of any kind upon, within, or under the surface of said property, including prior usage as a "dump site" or as a landfill in whole or in part, nor does this Certificate of Title warrant against any claims known or unknown arising at any time as a result of violation of any Federal or State laws or regulations, including "the Superfund" regulations, concerning environmental hazardous waste or toxic waste or substances or other pollutants and the regulation thereof.


PHILIP R. CRYE, JR.

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