

Comments on September 13 MPC agenda items, received from September 8 through September 12

Item 4: 2018SP-050-001 – 6280 New Hope Road

From: Carol Schmooock [mailto:carol.schmooock@gmail.com]
Sent: Sunday, September 09, 2018 8:52 AM
To: Rickoff, Abbie (Planning)
Cc: Glover, Steve (Council Member)
Subject: Rezoning hearing for 6280 New Hope Road

Ms Abbie Rickoff:

As a homeowner on Myra Drive, just off North New Hope Road, I want to share my opposition to the proposed rezoning and site plan for 6280 North New Hope. I listened to the developer at a community meeting last week, and I am very concerned about the proposed density for this project. The developer claimed that the proposed density is no greater than in two other developments in the area. If that is true (and I am not convinced it is), it is also true that those two developments are not typical of the homes and lots up and down North New Hope Road (and Old Lebanon Dirt Road)--both of which have many single family homes on much larger lots.

I am not opposed to development on North New Hope Road, but I am opposed to this particular development as proposed. I am most concerned about the proposed density and the resulting traffic which North New Hope Road (without shoulders and curbs) is simply not engineered to handle. The 10-acre parcel of land proposed for this development could possibly accommodate 10-20 homes, but not 55, and should be rezoned accordingly.

Thank you for your consideration of my concerns.

Carol Schmooock, 4832 Myra Drive

From: Oleg Volk [mailto:olegvolk@gmail.com]
Sent: Monday, September 10, 2018 9:01 PM
To: Rickoff, Abbie (Planning)
Cc: Glenn Bellamy; will.wainright@gmail.com; sparkyk4005@comcast.net; andrewlorimorris@comcast.net; Erin Evans; sidneyforesterbennett@gmail.com; T Volk; Amie Gibbons; Tatyana Volk
Subject: Notes on the upcoming re-zoning hearing 2018SP-050-001

Dear Ms.Rickoff,

I would like to make a formal request for delaying the zoning hearing scheduled for September 13 because the developed failed to notify the affected neighbors in time. The mailed notices arrived only on September 4, while the signs posted in several places around the property bear misleading date of August 25 and have not been updated. The delay is necessary for the neighborhood committees to produce substantive responses to the information, some of it incorrect, that's been provided by the developer.

In sum, the proposed development is incompatible with the existing character of the surrounding neighborhoods, would decrease the quality of life and the property values for its neighbors. Several detailed explanations are already on file, and many more are coming. The response from the developer has been disingenuous, including such disdirections as counting drainage pond and community lawn towards individual lot area, making no attempt to address the massive increase in the traffic inside Chesney Glen neighborhood or the considerable loss of privacy for the residents of the same. We would like to be able to address all these issues in a reasonable, substantive and un-rushed manner.

Given the imminence of scheduled meeting, your prompt response on delaying it would be greatly appreciated.

Sincerely,

Oleg Volk

615.364.5243

3112 Chambley Ct, Hermtiage TN

https://www.nashville.gov/Portals/0/SiteContent/MetroClerk/docs/boards-commissions/rules/planning_rules2.pdf Page 11 #C3

For all public hearings on zone change proposals, **at least thirteen (13) calendar days prior** to the public hearing, notice of public hearing **shall be mailed** to owners of nearby properties within distances established in Section 17.40.720 of the Metropolitan Code, and shall be e-mailed to associations and individuals that have registered with the Planning Department to receive e-notice of zone change proposals.

From: Tim Weeks [mailto:timweeks@att.net]
Sent: Monday, September 10, 2018 9:15 PM
To: Kempf, Lucy (Planning)
Cc: Planning Commissioners; Glover, Steve (Council Member)
Subject: 2018SP-050-001

Ms. Kempf & Commissioners,

We ask that you defer the development, case 2018SP-050-001, for at least one meeting. The planning report just came out last Friday and we are just now gathering information needed to organize neighbors who would like to address the public hearing.

Tim Weeks
President
Donelson Hermitage Neighborhood Association
6101 Hagars Grove Pass
Hermitage 37076
615-293-8178

From: Erin Evans [mailto:erinlucasevans@gmail.com]
Sent: Tuesday, September 11, 2018 1:46 PM
To: Planning Commissioners; Glover, Steve (Council Member)
Subject: Request for Deferral: Case #: 2018SP-050-001 (6280 N. New Hope Road)

Dear Planning Commissioners & Councilman Glover:

I'm writing to request that Case # 2018SP-050-001 be removed from the tentative agenda on Thursday 9/13 and deferred for one meeting.

I attended the September 4th community meeting about the development as a representative of the Donelson Hermitage Neighborhood Association (DHNA).

While the developer's representatives shared the rationale behind the proposed plan, there were many area residents who were hearing this information for the first time. A number of them had extensive questions about all facets of the project.

The planning staff report was available on Friday, September 7th. From my perspective additional community conversation should take place in advance of this appearing on the planning commission's agenda.

I respectfully request that this case be deferred to give the community more time to get their questions answered and concerns addressed.

Thank you!
Erin Evans

5109 Vineyard Point

Hermitage, TN

From: Tammy Glass [mailto:glasst@holyrosary.edu]

Sent: Tuesday, September 11, 2018 1:50 PM

To: Glover, Steve (Council Member); Planning Commissioners

Subject: RE: Proposed Development, 6280 North New Hope Road. Case #: 2018SP-050-001

Dear Councilman Glover and Metro Planning Commissioners:

My address is 6297 N. New Hope Road.

I am writing to request that the Planning Commission defer agenda item 2018SP-050-001 currently scheduled for the 9/13 meeting.

This development was only recently brought to our community's attention. We had our first community meeting about it on September 4th, and the planning commission report was published on 9/7.

Considering the lack of information previously shared, the community feels strongly that we need more time to get our questions answered and concerns addressed.

I respectfully request that 2018SP-050-001 be deferred until the community can have further discussion about this proposal.

Sincerely,

Steve and Tammy Glass

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Tammy Glass

First Grade Teacher

Holy Rosary Academy

M.A.T., M.Ed.

Licensed Reading Specialist

From: Wayne Scharber [mailto:waynesch48@gmail.com]
Sent: Tuesday, September 11, 2018 2:25 PM
To: Planning Commissioners; Glover, Steve (Council Member)
Subject: 2018SP-050-001 6285 N. New Hope Road zoning

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Dear Councilman Glover and Metro Planning Commissioners:

My address is 6285 N. New Hope Road and I am a resident directly across North New Hope Road from this property. My wife, Faye, and I have lived here for 39 years on our five acres.

I am writing to request that the Planning Commission defer agenda item 2018SP-050-001 currently scheduled for the [9/13](#) meeting.

This development was only recently brought to our community's attention. We had our first community meeting about it on September 4th, and the planning commission report was published on 9/7.

Considering the lack of information previously shared, the community feels strongly that we need more time to get our questions answered and concerns addressed.

I respectfully request that 2018SP-050-001 be deferred until the community can have further discussion about this proposal.

Sincerely,

Wayne K. Scharber & Faye B. Scharber

From: Oleg Volk [mailto:olegvolk@gmail.com]
Sent: Tuesday, September 11, 2018 3:23 PM
To: Planning Commissioners; Glover, Steve (Council Member)
Cc: Glenn Bellamy
Subject: Request for the delay of the the upcoming re-zoning hearing 2018SP-050-001

Dear commission members and Mr.Glover,

I would like to make a formal request for delaying the zoning hearing scheduled for September 13 because the developed failed to notify the affected neighbors in time. The mailed notices were mailed after the cut-off date required by 17.40.720 and arrived only on September 4, while the signs posted in several places around the property bear misleading date of August 25 and have not been updated at all. The delay is necessary for the neighborhood committees to produce substantive responses to the information, some of it incorrect, that's been provided by the developer.

Given the imminence of scheduled meeting, your prompt response on delaying it would be greatly appreciated.

Sincerely,

Oleg Volk

615.364.5243

3112 Chambley Ct, Hermtiage TN

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For all public hearings on zone change proposals, **at least thirteen (13) calendar days prior** to the public hearing, notice of public hearing **shall be mailed** to owners of nearby properties within distances established in Section 17.40.720 of the Metropolitan Code, and shall be e-mailed to associations and individuals that have registered with the Planning Department to receive e-notice of zone change proposals.

From: Wayne Scharber [mailto:waynesch48@gmail.com]
Sent: Tuesday, September 11, 2018 3:37 PM
To: Planning Commissioners; Glover, Steve (Council Member)
Cc: deedewitt@comcast.net
Subject: 2018SP-050-001 6280N.New Hope Road zoning

Dear Councilman Glover and Metro Planning Commissioners:

My next door neighbor, Delores Dewitt at 6277 N. New Hope Road, has requested me to send this letter in her behalf. She is a resident directly across North New Hope Road from this property.

I am writing to request that the Planning Commission defer agenda item 2018SP-050-001 currently scheduled for the [9/13](#) meeting.

This development was only recently brought to our community's attention. We had our first community meeting about it on September 4th, and the planning commission report was published on 9/7.

Considering the lack of information previously shared, the community feels strongly that we need more time to get our questions answered and concerns addressed.

I respectfully request that 2018SP-050-001 be deferred until the community can have further discussion about this proposal.

Sincerely,

Wayne Scharber for Delores Dewitt

From: Anton Visser [mailto:visseraj@gmail.com]
Sent: Wednesday, September 12, 2018 8:20 AM
To: Planning Commissioners; Glover, Steve (Council Member)
Subject: Please delay 2018SP-050-001

Dear Councilman Glover and Metro Planning Commissioners:

My address is 1008 Grasshopper Ct, Hermitage and I am a resident of New Hope Meadows. I am writing to request that the Planning Commission defer agenda item 2018SP-050-001 currently scheduled for the 9/13 meeting.

This development was only recently brought to our community's attention. We had our first community meeting about it on September 4th, and the planning commission report was published on 9/7.

Considering the lack of information previously shared, the community feels strongly that we need more time to get our questions answered and concerns addressed.

I respectfully request that 2018SP-050-001 be deferred until the community can have further discussion about this proposal.

Sincerely,

Anton Visser

From: CINDY BAETKE [mailto:csbaetke@comcast.net]
Sent: Wednesday, September 12, 2018 10:18 AM
To: Planning Commissioners
Subject: N New Hope Development

We oppose to the the North New Hope Development.

From: Wayne Scharber [mailto:wayne.scharber2@comcast.net]
Sent: Wednesday, September 12, 2018 11:32 AM
To: Planning Commissioners
Cc: Rickoff, Abbie (Planning)
Subject: Agenda item # 4 Case 2018SP-050-001

RE: Case 2018SP-050-001
6280 NEW HOPE ROAD
Map 087, Parcel(s) 011
Subarea 14, Donelson-Hermitage (2004)
Council District 12 (Steve Glover)

Mr. Chairman Akins, Vice-Chair Farr and members of the Commission.

I am Wayne Scharber. My wife, Faye and I live at 6285 North New Hope Road on a five acre lot. We have owned it for 40 years and we built the house and have lived here for 39 years. Our house has a footprint of 2252 square feet.

I want to point out some facts concerning the proposed design of this zoning request.

My FIRST CONCERN regards the Nashville Next Plan. As stated in the Plan, the most pressing issues are (1) to preserve neighborhoods while building housing close to transit and jobs. The nearest transit (train station & bus) and jobs are one and a half or two miles away and no route there--- Old Lebanon Dirt Road or Central Pike are not equipped with any safe area for walking or biking. And the second issue is protecting rural character and natural resources. The existing rural character has five acre lots with estate type homes and some larger areas with trees and secluded homes. The adjoining subdivision of Chesney Glen has lots which range from 4790 to 8712 square feet, most are about 4800 to 5000. The Cobblestone subdivision across New Hope Road down Landings Way has lot sizes which range from 9147 to 64,033 square feet, most are about 9000 to 10,000. This proposed development on the north end does not provide any semblance of protecting the rural character or the natural resources of existing healthy trees. The transition is extremely abrupt --- 2500 square feet lots! In fact in the Preliminary Design Plan some lots do not provide that, however, as Abbie Rickoff, Commission staff reviewer, has noted in her report all lots will have to be a minimum of 2500 square feet.

My request is that the project be redesigned to have the lots on the north end of project be a minimum of 5000 square feet, just as all the lots are on the south end of the project. To further provide a more acceptable transition consider some one and a half or two story units. These considerations would provide a better transition to the one and two story bricked homes on Cobblestone and New Hope Meadows and to the homes across the road on North New Hope Road.

Also, at the hearing on Thursday I would like to address the Commission about some other concerns which could make the project more acceptable for the community.

Sincerely,

Wayne K Scharber

From: Sidney Bennett [mailto:sidneyforesterbennett@gmail.com]
Sent: Wednesday, September 12, 2018 12:12 PM
To: Planning Commissioners
Subject: RE: Case 2018SP-050-001 6280 NEW HOPE ROAD Map 087, Parcel(s) 011 Subarea 14, Donelson-Hermitage (2004) Council District 12 (Steve Glover)

My name is Sidney Bennett, I own a home with my husband at 1116 Mistletoe circle, in New Hope Meadows subdivision. We built this home in 1990, and moved in in July of that year.

I am opposed to the SP that is planned on N. New Hope for a variety of reasons, and I would like to address the commission on those at the hearing tomorrow.

As I know I have only 2 minutes, I will address the two most concerning aspects of this project, safety and conformity with existing subdivisions.

I have never spoken against any other development on N. New Hope in the 28 years I've lived here. Ours was the first development on the road. But as others have been added nothing has been done to improve the infrastructure in this area. Other than a turn lane for 2 of the other newer developments. N. Newhope Rd. is simply an old country road that has been blacktopped and really nothing else is been done to it in my lifetime. Each end deadends into another road, and almost nothing has been done to them in my lifetime and I'm 61. I grew up in Old Hickory and I'm very familiar with these roads. Every morning I leave at 6:45 to pick my grandson and I sit at the corner of N. New Hope and Old Lebanon Dirt Road to turn left. Usually at that hour there are 3-4 cars backed up to turn left. Then I wait to turn at the end of old Lebanon Dirt and Andrew Jackson. There is a light there and I sit through two lights to get out. At least Andrew Jackson is 4 lane at that intersection now. Coming back I come through Central Pike, at about 7:50 A.M. and traffic is usually backed up on Central Pike for one mile. I've measured it. Turning in on N New Hope I see traffic backed up trying to get out into central pike for a quarter mile. If you add 100 more cars to this it will be a complete gridlock. We do not have the infrastructure to handle it.

Additionally the neighborhood of Chesney Glenn has no entrance currently onto N. New Hope. This proposed one which means even more cars from that neighborhood cutting through to access N. New Hope.

In addition N. New Hope has been deemed a dangerous road. Two deaths from crashes have occurred in the very spot that the developers want to put the entrance to the subdivision. A turn lane will not change the topography of the road.

Our homes in New Hope are on roughly a third of an acre lots. Cobblestone Lansing's are a bit smaller, but they and Aaron's Cress and New Hope Estates are all roughly the same. While Farmingham Woods lots are smaller and Chesney Glens are smaller they are NOTHING like this. What is proposed is houses with really no front or back yards, and a set back of 5 feet which does not conform to anything like what we have in this area. It is not in keeping with the type of houses we have in the area.

We all understand that there will be houses built on this narrow strip but a neighborhood of 12-15 houses would be far more in keeping with the existing lots. And it would not add to the traffic the way 55 houses will.

Please reject this SP and let us work together to create one that we can all live with.

Respectfully,

Sidney Bennett
1116 Mistletoe Circle
Hermitage TN
37076

Item 6: 2018S-117-001 – 3700 Woodlawn Subdivision

From: Inez Pennington [mailto:zenipenn@gmail.com]

Sent: Wednesday, September 12, 2018 11:55 AM

To: Planning Commissioners

Cc: planningstaff@nashville.com

Subject: Regarding Project # 2018S-117-001, 3700 Woodlawn Drive, aka the Pennington Property

I have been advised repeatedly,

"Neighbors are always against change, and the Planning Commission knows that. They will see beyond it, and rule on the zoning."

"Just disregard the untrue and hurtful statements circulated by those few vocal neighbors. They're not relevant."

"Even if they have been sadly misinformed about zoning laws, their emotional outcries and outright fabrication of facts don't matter."

"This is a legal issue, not a matter of opinion."

But, apparently the same few people can write numerous letters to you and speak at multiple hearings, fabricating facts to suit their "no change" agenda and pouring out emotional pleas to save the neighborhood from mass destruction - and after enough repetitions, eventually their words begin to sound like the truth. But they're not.

And apparently, their loud voices DO have a negative effect on opinions about our new proposed plan, even though the Planning Department Staff has carefully examined all aspects of it and recommended Approval.

There is obviously still some confusion about the difference between the plan that was previously disapproved, and this new plan that has been recommended for Approval. The old plan did not meet the strict "**(Lot Size) Compatibility**" formula, which is an actual mathematical computation involving a specifically prescribed number of lots on either side of the proposed development.

"Compatibility" has a very narrow scope. The only reason the first plan didn't meet the compatibility requirements is that we were trying to make the existing stand-alone vacant lot larger than it already is, so it would look nicer from the street. But we shouldn't have bothered to make that effort to appease the neighborhood faction, because they will never be happy with any change to the look of this land that has stood unchanged since anyone alive can remember.

That small vacant lot has been eligible for building, just as it is - for over 45 years. It does not have to meet the new compatibility requirements. By simply removing this grandfathered lot from our application, we were able to make the other lot fronting Woodlawn only slightly larger, to easily meet the strict compatibility requirements. There are no hidden evil intents here for future development, despite what a handful of neighbors might possibly imagine in their fear of the unknown. As we have explained to the neighbors, that lot will get a building on it, whether we or the next owner do it - just as it was intended so many years ago when my Uncle wanted to build on it & live next to us.

We are the last to develop in the area, and we are being made to pay for all of the other things that have made anyone unhappy. Unlike all who have gone before us, we were not going to get a single concession from anyone. We were trying to re-plat to make nice, but it backfired in our faces like all of the other efforts we have made toward appeasing these folks - they can't be appeased. They can't give and take - they want no change at all. But that is unrealistic.

All that changed was the math - the math that was already there to start with. Our feet are being held to the fire, and we're still here. As I will clarify, there was a misunderstanding when our "old" plan proposal was voted down. Please have another look at the issues.

As stated by the Metro Planning Department in the report of their findings for the Meeting of 4/12/18:

"The Applicant requests approval under Section 3-5.2 of the Subdivision Regulations, which states that if a proposed subdivision fails to meet the compatibility criteria, the Planning Commission may grant an exception to the Compatibility requirement by considering whether the subdivision can provide for the **harmonious development of the community**".

So at this point, the Commission still had the power to Approve the Old Plan on the basis that it was **"harmonious with the community"** even though it did not meet the strict mathematical formula for **"compatibility" of lot size with the immediately adjacent parcels on the same block face**. This proves that Compatibility is a different issue from Harmony/Character, because a plan can flunk Compatibility and still pass on Harmony. Harmony is judged by taking a wider view of the community, rather than a close-up of a portion of a block face.

At the most recent Commission meeting, when asked about the difference between the two plans the Staff representative briefly explained this, but it was late into the evening, everyone was tired, and this is confusing even on a good day. Because admittedly, in our everyday language, "Compatibility" and being "in Character with" or "Harmonious with" do all seem like they should be interchangeable. But they are not in this particular application, and the difference is absolutely key to understanding everything.

All of the emotional outcry about "Character/Harmony" with the Community should have been considered totally immaterial, because the Planning Commission had *already ruled that this zoning section of Woodlawn was harmonious with both R20 and RS20 zoning (which allows for slightly-smaller-than half-acre lots)* just two years ago in **September 2016** when they changed the zoning from R20 to RS20.

And I quote from that official document:

GREENHILLS - MIDTOWN COMMUNITY PLAN

T3 Suburban Neighborhood Maintenance (T3-NM) is intended to preserve the general character of developed suburban neighborhoods. T3 NM areas will experience some change over time, **primarily when buildings are expanded or replaced. When this occurs,** efforts should be made to retain the existing character of the neighborhood. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with the Policy?

Both the existing R20 zoning district and the proposed RS20 zoning district are consistent with the T3-NM policy. The policy can support single-family, two-family as well as multi-family residential units. **The intent of the policy is to ensure that established residential areas develop in a manner consistent with the overall development pattern.** The policy does recognize that some change will occur over time, **but any change should not disrupt the overall development pattern."**

The Commission's ruling is very clear. However, none of the sections highlighted in yellow above were quoted in Ms. Glenda "Bell" Newton's email to the Commission dated August 20, 2018 or in her personal appearances at Commission meetings, where she cites the **T3-NM section of the Community Character Manual** as authoritatively proving her point that our

plan "deviates from every tenet in the T3-NM description and is the main reason you should vote to disapprove the request". That main reason falls apart right here.

When you review the important pieces highlighted in yellow, you can see her sizable omission of all that wording definitely changes the meaning of the entire section, and speaks volumes as to how a number of innocent neighbors have been incited to indignant rage about our development plans.

And it's no mystery how the larger "harmonious with the community" discussion was narrowed to include just the "surrounding development pattern" *of this one part of one block of one street*, which can't possibly be anyone's idea of how to interpret the words "**community**" or "**neighborhood**" or especially the twice-repeated-for-emphasis phrase, "**overall development pattern**".

In her same email to the Commission dated August 20, 2018 Ms. Newton states that one of the most important reasons she chose to buy her home on Woodlawn was the beautiful "estate" lots, and that ***the goal of all is to try to keep these large lots intact.*** *And I quote her exactly, "Woodlawn neighbors went to great lengths two years ago and with the help of our Councilwoman, Kathleen Murphy, we were successful in downzoning to make sure the above stated goal was met."* and she goes on to say, *"We do not want small yards" and "Had we wanted this character makeup, we would have purchased homes somewhere other than the Woodlawn "estate" neighborhood."*

Again, Ms. Newton feels comfortable being purposefully misleading, as she herself herself lives on a barely larger than half-acre lot, several blocks away from the section in question - not on an estate lot at all. Would she try to convince us that she bought her current (small) lot on Woodlawn so she could drive to the other end of the street & look at someone else's property? It sounds like that is how she feels about our vacant land. She is also attempting to mislead the Commission and anyone else who will listen, that the Commission changed the zoning to prevent **any** division of these large lots. But it is obvious that in going from R20 to RS20, the Commission did NOT change the size of lots allowed, but only disallowed duplexes by adding the "S" designation for Single family homes. The math stayed the same.

So, even though *this official ruling from the Planning Commission clearly states that this very same section of Woodlawn is "in character" with R20 and RS20 zoning (which allows lots just smaller than a half-acre)*, either someone led these few people to believe they had successfully changed the SIZE of the lots allowed, in order to only allow "Estate Lots" like the few along this section, or one of these few people fabricated this. Because anyone who is even vaguely paying attention can see that 20 = 20. This misinformation about lot size change was so widely circulated that many were convinced that we were outrageously "breaking the law" by requesting this conservative development plan.

And to clarify, despite repeated claims otherwise, even since the most recent meeting - both of our plans were reviewed by the same Planning Staff member, Abbie Rickoff. There has been no change of horses in midstream.

These same few neighbors are trying to overrule the Commission and illegally down-zone this section to be more like RS50 or RS75. It is this bullying behavior of a small, intent group that has prevented more neighbors from coming forward in defense of our development. They have told us privately that they fear recrimination from these vindictive few who pretend that they represent the entire neighborhood.

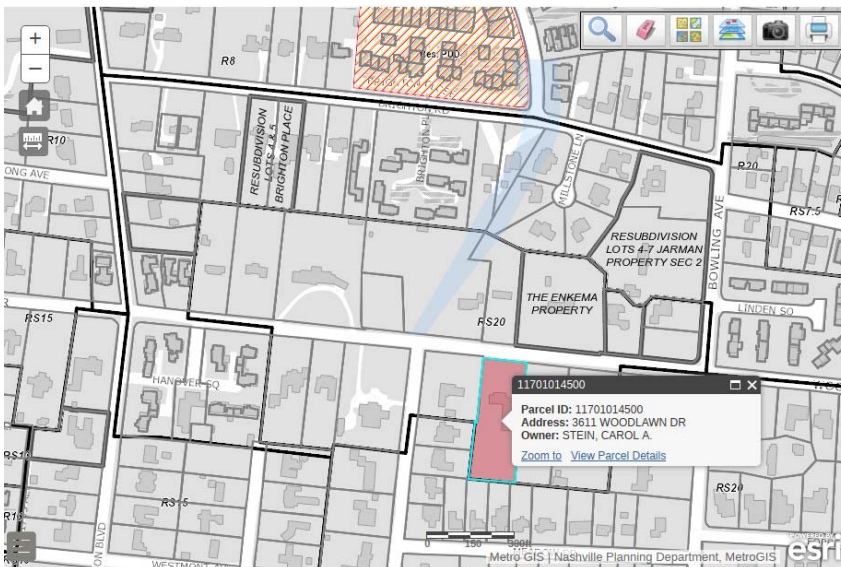
I am not a confrontational person, and it makes me nervous to speak in front of a crowd, but in the 1.5 minutes allotted to me I should have been tougher on these few repeat offenders at the last Commission meeting. Glenda "Bell" Newton freely "bends" the facts to suit her agenda, and Rob Stein has been congratulated by some members of the mailing list for providing laughable entertainment; saying "he just makes stuff up."

Mr. Stein has repeatedly complained that our plan "double stacks" lots, and sweepingly stating to all who will listen, "nowhere along Woodlawn from Compton to Estes" which he later had to change to "nowhere along this block" which he has now modified to "nowhere in this designated section", does that kind of stacking exist". Because there are FOUR different instances of it within our very block, all of which were previously developed under R20 (Low-Medium Density Residential,

same lot size as the current law on our property), and therefore did not need to be included in the very small grouping of lots recently downzoned to single family, to which Stein refers.

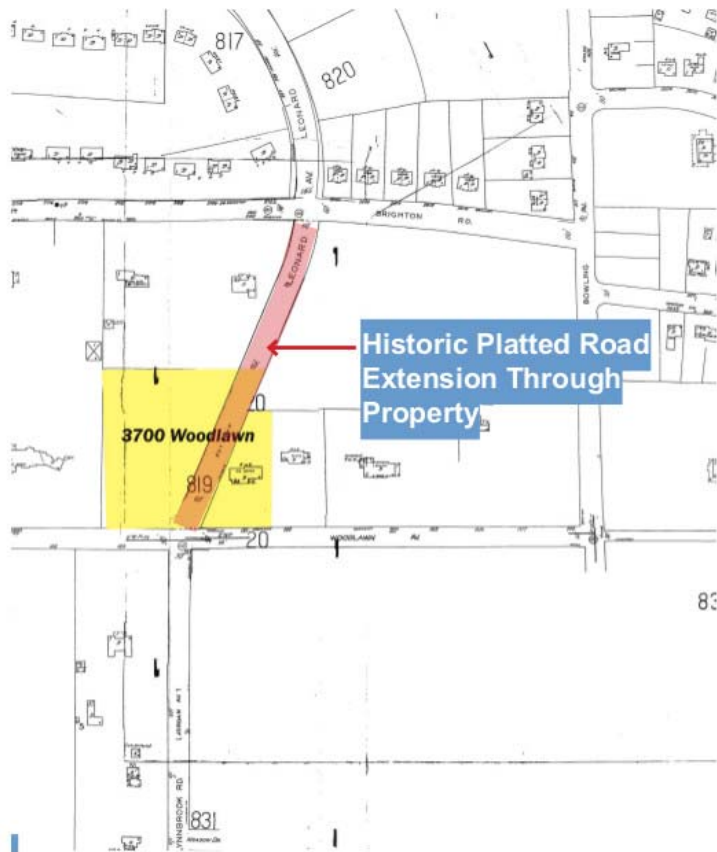
The most notable example of layered homes within our block is Hanover Square, at the SE corner of Woodlawn and Wilson, on a lot which originally faced Woodlawn. It was owned by the Cummings family and was very similar in size to our two combined tracts, about 3.5 acres. Developed in 1979, there are now 11 homes on the property (including the original home, built in 1909). These 11 homes are accessed by a new road cut off of Woodlawn with a circular "bulb" shaped road, called Hanover Place. Please note that this is *more than double* the density we are proposing, because R20 allows duplexes. It is for this very reason that our properties were down-zoned, to exclude duplexes. Yet these few neighbors lump us all together as criminals. If Hanover Square had disallowed duplexes the same as ours is now, it would still have 7 homes (on 7 lots, within the designated Harmonious RS20 lot size).

And if we use Mr. Stein's definition of "stacking" to mean "layering" of homes on a deep lot even if they are proposed to face a different street, then he has "Triple Stacking" all along the western side boundary of his own narrow, deep lot. The home next to his (owned by Dennis and Dianne Sussman, who both spoke against us at the last meeting), located at the corner of Lynnbrook Road and Woodlawn, is on a lot only HALF the depth of Mr. Stein's lot. And just behind Sussman's half-depth lot on the corner, turned to face the smaller road, are two homes that "Stack" right up to Stein's property. When you look at all three of these lots together, they square up to equal the "historical" depth of Stein's single lot. Yet he is not using these homes as an example of having negative impact on the value of his property, nor is he complaining of the view:

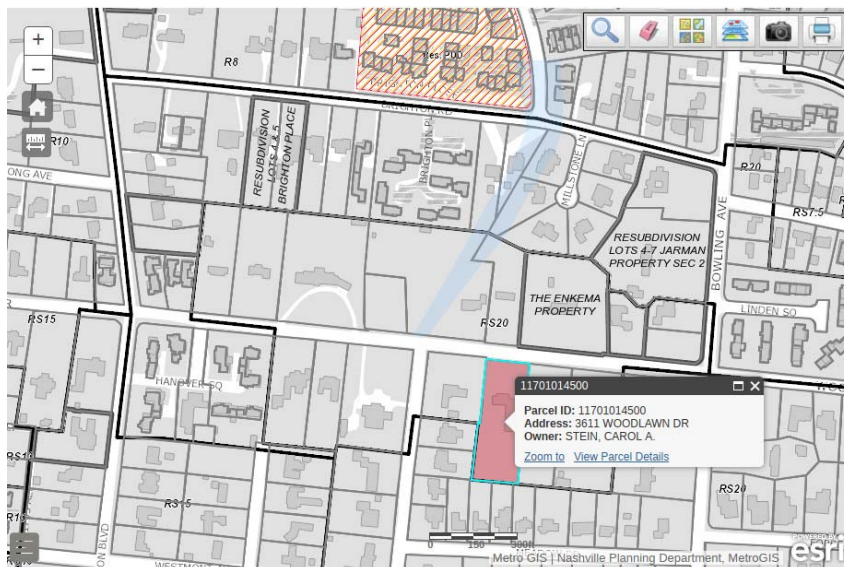


Unlike the new road cut that was made for Hanover Square within our block (see Hanover Square by looking five lots to the left from Stein's), our proposed extension of Lynnbrook Road is perfectly symmetrical with all of the surrounding blocks, which cut directly across Woodlawn, forming mirror images of single corner lots, with a side road running between.

At the last Commission meeting, we pointed out that our home is far to the front corner of this large expanse of vacant, undeveloped land, and *very close* to the neighbor's home. So close that someone was offended by it and suggested a change to the plan. And the home does seem oddly placed, until you see the Historical Plat of 1910, which we presented at the last Commission meeting. On this Historical Plat, you can see exactly why our home is located where it is - *it was originally platted as a corner lot at the intersection of Woodlawn Drive and a side road, Leonard Avenue.*



Even though all of the land behind us was subsequently developed into half-acre lots or condos, **those odd, diagonal property lines defined by the historic platted road Leonard Avenue still exist today** - from where Lynnbrook Road intersects Woodlawn Drive across from our driveway, to where Leonard Road intersects Brighton Road behind our properties. Our separate, vacant half-acre lot that we purchased at a later date sits perfectly balanced just across Leonard Avenue from our home, on the other corner of Woodlawn and Leonard Avenue. The area with those old plat lines is shaded in light blue:



Of course, the plat lines of our little grandfathered half-acre lot are not visible from the road, so the land seems to be all one tract. Apparently some of the neighbors have taken "Visual Possession" of our large expanse of vacant, undeveloped, ungrained land as part of their rightful view - like a park. Again, if the view of our expanse of ungrained, vacant land is being used as the definition of Beauty along that section of Woodlawn, and is the reason some people moved to the

neighborhood, then it is indeed the exception, not the rule. Our two properties are already "out of character" with the neighborhood, as nowhere does a similar expanse of vacant, undeveloped land still exist. And as quoted above, the new RS20 development itself will be "in character" with the neighborhood area, as already ruled by the Commission.

And these few vocal neighbors have repeated numerous times, in many different ways, how devastating the LOOK of the new development will be, yet they were so convinced that we were "breaking the law" that they absolutely *refused* to work with us on an SP agreement where they would have been allowed to have some input on the look of the development. And our SP plan was specifically designed to accommodate the existing older trees.

Over and over since we began this long process, these few people state that they are very upset that *their view of our green space* will change, and how it will impact them and blight the entire area. Yet two of the most vocal, Mr. Stein and Mr. Karro, sit as "voyeurs", with a one-way view of our properties - they have dense evergreen screens all along the front of their homes that block our view of them from the road.

The Pennington properties have been naturally untrimmed and unchanged for so long that many people know them and have taken **Visual Possession** of them and *take for granted* that they will never change. They cry out about the "old growth trees" that will be demolished, but when we tried to speak about the results of our professionally inventoried Tree Catalog (which was required for the SP) Mr. Stein published an email dismissing our Tree Catalog as a ploy to sugar coat our "attack on the neighborhood with unfettered development" and "naked greed". He claims we are even infringing on his "quality of life" and devaluing his property. The level to which Stein has stooped with his continuous string of personal defamation of our family and our intent to responsibly infill our vacant, undeveloped land is appalling. I won't list them all here, but they have been carefully documented. No one willingly steps up to take that kind of abuse just to call out his outrageous fiction.

But if anyone had shown any interest in looking at the inventory of Trees or having a look around the property, they would have seen that of the 124 trees total on the two tracts, 71 of them (over 57%) are shallow-rooted Hackberries, which are known to fall over and drop major limbs without warning. No one would choose to plant these trees; the seeds are spread by the birds and were allowed to propagate. In fact, the neighbor immediately behind us made us promise to remove the giant Hackberry that hangs over her property, as it regularly stains her deck black.

Of the non-Hackberry trees remaining, only TEN of them have 20" trunks or greater. Only ONE is 30", and none are larger than that. Of those ten, 6 are around the edges of the property (including the one with the 30" trunk) or next to the existing house. So only FOUR mature trees are even *possibly* in danger, without even looking at their location or the plan. And the trees crowd each other, competing for light, air and nourishment, and so have very little "canopy". They grow straight up and narrow, and stay small. Yet at the last meeting, we were accused of personally destroying "the lungs" of the neighborhood.

Since the neighbors don't want us to receive any leeway on anything, we included "extensive sidewalks" in our plan to comply with every letter of the development sub-regulations. They were labeled as "ridiculous" in a recent opposition email to the Commission. We agree - they will only misplace more trees, but we have no choice there.

There has been a great deal of harm done by purposefully confusing the officially separate zoning issues of Compatibility and Harmony, by bending the truth, and by "making stuff up". We respectfully ask the Commission to examine the facts carefully and support the Planning Department's careful consideration to recommend Approval for the Pennington plan.

Sincerely,

Inez Pennington

3700 Woodlawn

P.S. Mr. Stein who lives across the street from us fabricated his title of "President" so he could have 5 minutes to speak, instead of two. The Woodlawn Area Neighborhood Association (WANA) corporate entity expired 5 years ago, and their bank account closed. There have been no officers elected, no Board of Directors or any governing body in effect since then. This discordant handful of folks has been unable to unify enough people under their version of leadership to re-form any official

group other than the mailing list, used mostly for lost dogs and stray cats. They blocked our family representative from publishing important information about our SP plan on this mailing list on November 8th 2017. And we re-sent it all to Ms. Newton personally to share with the mailing list, but she didn't. Of course, they readily share all of the opposition letters.

And a couple of days before the last Commission meeting, Ms. Newton used the mailing list to post an urgent message for the people who live on Woodlawn Drive to give her their updated contact information immediately, so they could stay abreast of the latest crime reports (even though nothing had been reported on Woodlawn Drive.) Upon opening her attachment, we saw the list she so urgently wanted to update ONLY contained the contact information for people who lived on the same section of Woodlawn Drive as our properties. This is how she rounded up so many people to speak against us at the last meeting.

From: **Glenda Bell Newton** <bella.bella@comcast.net>

Date: Mon, Aug 20, 2018 at 12:26 PM

Subject: [Woodlawn] WANA-Woodlawn Street List

To: WANA <woodlawn@googlegroups.com>

Greetings. One of the neighbors asked me about a street contact list after the crime wave that hit the city last week. A long time ago, when we first started WANA, we had Block Captains and they were responsible for their street's individual contact info. I'm attaching the one from Woodlawn and would very much appreciate any additions, corrections and/or deletions. Communication is key, especially in perilous times and this could be an invaluable tool when we need it.

From: David Kleinfelter [mailto:DKleinfelter@renocavanaugh.com]

Sent: Wednesday, September 12, 2018 2:05 PM

To: Planning Commissioners; Kempf, Lucy (Planning)

Cc: Milligan, Lisa (Planning); Rickoff, Abbie (Planning); 'Jon Pennington'; Jessica Mayberry

Subject: Pennington Property - 3700 Woodlawn - Sept. 13, 2018 Planning Commission Meeting

Members of the Planning Commission and Planning Staff –

As you know, I represent the Estate of Phyllis Pennington, which owns the property at 3700 Woodlawn that is the subject of subdivision application 2018S-117-001. Please see my attached letter and exhibits in support of that application.

Thank you, and do not hesitate to contact me if you have any questions about this matter.

David Kleinfelter



David Kleinfelter [vCard]

Of Counsel
(615) 866-2320

dkleinfelter@renocavanaugh.com

424 Church Street, Suite 2910
Nashville, TN 37219

David L. Kleinfelter
(615) 866-2320
(615) 866-2321 fax
dkleinfelter@renocavanaugh.com

September 12, 2018

VIA EMAIL

Members of the Metro Planning Commission
Lucy Kempf, Executive Director
Metro Nashville Planning Department
800 Second Av. South
Nashville, TN

RE: Subdivision Plat Application #2018S-117-001
3700 WOODLAWN

Members of the Planning Commission and Director Kempf:

This letter is provided in support of the 3700 Woodlawn Subdivision, also known as the Pennington Family plat. This letter will 1) address whether the proposed plat is consistent with the “character” of the surrounding community, and 2) correct prior misstatements by others with respect to the creation of an abutting lot also owned by the Pennington Estate.

At the August 23 meeting of the Commission, several members of the public and some Commissioners questioned whether the proposed plat is consistent with the historic character of the surrounding neighborhood. Some of the arguments made were that the proposed lots are not appropriate, and other arguments suggested that the proposed extension of the Lynnbrook Road was out of character. With respect to the proposed subdivision of the property into 4 lots, your Subdivision Regulations provide specific rules for an “infill subdivision” such as this plat. Section 3-5(2)(d) of the regulations provides the rules for evaluating if “proposed lots are consistent with the community character of surrounding parcels.”

Your staff has reviewed the plat in accordance with your regulations and has determined that the proposed lots are, in fact, consistent with the character of the surrounding lots. If the lots did not meet the requirements of 3-5(2)(d), then the Commission could grant an exception and approve the lots if you determined that they would provide for “harmonious development of the community.” For **this** plat, however, no exception is required. The regulations provide conclusively that the lots are consistent with the character of the surrounding parcels and the Commission does not have the authority under the regulations to apply any additional layer of review.

As for the proposed public road, this plat is similar to many plats you review in that it includes a public street to serve the newly created lots. Questions have been raised about whether

the proposed street is consistent with the character of the Woodlawn area neighborhood. First, it is critical to remember that your regulations do not include any provision that allows for disapproval of a plat based on a subjective determination by the Commission that a street is somehow not in “character.” Disapproval of the plat on that basis would not be consistent with State law. Nevertheless, we also want to provide you with information that shows the proposed street is, in fact, completely consistent with the historic character of the street layout in this area.

I have attached two documents that address the street layout issue. Exhibit A is a copy of the original 1910 Whitland Realty Company plat of the Woodlawn parcels. As you can see from this plat, the historic character of this part of Woodlawn included two streets that intersected with Woodlawn between Bowling and S. Wilson. The streets to the south were constructed and the proposed new public street with this plat merely extends one of those streets to the north as was originally proposed. Exhibit B is a markup of the current Metro GIS maps showing the original street layout in the context of the current development of the area. Both of these drawings show that the proposed street – which is logically located directly across from the existing part of Lynnbrook – is completely consistent with the historic character of the community.

Finally, I would like to correct suggestions made at the August 23 public hearing that the current plat is somehow an underhanded effort to have “two bites at the apple” because the applicants previously created an existing lot that abuts the property included within the proposed subdivision. You have received an email from Bradley and Harriet Karo that repeats this claim with the objectively false statement that the proposed plat excludes “a lot that they had already received subdivision approval.” That is simply untrue.

The proposed subdivision is entirely located on Lot 1 of a plat that was submitted by the prior owners of the property and recorded on April 9, 1970. That 1970 plat was a resubdivision of part of Lots 6 and 18 of Block “L” of the 1910 Whitland Realty Company plat discussed above. The plat also created Lot 2, which has been falsely claimed to have been subdivided by the Penningtons. In fact, Dr. Guv and Phyllis Pennington purchased Lot 1 on September 28, 1970 – more than five months after the plat was recorded – and later bought Lot 2 on June 3, 1973. Lots 1 and 2 are separate lots, acquired by the Penningtons at separate times and owned by them under separate deeds throughout the remainder of their lifetimes. There is no requirement that Lot 2 be included in the current proposed subdivision of Lot 1. Exhibit C, attached to this letter, includes a marked up copy of the April 9, 1970 plat and Dr. and Ms. Pennington’s deeds for the property.

The existence of current platted lots on the Pennington property was raised by some people at the August 23 public hearing as a fact that should somehow prohibit approval of the current plat. It is clear from a cursory review of the 1910 plat (Exhibit A) and the current Metro GIS maps (Exhibit B) that every current home on this portion of Woodlawn was originally part of a lot within the 1910 plat that was subsequently resubdivided to provide the building sites for those homes. The current subdivision proposal before you does nothing more than continue the historic pattern of dividing the 1910 Whitland Realty Company property into lots that meet all

Members of the Metro Planning Commission
Lucy Kempf, Executive Director
September 12, 2018
Page 3 of 3

zoning and subdivision regulations in order to provide new homes for new families who will become part of the neighborhood.

Thank you for reading this letter and for your service to the people of Metro Nashville.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Kleinfelter". The signature is fluid and cursive, with a large, sweeping flourish at the end.

David L. Kleinfelter
Reno & Cavanaugh, PLLC

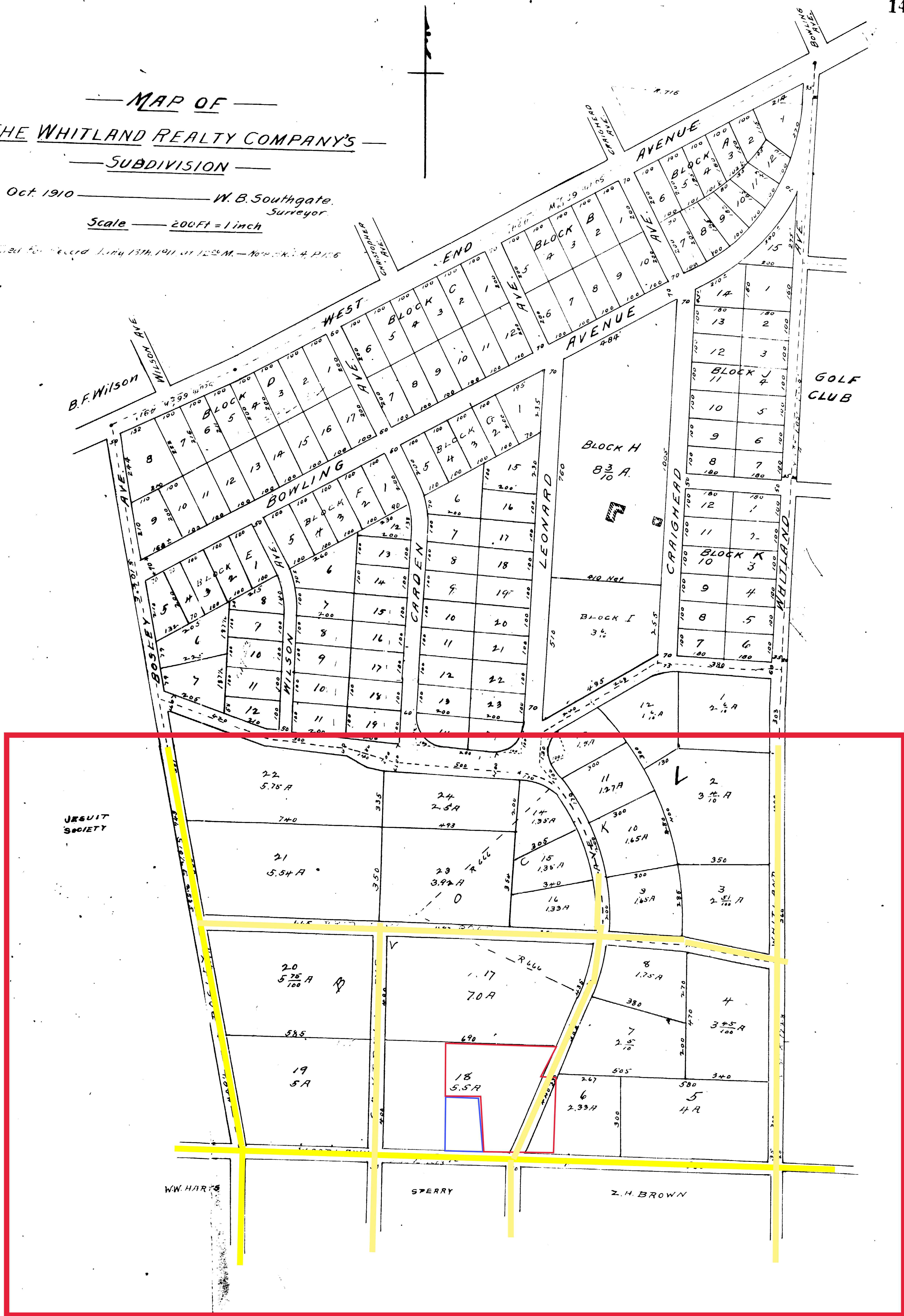
Attachments

Copy: Lisa Milligan
Abbie Rickoff
Jon Pennington

MAP OF THE WHITLAND REALTY COMPANY'S SUBDIVISION

Oct. 1910 W.B. Southgate, Surveyor Scale 200 FT = 1 inch

Filed for Record July 13th, 1911 at 10:25 A.M. - No. 4, P. 106



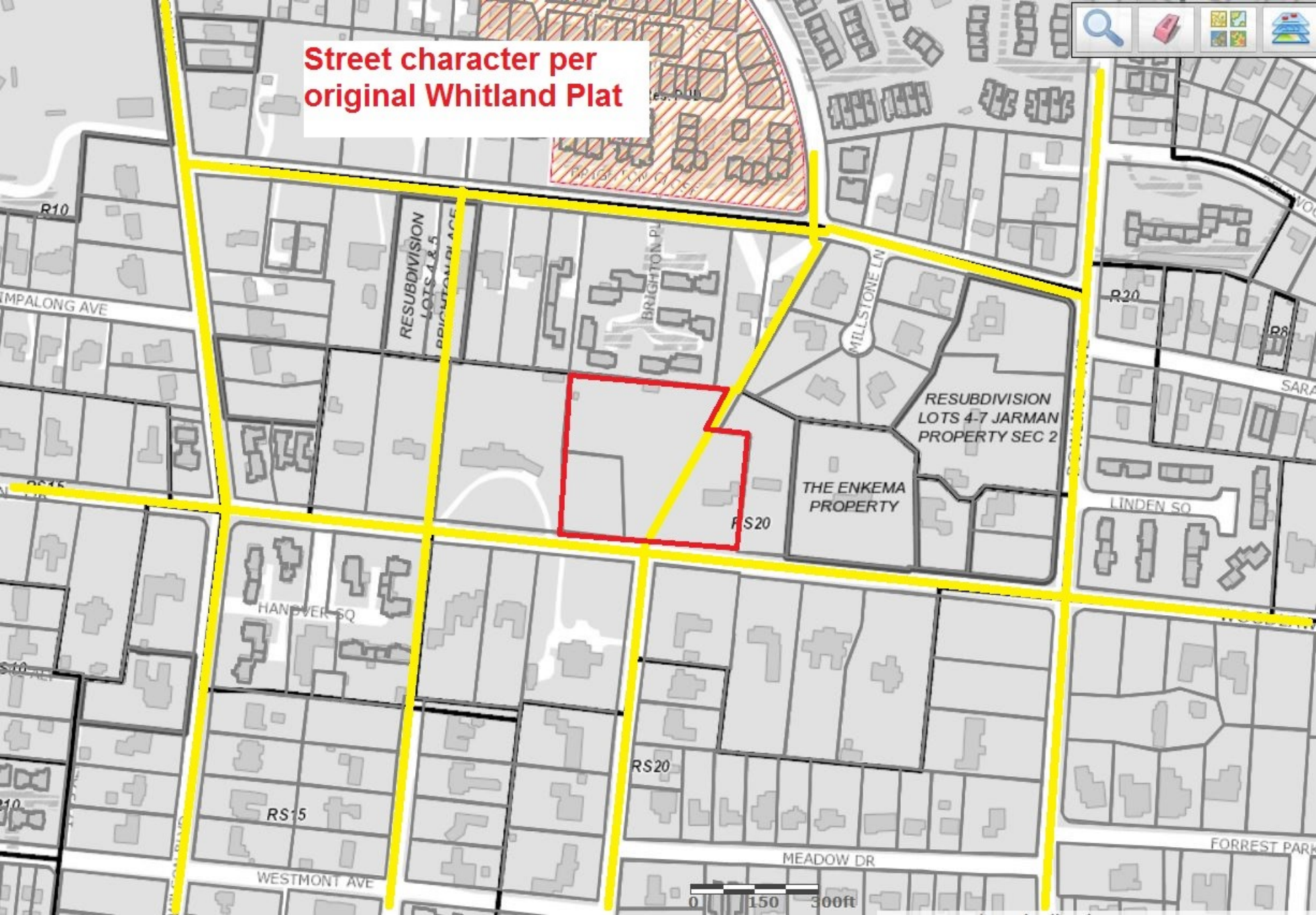
JESUIT SOCIETY

W.W. HART'S

SPERRY

Z.H. BROWN

Street character per original Whitland Plat



R10

TEMPALONG AVE

RESUBDIVISION
LOTS 1, 4 & 5
BRIGHTON PL

BRIGHTON PL

MILLSTONE LN

R20

R8

RESUBDIVISION
LOTS 4-7 JARMAN
PROPERTY SEC 2

SARA

THE ENKEMA
PROPERTY

RS20

LINDEN SQ

HANOVER SQ

S10

RS15

RS20

WESTMONT AVE

MEADOW DR

FORREST PARK

0 150 300ft

OWNERS CERTIFICATE

We hereby certify that we are the owners of the property shown hereon and evidenced in Book 2196, Page 747, R.O.D.C. Tenn., and adopt the plan of subdivision of the property as shown hereon and dedicate all public ways and easements as noted. No lot or lots as shown hereon shall again be subdivided, re-subdivided, altered or changed so as to produce less area than hereby established ~~until a system of sewers is installed and made accessible to such lot or lots~~ or otherwise approved by the Metropolitan Planning Commission and the Health Officers and under no condition shall such lot or lots be subdivided, re-subdivided, altered or changed so as to produce less area than prescribed by the restrictive covenants as of record in Book _____, Page _____, R.O.D.C. Tenn. running with the title to the property.

Date: Feb. 8, '67 Name: James A. Kirtley, Margaret E. Kirtley
 Date: Feb. 10, '67 Name: Margaret R. Kirtley Vippens
 Date: Feb. 21, '69 Name: Edwin S. Kirtley King
 Date: Feb. 27, '67 Name: Elizabeth Kirtley Breast

SURVEYOR'S CERTIFICATE

We hereby certify that the plat shown hereon is correct and that approved monuments shown thus \blacksquare have been placed as indicated. All side lot lines are at right angles or radial to a street unless otherwise noted.

Date: Jan 25, 1967 PARRISH ENGINEERS, Inc.
 By: Wm C Parrish Jr

COMMISSION'S APPROVAL

Approved by the Metropolitan Planning Commission of Nashville and Davidson County, Tennessee.
 By: Jarvis A. Deep Secretary Date: 4-8-70

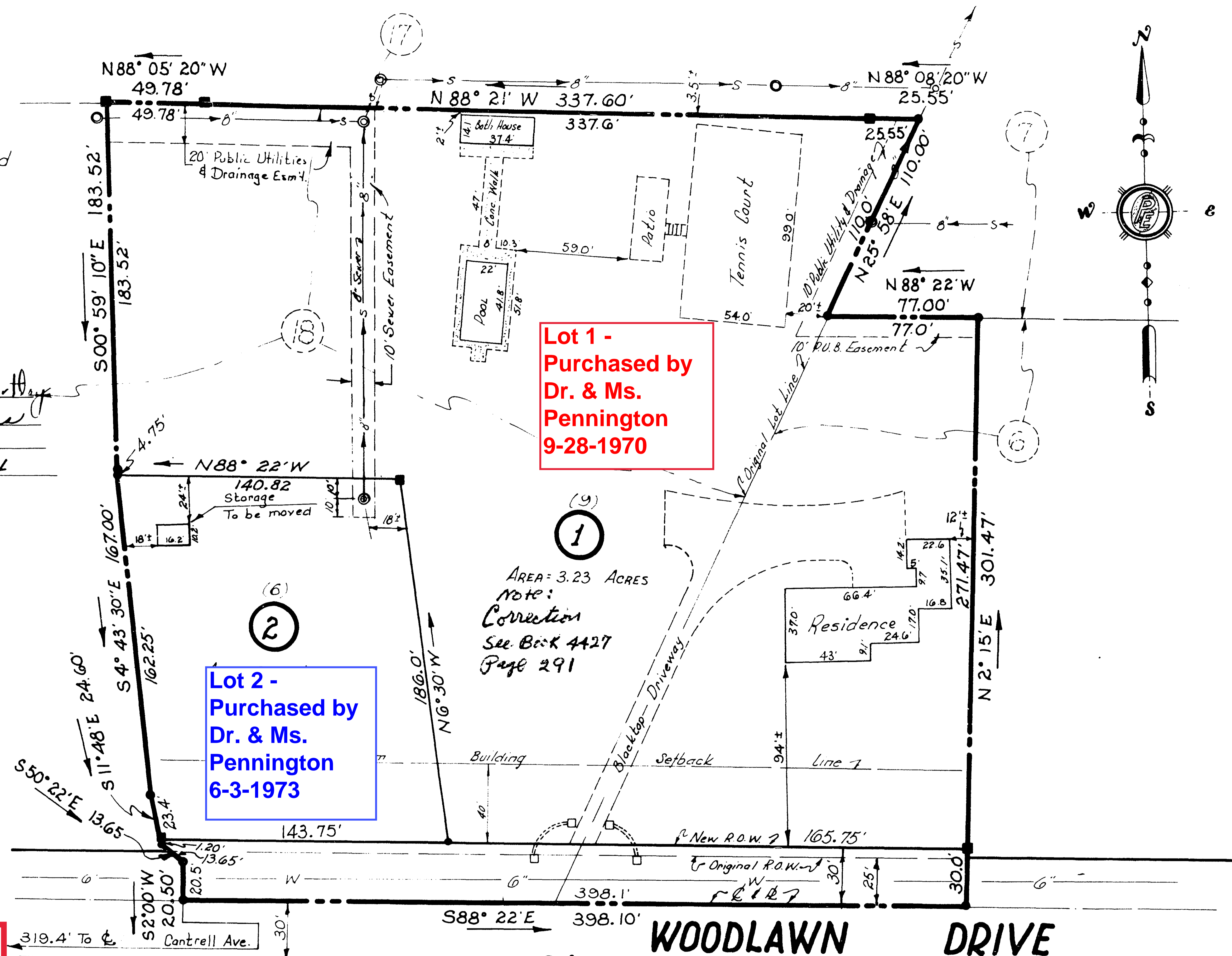
RECORD

Recorded: April 9th 1970 Book 4300 Page 48 of the Registers Office of Davidson County, Tenn.

SUBDIVISION No. 69-162-U

NOTES:

- 1) The recording of this plan voids, vacates and supercedes part of Lots 6 and 18 Whitland Realty Cos. Subdivision as of record in Book 332, Page 141, R.O.D.C. as shown hereon.
- 2) Existing buildings on Lot No. 1 to remain.
- 3) Lot No. 2 Not an individual building site until served by sanitary sewer.
- 4) Parcel Numbers shown thus (9) pertain to Property Map 17-1



**Lot 1 -
 Purchased by
 Dr. & Ms.
 Pennington
 9-28-1970**

**Lot 2 -
 Purchased by
 Dr. & Ms.
 Pennington
 6-3-1973**

AREA: 3.23 ACRES
 NOTE:
 Correction
 See Book 4427
 Page 291

WOODLAWN DRIVE

LYNBROOK DR.

Resubdivision of part of Lots 6 & 18 Block "L"
WHITLAND REALTY CO'S
 SUBDIVISION
 As Of Record in Book 332, Page 141, R.O.D.C. Tenn.
DR. JAMES A. KIRTLEY
 Owner
SCALE: 1" = 50'

TOTAL AREA: 3.84 ACRES

April 7, 1970
 66-590

This instrument was prepared by Clyde P. Holland, Attorney, Third National Bank Building, Nashville, Tenn.

Installment Deed

BOOK 4448 PAGE 352

| | | | | | | | | |
|---|--|--|-------------------------|--|--|--------------------|--|--|
| ADDRESS NEW OWNER (S) AS FOLLOWS: | | | SEND TAX BILLS TO: | | | MAP PARCEL NUMBERS | | |
| Thomas Guv Pennington, (NAME: et ux | | | Same as Buyer (NAME: | | | Map 117-1 | | |
| 3700 Woodlawn Drive (STREET ADDRESS OR ROUTE NUMBER) | | | | | | Par 9 | | |
| Nashville, Tennessee (CITY) (P. O. ZONE) (STATE) | | | | | | P.W. | | |

FOR AND IN CONSIDERATION of the sum of NINETY SIX THOUSAND, FOUR HUNDRED

(\$96,400.00) Dollars,

of which THIRTY-SIX THOUSAND, FOUR HUNDRED AND NO/100

(\$36,400.00) Dollars, has been paid in cash,

the receipt of which is hereby acknowledged, and for the remainder SIXTY THOUSAND AND NO/100

(\$60,000.00) Dollars,

Thomas Guv Pennington and wife, Phyllis T. Pennington

has executed

one note of even date herewith and the principal sum of Sixty Thousand (\$60,000.00) payable to the order of Margaret E. Kirtley in 120 monthly installments, the first 119 of which being in the amount of Five Hundred One and 87 (\$501.87) Dollars each which includes both principal and interest from date at the rate of eight percent (8%) per annum and thereafter on the first day of the ensuing month the entire balance of principal and interest, if not sooner, shall be due and payable on the first day of October, 1980 and privilege of prepayment is reserved.

and providing for payment of attorney's fees, and to secure the payment of said indebtedness, principal, interest, and attorney fees, a lien is expressly retained on the land herein conveyed, Margaret E. Kirtley

have this day bargained and sold, and do hereby transfer and convey unto the said

Thomas Guv Pennington and wife, Phyllis T. Pennington, their

(successors), heirs and assigns,

certain real estate in Davidson County, Tennessee, as follows:

Land in Davidson County, Tennessee, being lot No. 1 on the Plan of Whitland Realty Co's Re-Subdivision of lots 6 and 18 Block "L", as of record in plan book 4300, page 48, Register's Office for said County, as corrected by instrument of record in book 4427, page 291, said Register's Office as follows:

Beginning at a point on the northerly margin of Woodlawn Drive, said point being 265.75 feet from the southeasterly corner of lot No. 2; thence north 2° 15' east 301.47 feet to a point; thence north 88° 22' west 77 feet to a point; thence north 25° 58' east 110 feet to a point; thence north 88° 8' 20" west 25.55 feet to a point; thence north 88° 21' west 337.60 feet to a point; thence north 88° 5' 20" west 49.78 feet to a point; thence south 0° 59' 10" east 188.27 feet to a point; thence south 88° 22' east 140.82 feet to a point; thence south 6° 30' east 186 feet to a point on the northerly margin of Woodlawn Drive; thence continuing with said margin south 88° 22' east 265.75 feet to the point of beginning.

Said property was conveyed to James A. Kirtley, Jr., and wife, Margaret E. Kirtley, by deed from J. Fred Pilkerton and wife, of record in book 1101, page 270, to James A. Kirtley, Jr., and wife, Margaret Earthman Kirtley, by deed from Evelyn Byrd Kirtley Keys, et al, of record in book 3946, page 28, as corrected by instrument of record in book 4138, page 746, said Register's Office, the said James A. Kirtley, Jr., having since died, and conveyed to Margaret Earthman Kirtley, by deed from Evelyn Byrd Kirtley

STATE OF TENNESSEE }
COUNTY OF DAVIDSON } The actual consideration or value whichever is greater, for this deed is \$96,400.00

Subscribed and sworn to before me, this the 28 day of September 1970

My commission expires: 5-12-74

(Affix Seal)

[Signature]
Notary Public
DAVIDSON COUNTY, TENN.

Keys, et al, of record in book 4412, page 202, said Register's Office. Said conveyance subject to easement for public utilities and drainage, 10-foot easement for sewer line across premises, and 40-foot building setback line from Woodlawn Drive, and conditions of owners certificate as shown on plan of record in book 4300, page 48, Register's Office for Davidson County, Tennessee; and agreement for dedication of easements granted Metropolitan Government of Nashville and Davidson County, Tennessee, by grants of record in book 4076, pages 318, 322 and 326 and book 4110, page 139, Register's Office for Davidson County, Tennessee

unimproved ()
 This is improved () property, known as 3700 Woodlawn Drive, Nashville, Tennessee
(House Number) (Street) P. O. Address: (City or Town)

TO HAVE AND TO HOLD said real estate, with the appurtenances, estate, title and interest thereto belonging, to the said Thomas Guv Pennington and wife, Phyllis T. Pennington, their
(successors),
 heirs and assigns forever. I covenant that I am lawfully seized and possessed of said real estate in fee simple, have a good right to convey it, and that the same is unencumbered., except as hereinabove set forth

I further covenant and bind myself, my heirs and representatives, to warrant and forever defend the title to said real estate to said Thomas Guv Pennington and wife, Phyllis T. Pennington
(successors), heirs and assigns, against the lawful claims of all persons.

And now, for the purpose of better and more effectually securing the payment of said lien indebtedness; rendering unnecessary court proceedings for the enforcement of said lien in the event of the non-payment of said indebtedness and installments thereof, as they mature, as hereinafter provided, and for the consideration of one dollar paid in cash, receipt of which is acknowledged, the said Thomas Guv Pennington and wife, Phyllis T. Pennington
 hereinafter referred to as trustees, hereby transfer and convey unto Clyde P. Holland....., Trustee, his successors and assigns, the real estate hereinbefore described, with the appurtenances, estate, title and interest thereto belonging upon the following uses and trusts:

Trustors agree to keep all buildings now on, or to be hereafter erected on said property, insured in some reliable fire insurance company, or companies, for the sum of \$ insurable value, or at least the maximum insurable value, until the indebtedness herein secured is fully paid, and to have the loss, if any, made payable on the policy, or policies, to said trustee for the benefit of the lawful owner or holder of said indebtedness as his interest may appear.

Trustors further agree to pay all taxes and assessments thereon, general or special, and to pay them when due, and, upon demand of said trustee or the lawful owner and holder of said indebtedness, to pay, discharge, or remove, any and all liens which may be hereafter placed against said property and which shall adversely affect the lien of this instrument or enforcement of the terms and provisions hereof; to keep the improvements on said property in good repair and preservation, and in case the trustee or his successors or the lawful owner and holder of said indebtedness shall hereafter be required to appear in any court or tribunal to enforce, or defend the title to, or possession of, said property, or the lien of this instrument, or appear in any court to prove the above indebtedness, all the costs and

expenses of such appearance or proceedings, together with a reasonable attorney's fee, shall be allowed, and be payable by trustors upon demand of the trustee or lawful owner or holder of said indebtedness, and, upon failure to do any of these things, then said trustee, or the lawful owner and holder of said indebtedness may do any or all of these things and the amounts so paid shall bear 6 percent interest from the date of payment and shall be and become a part of the indebtedness secured hereby.

BOOK 4448 PAGE 354

Now, if trustors shall pay the indebtedness aforesaid when due, according to its terms, and pay taxes, keep up repairs, and keep said premises insured, and pay any and all other sums when due, as aforesaid, then this trust conveyance shall be of no further force or effect. But if said indebtedness, or any installment thereof, or interest thereon, is not paid promptly at maturity, or if, failing to pay taxes, keep up repairs or keep said premises insured, or pay said other sums when due, as herein provided, trustors fail to reimburse the trustee, or lawful owner and holder of said indebtedness for all sums, with interest, so expended by said trustee, or lawful owner and holder of said indebtedness, within thirty days from date of such payment, this trust conveyance shall remain in full force and effect, and at the option of the lawful owner and holder of said indebtedness then past due and unpaid, all remaining unpaid indebtedness, and installments thereof, shall become due and payable at once, without notice, and the said trustee, or his successor in trust, is hereby authorized and empowered, upon giving twenty days' notice by three publications in any newspaper, daily or weekly, published in Davidson County, Tennessee, to sell said property at the front door of the Court House in said County to the highest bidder for cash, at public outcry, free from the equity of redemption, homestead, dower and all other exemptions of every kind, which are hereby expressly waived; and the said trustee, or his successor in trust, is authorized and empowered to execute and deliver a deed to the purchaser. The creditor may bid at any sale under this trust conveyance. The trustee may, at any time after default in the payment of any of said indebtedness, enter and take possession of said property, and shall only account for the net rents actually received by him. It is further agreed that, in the event the trustee fails, before selling said property, as herein provided, to enter and take possession thereof, the purchaser shall be entitled to immediate possession thereof upon the delivery to him by the trustee of a deed for said property. In case of sale hereunder, the proceeds will be applied by the trustee as follows:

1st. To the payment of all costs, charges and expenses of executing this conveyance and enforcing said lien as herein provided; also reasonable attorney's fees for advice in the premises, or for instituting or defending any litigation which may arise on account of the execution of this conveyance, or the enforcement of said lien; also the expenses of any such litigation.

2nd. To the payment of all taxes which may be unpaid on said premises.

3rd. To the payment of all unpaid indebtedness herein secured, and any and all sums expended in the protection of said property, as herein authorized.

4th. The residue, if any, will be paid to trustors, their order, representatives or assigns.

In case of the death, absence, inability, or refusal to act of said trustee at any time when action under the foregoing power and trusts may be required, the lawful owner and holder of said indebtedness, or, if more than one when said indebtedness is represented by notes, then of the first-maturing unpaid note, or upon his refusal or failure so to do, then the holder in order of the next maturing notes, is hereby authorized and empowered to name and appoint a successor to execute this trust by an instrument in writing to be recorded in the Register's Office for Davidson County, Tennessee, and the title herein conveyed to the above named trustee shall be vested in said successor.

The word "Trustors" when used herein shall apply to parties both singular and plural.

IN WITNESS WHEREOF the parties to this instrument have signed their names, and the corporate party has caused its name to be signed hereto by its duly authorized officers, on this the 28th day of September, 1970.

Margaret E. Kirtley
MARGARET E. KIRTLEY

Phyllis T. Pennington
PHYLLIS T. PENNINGTON
Thomas Guv Pennington
THOMAS GUV PENNINGTON

STATE OF TENNESSEE }
COUNTY OF DAVIDSON }

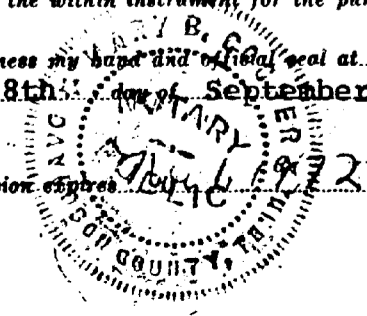
Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Margaret E. Kirtley, Thomas Guv Pennington and wife, Phyllis T. Pennington

the within named bargainer, with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this 28th day of September, 1970

Mary B Cooper
Notary Public

Commission expires



Please Return to:
Warfield Entekin & Jones
Third National Bank Bldg.
Nashville, Tennessee 37219

This instrument prepared by ERVIN M. ENTREKIN, 2011 Parkway Towers, Nashville, Tennessee 37219

| | | |
|---|--|---------------------------------------|
| ADDRESS NEW OWNER(S) AS FOLLOWS: THOMAS GUV PENNINGTON and wife, PHYLLIS THORP PENNINGTON | SEND TAX BILLS TO: . SAME NAME | MAP PARCEL NOS. BOOK 4718 PAGE 923 |
| NAME | NAME | |
| 3700 Woodlawn Drive | | 117-1 |
| STREET ADDRESS OR ROUTE NO. | STREET ADDRESS | |
| Nashville, Tennessee 37215 | | 6 |
| (CITY) (STATE) | (CITY) (STATE) (ZIP) | PN |

JUN 14 2 MISC A* 4.00 * 4.00

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The actual consideration or value whichever is greater for this transfer is none.

Subscribed and sworn to before me, this the 5 day of June, 1973.

[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES: FEB. 12, 1975
(AFFIX SEAL)

AFFIRANT: [Signature]
JULIA C. NICHOLSON
DAVIDSON COUNTY, TENN.

REGISTER: [Signature]
JUN 14 11 21 AM '73
DAVIDSON COUNTY, TENN.

IDENTIF. REFERENCE: 511170

QUITCLAIM DEED

For the purpose of dissolving the trust and for and in consideration of the cash sum of One Dollar (\$1.00) in hand paid, the receipt of which is hereby acknowledged, I, ERVIN M. ENTREKIN, TRUSTEE, with full power to hereby quitclaim unto THOMAS GUV PENNINGTON and wife, PHYLLIS THORP PENNINGTON, their heirs and assigns, all my right, title and interest in and to the following described land:

Land in the 7th Civil District of Davidson County, Tennessee, being Tract No. 2 on the Plan of Resubdivision of part of Lot 18, Block L, Whitland Realty Company's Subdivision as recorded in Book 3946, page 28, Register's Office for Davidson County, Tennessee.

Said Tract No. 2 fronts 143.75 feet on the northerly margin of Woodlawn Drive and runs back between lines 186 feet on the easterly margin and an irregular line on the westerly margin to a line at the rear measuring 140.82 feet thereon.

Being the same real property conveyed to Julia C. Nicholson by deed of Evelyn Byrd Birtley Keys, et al, of record in Book 4412, page 204, Register's Office for Davidson County, Tennessee, the said Julia C. Nicholson having subsequently quitclaimed same to Ervin M. Entrekinn, Trustee by quitclaim deed of record in Book 4671, page 366, said Register's Office.

WITNESS my hand this 3 day of June, 1973.
[Signature]
ERVIN M. ENTREKIN, TRUSTEE

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named ERVIN M. ENTREKIN, the bargainor, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee this 5 day of June, 1973.

[Signature]
NOTARY PUBLIC

COMMISSION EXPIRES: FEB. 12, 1975