



69271

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE  
TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

Shoney's, Inc. )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Perry E. Cox, Jr. )  
 )  
Defendant. )

No. 97-3569-I  
NOTICE OF ENTRY REQUESTED  
RECEIVED

JUL 27 1998

FINAL JUDGMENT

Davidson County Court

On the motion of Shoney's, Inc. ("Shoney's") for default judgment, its request to amend the judgment it previously received in this case to include sums shown in its motion for default, and an affidavit filed with this Final Judgment reflecting the legal fees and expenses it seeks, the Court FINDS as follows:

Shoney's has previously received judgment in the amount of \$43,000.01 against Perry E. Cox, Jr., on a motion for partial summary judgment (the "Partial Summary Judgment"). The Partial Summary Judgment was entered June 9, 1998. The Court's findings and conclusions contained in the Partial Summary Judgment are incorporated herein by reference and made a part of this Final Judgment.

In connection with the Partial Summary Judgment, Shoney's requested that it be allowed its reasonable legal fees and expenses, as provided in the lease upon which it has sued. Since then, Shoney's has filed an affidavit with this Court detailing the amount of legal fees and expenses it has expended in this matter.

The Amended Complaint was filed and served on June 8, 1998 on Cox, through his attorney. An answer was due on or before June 23, 1998. No answer or other responsive pleading has been filed by Cox.

Shoney's filed a Motion for Default Judgment on July 9, 1998. The Motion was set for hearing on July 24, 1998. Notice of hearing was provided to Cox and his attorney. No response to Shoney's Motion was timely filed or served.

It appearing that Cox was properly served with the Amended Complaint, and that no answer or other responsive pleading was filed within the time allowed by law, and that Cox has been given

FILED  
JUL 27 1998  
DAVIDSON COUNTY, TENNESSEE

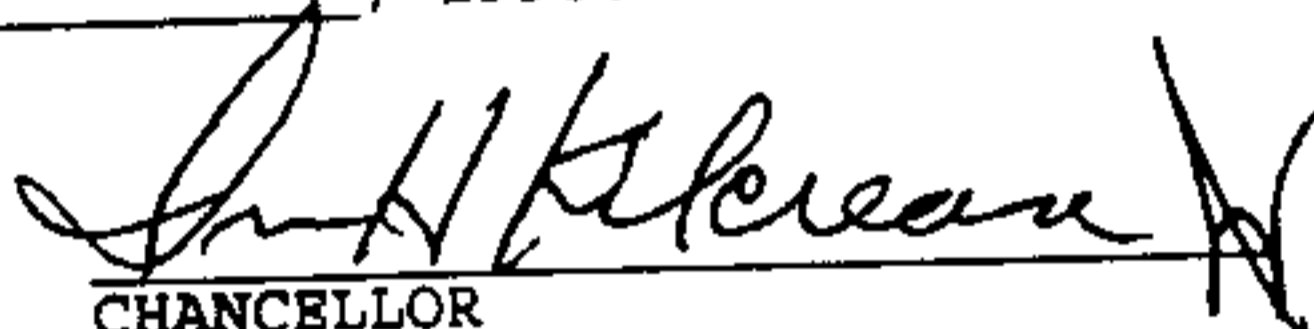
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7-27-98

notice of Plaintiff's Motion for Default Judgment and its hearing, and that no objection to entry of judgment has been made,

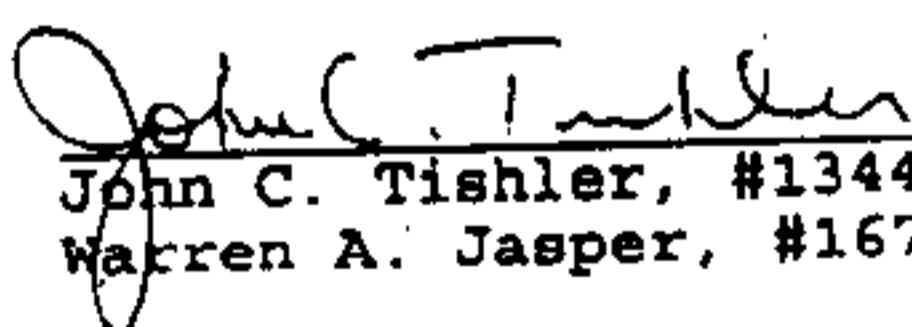
THIS COURT FINDS that Shoney's Motion for Default Judgment is well taken and should be granted. THEREFORE, it is ORDERED THAT:

Shoney's is granted final judgment in the amount of \$85,606.02, which includes \$77,500.02, the amount owing under the lease, plus \$8,106.00 in legal fees and expenses. Interest shall accrue from the date this judgment is entered at an annual rate of ten percent (10%) as provided by statute until the judgment is paid in full. Court costs are taxed to the defendant, for which execution may issue. This is a final judgment pursuant to Rule 54. Should Defendant contest the award or amount of legal fees and expenses contained in this Final Judgment, it must file and set a motion with the Court requesting the Court to set aside this award. Otherwise, if no pleading is filed within thirty (30) days of the entry of this Final Judgment, this Judgment, including the award of attorney's fees and expenses, shall become final and unappealable, as provided in the Tennessee Rules of Civil Procedure.

ENTERED this \_\_\_ day of \_\_\_\_\_, 1998.

  
CHANCELLOR

Approved for entry by:

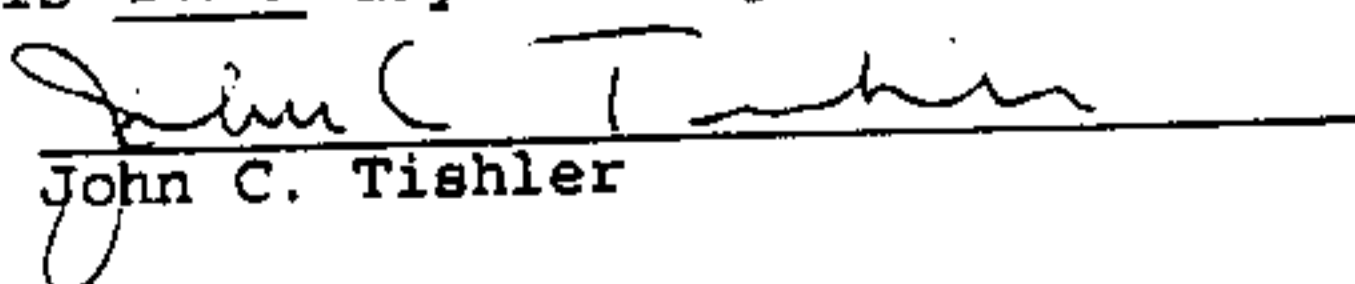
  
John C. Tishler, #13441  
Warren A. Jasper, #16748

TUKE YOPP & SWEENEY, PLC  
NationsBank Plaza, Suite 1100  
414 Union Street  
Nashville, Tennessee 37219  
(615) 313-3300

Attorney for Shoney's, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Judgment has been mailed first class, postage prepaid to Perry E. Cox, Jr., 1 Country Ridge, Sterrett, Alabama 35147-9331; and to Kim A. Brown, Esq., SHERRARD & ROE, 424 Church St., Suite 2000, Nashville, TN 37219-2319, this 7th day of July, 1998.

  
John C. Tishler

12/04/1998-48332  
01:20 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
13.50

Inst # 1998-48332 -48332