

# FUTHEY LAW FIRM

1440 Poplar Avenue  
Memphis, Tennessee 38104

malcolm@futheyfirm.com

901-725-7525

February 16, 2022

Commissioner of the Tennessee  
Department of Environment and Conservation  
c/o General Counsel Jenny L. Howard  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Avenue, 2<sup>nd</sup> Floor  
Nashville, Tennessee 37243-1548  
TDEC.Appeals@tn.gov

Grant LeMaster Ruhl, Esq.  
Department of Environment and Conservation  
312 Rosa L. Parks Avenue, 2<sup>nd</sup> Floor  
Nashville, Tennessee 37243  
Grant.ruhl@tn.gov  
**Sent via U.S. Mail and email**

Re: Lamar Marathon  
4999 East Shelby Drive  
Memphis, Tennessee 38118-7504  
Facility ID #: 9-790657  
Case UST21-0134

Dear Ms. Howard and Mr. Ruhl,

Please find enclosed Respondent RMRM, Inc.'s Petition and Notice of Appeal for the above-referenced matter. Feel free to contact me if you have any questions or would like to discuss.

Sincerely,

FUTHEY LAW FIRM PLC

/s/ Malcolm B. Futhey III

Enclosure

STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

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In the matter of:	Division of Underground Storage Tanks
RMRM, INC.	Case No. UST21-0134
Respondent	Facility Lamar Marathon

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RESPONDENT RMRM, INC. PETITION AND NOTICE OF APPEAL

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Respondent, RMRM, Inc., submits this petition and notice of appeal of the Order of January 11, 2022, pursuant to TENNESSEE CODE ANNOTATED § 68-215-119, and states in support as follows:

1. The Tennessee Department of Environment and Conservation (“TDEC”), Division of Underground Storage Tanks (“UST Division”) issued an Order and Assessment on January 11, 2022 (“Order”) regarding the gas station located at 4999 East Shelby Drive, Memphis, Tennessee 38118 (the “Property”).

2. Respondent, RMRM, Inc. was electronically served with the Order on January 22, 2022, through its counsel.

3. The Order essentially states that TDEC began conducting inspections at the Property on April 7, 2021; that TDEC mailed notices to Respondent regarding the same; and that Respondent failed to respond to those notices.

4. However, Respondent closed the gas station on or about March 31, 2021, because the State of Tennessee filed an imminent domain action to acquire the Property in order to expand Highway 78. *See State of Tennessee v. RMRM, Inc. et al.*, No. CT-1005-21 (Cir. Ct. Div. 7); see Exhibit 1, Complaint of March 12, 2021.

5. The State acquired the Property through the Consent Order of Condemnation and Appropriation entered on May 27, 2021. See Exhibit 2, Consent Order of May 27, 2021.

6. Respondent did not receive the notices from TDEC referenced in the order given that Respondent was no longer in operation.

7. Respondent lacks sufficient knowledge or information regarding the specific findings alleged in TDEC's order, and accordingly denies those allegations.

8. Respondent always had leak detection records the entire time the Respondent had the Property up and until March 2021 when the State of Tennessee on behalf of TDOT filed its imminent domain action.

9. Regarding the other allegations in the Order, Respondent responds as follows:

- I. Respondent lacks sufficient information or knowledge to admit or deny this allegation, accordingly this allegation is denied.
- II. Respondent denies this allegation.
- III. Respondent denies this allegation. Specifically, Respondent avers that because it is no longer the owner of the Property, it is not subject to the Commission's jurisdiction.
- IV. Respondent denies this allegation.
- V. Respondent lacks sufficient information or knowledge to admit or deny this allegation, accordingly this allegation is denied.
- VI. Respondent lacks sufficient information or knowledge to admit or deny this allegation, accordingly this allegation is denied.
- VII. Respondent lacks sufficient information or knowledge to admit or deny this allegation, accordingly this allegation is denied.
- VIII. Respondent lacks sufficient information or knowledge to admit or deny this allegation, accordingly this allegation is denied.
- IX. Respondent lacks sufficient information or knowledge to admit or deny this allegation, accordingly this allegation is denied.
- X. Respondent lacks sufficient information or knowledge to admit or deny this allegation, accordingly this allegation is denied.
- XI. Respondent lacks sufficient information or knowledge to admit or deny this allegation, accordingly this allegation is denied.
- XII. Respondent denies this allegation.
- XIII. Respondent denies this allegation.
- XIV. Respondent denies this allegation.
- XV. Respondent denies this allegation.
- XVI. Respondent denies this allegation.
- XVII. Respondent denies this ruling is correct.

10. Respondent respectfully requests that the judge reconsider this matter based on the above-referenced facts and reverse the Order of January 11, 2022.

Respectfully submitted,

/s/ Malcolm B. Futhey III  
Malcolm B. Futhey III (TN 024432)  
FUTHEY LAW FIRM PLC  
1440 Poplar Avenue  
Memphis, Tennessee 38104  
901-725-7525  
901-726-3506 (facsimile)  
malcolm@futheyfirm.com

Certificate of Service

I hereby certify that a copy of the foregoing has been served this 16th day of February 2022 via email and U.S. Mail, postage prepaid, on the following:

Grant LeMaster Ruhl, Esq.  
Department of Environment and Conservation  
312 Rosa L. Parks Avenue, 2<sup>nd</sup> Floor  
Nashville, Tennessee 37243  
grant.ruhl@tn.gov

/s/ Malcolm B. Futhey III

STATE OF TENNESSEE

OFFICE OF THE  
ATTORNEY GENERAL  
225 MARTIN LUTHER KING JR. DRIVE  
JACKSON, TENNESSEE 38301-6944  
731/423-5720  
FAX 731/423-6585

March 23, 2021

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

RMRM, Inc.  
c/o Amanullah Devji  
Registered Agent  
4999 East Shelby Drive  
Memphis, TN 38118-7504

Re: Shelby County - PIN # 100339.02  
79020-2252-14/R-NH-4(11)  
Docket # CT-1005-21 Div. 7  
Tract 43  
*State of Tennessee v RMRM, Inc., et al*

Dear Mr. Devji:

The Tennessee Department of Transportation has requested that the office of the Tennessee Attorney General condemn certain property in Shelby County for use in the improvement of State Route 4 (Lamar Avenue), City of Memphis, Tennessee. In accordance with that request I have filed a *Notice* and a *Petition for Condemnation* in the Circuit Court of Shelby County to acquire that property.

Please find enclosed the service copy of the **NOTICE** and **PETITION FOR CONDEMNATION** attached for your records.

Thank you for your cooperation and patience.

Sincerely,



Christopher G. Covellis  
Assistant Attorney General

CGC/sr  
Enclosures  
cc: Division Control File  
Steve Chipman





IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE

DOCKET # CT-1005-21 DIVISION 7

STATE OF TENNESSEE.

You are hereby commanded to notify:

RMRM, INC.  
C/O AMANULLAH DEVJI  
REGISTERED AGENT  
4999 EAST SHELBY DRIVE  
MEMPHIS, TN 38118-7504

3/12/21  
EMILY D. GIBSON, Clerk  
By [Signature] D.C.

that the State of Tennessee has filed its petition in the Circuit Court of Shelby County, Tennessee, asking for the condemnation of certain property for the use of said petitioner in accordance with Section 29-17-903, Tennessee Code Annotated, and that the Court issue an immediate writ of possession of the property described in the *Petition for Condemnation*.

Said petition and writ of possession will be presented to the Court on the 9<sup>th</sup> day of June, 2021, at 10:00 A.M., and for all proper orders under the petition and writ of possession.

Herein fail not and make due return hereof.

Witness, Circuit Court Clerk, at office, on this \_\_\_\_ day of \_\_\_\_\_, 2021.

CIRCUIT COURT CLERK

BY \_\_\_\_\_ D.C.

AFFIDAVIT REGARDING SERVICE OF PROCESS

STATE OF TENNESSEE  
COUNTY OF MADISON

I, Christopher G. Covellis, Assistant Attorney General, counsel of record for the Petitioner in this cause, do hereby certify under an oath that I have served a certified copy of the foregoing *Notice* and a copy of the *Petition for Condemnation* on **RMRM, INC., C/O AMANULLAH DEVJI, REGISTERED AGENT - 4999 EAST SHELBY DRIVE, MEMPHIS, TN 38118-7504**, by mailing said documents by United States Postal Service, certified return receipt mail, postage prepaid, on the \_\_\_\_ day of \_\_\_\_\_, 2021, and that I received the return receipt, which is affixed hereto and signed by said defendant, on the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
CHRISTOPHER G. COVELLIS  
Assistant Attorney General/State of Tennessee

Sworn to and subscribed before me, this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires \_\_\_\_\_

FILED  
MAR 12 2021  
CIRCUIT COURT CLERK  
BY \_\_\_\_\_ D.C.

IN THE CIRCUIT COURT OF TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS  
SHELBY COUNTY

STATE OF TENNESSEE, ON RELATION  
OF THE COMMISSIONER OF THE  
DEPARTMENT OF TRANSPORTATION,

PETITIONER,

VS.

RMRM, INC., a Tennessee corporation;  
AMANULLAH DEVJI, RENASANT BANK,  
MICHAEL E. GOLDSTEIN, Trustee of  
Renasant Bank; SHELBY DRIVE FOOD &  
FUEL, INC., a Tennessee corporation;  
GRAVES OIL COMPANY, INC., a  
Mississippi corporation; BARKAT  
COTARDIA d/b/a BAHROZ, INC.; REGINA  
MORRISON NEWMAN Shelby County  
Trustee; and JOHN PATRICK BLACK, City  
of Memphis, Treasurer,

DEFENDANTS.

DOCKET NO. CT-1005-21

PROJECT NO. 79020-1244-54  
STP-M-NHE-4(5) Div 7

TRACT NO. 43

TAX MAP 210K 094200 00048C

JURY DEMAND

PETITION FOR CONDEMNATION

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT:

Your Petitioner respectfully shows to the Court that:

1. He is the duly acting and qualified Commissioner of the Department of Transportation for the State of Tennessee.
2. Petitioner, in accordance with the Constitution of the State of Tennessee and all Public Acts of the State of Tennessee, as contained in the Tennessee Code Annotated, and all Acts

amendatory thereof and supplementary thereto, particularly Sections 29-17-901 and 54-5-104 of the Tennessee Code Annotated, has the right to exercise the power of eminent domain under the laws of the State of Tennessee.

3. Petitioner brings this suit for the purpose of acquiring by the exercise of eminent domain the right, title, and interest of the Defendants in the property hereinafter described. Said property is necessary in order to construct thereon a part of the highway project mentioned herein; and Petitioner is entitled to immediate possession of the property hereinafter described.

4. Petitioner has prepared a detailed set of plans which is available for inspection at the Regional Office of the Tennessee Department of Transportation in Memphis, Tennessee, and also at the Office of the Tennessee Department of Transportation in the James K. Polk Building in Nashville, Tennessee, and a copy of said plans will be offered as an exhibit in the trial of this case.

5. Petitioner further shows to the Court that in accordance with Section 29-17-902 of the Tennessee Code Annotated the sum of \$1,790,700.00 is herewith deposited.

6. The Petitioner believes that the status of the title to the property to be condemned is as follows:

RMRM, Inc., a Tennessee corporation, acquired their interests in said property by Warranty Deed dated May 3, 2017, and recorded May 9, 2017, as Instrument No. 17046161, in the Register's Office of Shelby County, Tennessee.

This property is encumbered by a Deed of Trust executed by RMRM, Inc., in favor of Renasant Bank, securing an indebtedness in the amount of \$891,113.20, dated May 3, 2017,



and recorded May 9, 2017 as Instrument No. 17046162, in the Register's Office of Shelby County, Tennessee.

Michael E. Goldstein acquired his interests in said property as Trustee for Renasant Bank, pursuant to the Deed of Trust recorded as Instrument No. 17046162, in the Register's Office of Shelby County, Tennessee.

The property is subject to an Assignment of Rents between Renasant Bank and RMRM, Inc., dated May 3, 2017, and recorded May 9, 2017, as Instrument No. 17046163 in the Register's Office of Shelby County, Tennessee.

The property is subject to a UCC in favor of Renasant Bank, recorded as Instrument No. 17046164 in the Register's Office of Shelby County, Tennessee.

Amanullah Devji acquired his interests in said property pursuant to a Settlement Agreement by and among Amanullah Devji, Nawaz Virji, Rafiq Ali, and Iqbal Hirji dated June 18, 2018.

Shelby Drive Food Fuel, Inc. acquired its interests in said property pursuant to an unrecorded Lease Agreement between RMRM, Inc. (Owner) and Nawaz Ali Virji (Manager) and Shelby Drive Food & Fuel, Inc., (Tenant) dated June 10, 2018.

This property is encumbered by a Motor Fuel Supply Marketing Agreement between Barn Investment I, LLC, a Tennessee limited liability company (Owner); and Graves Oil Company, a Mississippi corporation (Supplier) dated December 6, 2012, and recorded January 2, 2013, as Instrument No. 13000350, in the Register's Office of Shelby County, Tennessee. Said Agreement was amended by a First Amendment to Motor Fuel Supply Marketing Agreements between Barn Investments I, LLC, (Owner), Barkat Cotardia d/b/a Bahroz, Inc. (Operator); and

Graves Oil Company, Inc. (Supplier), dated April 18, 2014, and recorded November 19, 2014, as Instrument No. 14117625, in the Register's Office of Shelby County, Tennessee. An Assignment and Assumption of Motor Fuel Supply Marketing Agreement between Barn Investment I, LLC (Assignor), RMRM, Inc. (Assignee), Aman Devji (Individually), and Rafiq Ali (Individually), and Graves Oil Company, dated May 3, 2017, was recorded May 11, 2017, as Instrument No. 17047230, in the Register's Office of Shelby County, Tennessee.

This property is encumbered by a lien in favor of Shelby County, Tennessee for any applicable real estate taxes which may be due on said property. Regina Morrison Newman, Shelby County Trustee, has been made a party hereto to determine what interest Shelby County may have in the proceeds awarded herein.

This property is also encumbered by a lien in favor of the City of Memphis, Tennessee for any applicable real estate taxes which may be due on said property. John Patrick Black, Treasurer for the City of Memphis, Tennessee has been made a party hereto to determine what interest the City of Memphis may have in the proceeds awarded herein.

7. The property to be acquired in this proceeding is more particularly described as follows:

TAX MAP 210K 094200 00048C

Purchase in the name of State of Tennessee  
Located in Shelby County, Tennessee.

### ACQUISITION

Beginning at a Point of intersection of the present right-of-way of State Route 4 (Lamar Avenue) and the southeast property line, 93.59 feet right of the proposed State Route 4 (Lamar Avenue) centerline Station 421+13.01; Thence along the present right-of-way of State Route 4 (Lamar Avenue) and Shelby Drive, as follows: along a curve to the left with a radius of 11,492.16 feet and an arc length of 54.98 feet to a point 93.92 feet right of the proposed State Route 4 (Lamar Avenue) centerline Station 421+67.54; Thence along a curve to the left with a radius of 11,492.16 feet and an arc length of 50.09 feet to a point 94.23 feet right of the proposed State Route 4 (Lamar Avenue) centerline Station 422+17.28; Thence along a curve to the left with a radius of 11,492.16 feet and an arc length of 155.50 feet to a point 95.18 feet right of the proposed State Route 4 (Lamar Avenue) centerline Station 423+71.45; Thence along a curve to the left with a radius of 11,492.16 feet and an arc length of 59.75 feet to a point 95.52 feet right of the proposed State Route 4 (Lamar Avenue) centerline Station 424+30.86; Thence N 3° 45' 20" E, 105.73 feet to a point 159.90 feet right of the proposed State Route 4 (Lamar Avenue) centerline Station 425+14.73; Thence N 56° 41' 42" E, 30.81 feet to a point 190.71 feet right of the proposed State Route 4 (Lamar Avenue) centerline Station 425+14.49; Thence S 89° 33' 20" E, 200.12 feet to a point 49.84 feet right of the proposed Shelby Drive centerline Station 34+77.39; Thence N 70° 38' 51" E, 13.46 feet to a point 44.86 feet right of the proposed Shelby Drive centerline Station 34+89.90; Thence S 87° 33' 04" E, 98.68 feet to a point 45.00 feet right of the proposed Shelby Drive centerline Station 35+88.58; Thence S 87° 33' 04" E, 241.01 feet to a point of intersection with the east property line, 45.00 feet right of the proposed Shelby Drive centerline Station 38+29.65; Thence along the east property line, as follows: S 2° 36' 46" W, 23.00 feet to a point 68.00 feet right of the proposed Shelby Drive centerline Station 38+29.58; Thence S 2° 36' 46" W, 5.97 feet to a point 73.97 feet right of the proposed Shelby Drive centerline Station 38+29.57; Thence S 2° 36' 46" W, 9.03 feet to a point of intersection with the proposed right-of-way of Shelby Drive, 83.00 feet right of the proposed Shelby Drive centerline Station 38+29.54; Thence along the proposed right-of-way (CA.) and fence of Shelby Drive and State Route 4 (Lamar Avenue), as follows: S 86° 33' 15" W, 107.11 feet to a point 94.00 feet right of the proposed Shelby Drive centerline Station 37+23.00, which will be marked by a concrete right-of-way marker; Thence N 89° 07' 19" W, 150.90 feet to a point 98.11 feet right of the proposed Shelby Drive centerline Station 35+72.01; Thence N 89° 07' 19" W, 111.05 feet to a point 101.00 feet right of the proposed Shelby Drive centerline Station 34+61.00, which will be marked by a



concrete right-of-way marker; Thence S 25° 38' 35" W, 62.80 feet to a point 259.00 feet right of the proposed Shelby Drive centerline Station 423+40.00, which will be marked by a concrete right-of-way marker; Thence S 22° 52' 45" E, 243.53 feet to a point 217.00 feet right of the proposed Shelby Drive centerline Station 421+05.00, which will be marked by a concrete right-of-way marker; Thence S 26° 41' 42" E, 10.00 feet to a point of intersection with the southeast property line, 216.04 feet right of the proposed Shelby Drive centerline Station 420+95.23; Thence along said property line, S 66° 09' 09" W, 123.77 feet to the Point of Beginning. This area contains 1.908 acres, more or less.

By this Petition the Petitioner seeks to acquire the above-described tract of land in fee simple (and all improvements located on said tract of land) for highway purposes and shall acquire all rights of ingress and egress to, from, and across said property to and from abutting lands.

This property must be acquired for use in the improvement of State Route 4 (Lamar Avenue), City of Memphis, Shelby County, Tennessee.

PREMISES CONSIDERED, PETITIONER PRAYS THAT:

1. A copy of this Petition and Notice thereof issue and be served upon the Defendants either personally or by publication and that they be required to answer the same as provided by law;
2. Pursuant to Tennessee Code Annotated §29-17-903 after thirty (30) days from service of notice, if the Defendants do not question the Petitioner's right to acquire the property sought to be taken, that an order be granted giving the Petitioner the right of possession of the property described herein;
3. The Court grant all necessary orders for the condemnation and appropriation of the property described hereinabove and issue a writ of possession, if required.
4. All proper proceedings be had hereunder which are necessary for the condemnation and appropriation of the property described hereinabove in fee simple or easements where applicable so that the highway may be constructed thereon;



5. The aforementioned deposit be disbursed according to law; and that in accordance with Tennessee Code Annotated §26-5-108, the Clerk be directed to ascertain and report any taxes due and unpaid which constitute a lien on the condemned property and to satisfy said lien out of the money deposited herewith prior to withdrawal of the funds of the owners;

6. All right, title, and interest of the Defendants in the condemned property be vested in the State of Tennessee, for the use and benefit of the Department of Transportation, in fee simple or easements, whichever is applicable.

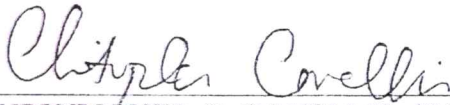
7. Any and all damages compensable under the laws of eminent domain, both actual and incidental, which occur as a result of the taking of the above-described property, property rights, and the construction of the aforementioned project be determined and compensated for;

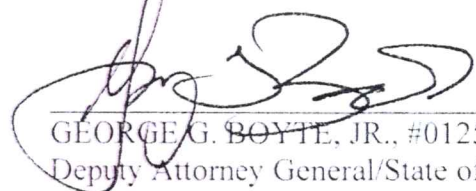
8. Petitioner have all such other, further, and general relief as appears just under the facts and laws of this case.

9. Petitioner hereby demands a jury to try the issues when joined as provided by law.

RESPECTFULLY SUBMITTED,

HERBERT H. SLATERY III  
Attorney General & Reporter

  
CHRISTOPHER G. COVELLIS, #030117  
Assistant Attorney General/State of Tennessee  
225 Martin Luther King, Jr. Drive  
Jackson, Tennessee 38301  
731-423-5720

  
GEORGE G. BOYTE, JR., #012576  
Deputy Attorney General/State of Tennessee

IN THE CIRCUIT COURT OF TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS  
SHELBY COUNTY

FILED  
MAY 27 2021

CIRCUIT COURT CLERK  
BY *A. Henley* D.C.

STATE OF TENNESSEE, ON RELATION  
OF THE COMMISSIONER OF THE  
DEPARTMENT OF TRANSPORTATION,

PETITIONER,

VS.

RMRM, INC., a Tennessee corporation;  
AMANULLAH DEVJI, RENASANT BANK,  
MICHAEL E. GOLDSTEIN, Trustee of  
Renasant Bank; SHELBY DRIVE FOOD &  
FUEL, INC., a Tennessee corporation;  
GRAVES OIL COMPANY, INC., a  
Mississippi corporation; REGINA  
MORRISON NEWMAN Shelby County  
Trustee; and LA'KEITH T. MILLER, City of  
Memphis, Treasurer,

DEFENDANTS.

DOCKET NO. CT-1005-21 – DIV VII

PROJECT NO. 79020-2252-14  
R-NH-4(11)

TRACT NO. 43

TAX MAP 210K 094200 00048C

JURY DEMAND

CONSENT ORDER OF CONDEMNATION AND APPROPRIATION

This cause came before this Honorable Court by consent of the underlined and upon the entire record of this cause, including the Petition for Condemnation previously filed herein, which Petition was filed for the purpose of acquiring by the exercise of the power of eminent domain certain property and property rights for use in Tennessee Department of Transportation Project No 79020-2252-14/R-NH-4(11), which property and property rights are owned by the Defendants herein and fully described in said Petition as well as in Exhibit A to this Order.



And it appearing to the Court that under the applicable laws of the State of Tennessee, including Section 29-17-901 et. seq., Section 7-53-310, and Section 64-6-101 et. seq. and the Petitioner in this cause has the right to condemn property rights described in said Petition for the public purposes set forth therein, that the Petitioner is entitled to immediate possession of said property rights by the exercise of the power of eminent domain, and that writs of possession should issue if necessary No objection to the Petitioner's right to condemn has been made.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that this cause be sustained as a lawful exercise of the power of eminent domain by the Petitioner and that the property rights described in the Petition for Condemnation previously filed in this cause (property rights are also described in Exhibit A) be condemned as of this date under the eminent domain laws of the State of Tennessee.


IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the property rights described in said Petition (which property rights are also described in Exhibit A to this Order and referenced in the right-of-way plan sheets attached hereto) are hereby appropriated to the use of the Petitioner for the purposes set forth in said Petition.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the Petitioner shall have immediate legal possession of the property rights described in said Petition (which property rights are also described in Exhibit A to this Order) and that a writ of possession issue upon request of the Petitioner

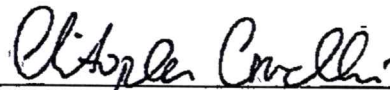
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that this cause be retained in Court in order that all further and future proceedings, orders, and decrees may be made according to law.

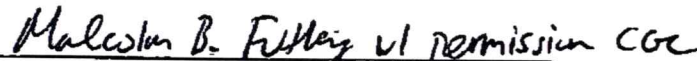


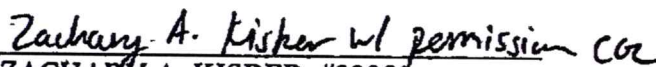
ENTERED this 27 day of May, 2021.

  
JUDGE MARY L. WAGNER  
CIRCUIT JUDGE

APPROVED FOR ENTRY:

  
CHRISTOPHER G. COVELLIS, #030117  
Assistant Attorney General/State of Tennessee  
Office of the Tennessee Attorney General  
225 Martin Luther King Jr. Drive  
Jackson, Tennessee 38301  
(731) 423-5720

  
MALCOLM B. FUTHEY III, #024432  
Attorney for RMRM, Inc.,  
Shelby Drive Food & Fuel, Inc; and  
Amanullah Devji  
The Futhey Law Firm, PLC  
1440 Poplar Avenue  
Memphis, Tennessee 38104  
(901) 725-7525

  
ZACHARY A. KISBER, #33388  
Attorney for Renasant Bank  
Baker, Donelson, Bearman, Caldwell &  
Berkowitz PC  
165 Madison Ave., Ste. 2000  
Memphis, TN 38103  
(901) 577-8262

Michael Fletcher w/ permission CGC  
MICHAEL FLETCHER, #006954  
Deputy City Attorney  
125 North Main Street, Room 336  
Memphis, Tennessee 38103

CERTIFICATE OF SERVICE

I, Christopher G. Covellis, hereby certify that a true and accurate copy of the foregoing *Consent Order of Condemnation and Appropriation* was forwarded via U.S. Mail, postage prepaid to Michael E. Goldstein - Trustee for Renasant Bank, Harris Shelton, 6060 Primacy Parkway, Suite 100, Memphis, Tennessee 38119; C. Fred Graves III - Registered Agent for Graves Oil Company, Inc., P.O. Box 112, Batesville, Mississippi 38606 and Gregory S. Gallagher c/o Regina Morrison Newman, Shelby County Trustee 157 Poplar Avenue 3<sup>rd</sup> Floor, Memphis, Tennessee 38103.

This the 27 day of May, 2021.

Christopher Covellis  
Christopher G. Covellis  
Assistant Attorney General/State of Tennessee

## EXHIBIT "A"

PROJECT 79020-2252-14  
R-NH-4(11)

TRACT 43

SHELBY COUNTY

TAX MAP 210K 094200 00048C

Purchase in the name of State of Tennessee  
Located in Shelby County, Tennessee

### ACQUISITION

Beginning at a Point of intersection of the present right-of-way of State Route 4 (Lamar Avenue) and the southeast property line, 93.59 feet right of the proposed State Route 4 (Lamar Avenue) centerline Station 421+13.01; Thence along the present right-of-way of State Route 4 (Lamar Avenue) and Shelby Drive, as follows: along a curve to the left with a radius of 11,492.16 feet and an arc length of 54.98 feet to a point 93.92 feet right of the proposed State Route 4 (Lamar Avenue) centerline Station 421+67.54; Thence along a curve to the left with a radius of 11,492.16 feet and an arc length of 50.09 feet to a point 94.23 feet right of the proposed State Route 4 (Lamar Avenue) centerline Station 422+17.28; Thence along a curve to the left with a radius of 11,492.16 feet and an arc length of 155.50 feet to a point 95.18 feet right of the proposed State Route 4 (Lamar Avenue) centerline Station 423+71.45; Thence along a curve to the left with a radius of 11,492.16 feet and an arc length of 59.75 feet to a point 95.52 feet right of the proposed State Route 4 (Lamar Avenue) centerline Station 424+30.86; Thence N 3° 45' 20" E, 105.73 feet to a point 159.90 feet right of the proposed State Route 4 (Lamar Avenue) centerline Station 425+14.73; Thence N 56° 41' 42" E, 30.81 feet to a point 190.71 feet right of the proposed State Route 4 (Lamar Avenue) centerline Station 425+14.49; Thence S 89° 33' 20" E, 200.12 feet to a point 49.84 feet right of the proposed Shelby Drive centerline Station 34+77.39; Thence N 70° 38' 51" E, 13.46 feet to a point 44.86 feet right of the proposed Shelby Drive centerline Station 34+89.90; Thence S 87° 33' 04" E, 98.68 feet to a point 45.00 feet right of the proposed Shelby Drive centerline Station 35+88.58; Thence S 87° 33' 04" E, 241.01 feet to a point of intersection with the east property line, 45.00 feet right of the proposed Shelby Drive centerline Station 38+29.65; Thence along the east property line, as follows: S 2° 36' 46" W, 23.00 feet to a point 68.00 feet right of the proposed Shelby Drive centerline Station 38+29.58; Thence S 2° 36' 46" W, 5.97 feet to a point 73.97 feet right of the proposed Shelby Drive centerline Station 38+29.57; Thence S 2° 36' 46" W, 9.03 feet to a point of intersection with the proposed right-of-way of Shelby Drive, 83.00 feet right of the proposed Shelby Drive centerline Station 38+29.54; Thence along the proposed right-of-way (CA.) and fence of Shelby Drive and State Route 4 (Lamar Avenue), as follows: S 86° 33' 15" W, 107.11 feet to a point 94.00 feet right of the proposed Shelby Drive centerline Station 37+23.00, which will be marked by a concrete right-of-way marker; Thence N 89° 07' 19" W, 150.90 feet to a point 98.11 feet right of the proposed Shelby



Drive centerline Station 35+72.01; Thence N 89° 07' 19" W, 111.05 feet to a point 101.00 feet right of the proposed Shelby Drive centerline Station 34+61.00, which will be marked by a concrete right-of-way marker; Thence S 25° 38' 35" W, 62.80 feet to a point 259.00 feet right of the proposed Shelby Drive centerline Station 423+40.00, which will be marked by a concrete right-of-way marker; Thence S 22° 52' 45" E, 243.53 feet to a point 217.00 feet right of the proposed Shelby Drive centerline Station 421+05.00, which will be marked by a concrete right-of-way marker; Thence S 26° 41' 42" E, 10.00 feet to a point of intersection with the southeast property line, 216.04 feet right of the proposed Shelby Drive centerline Station 420+95.23; Thence along said property line, S 66° 09' 09" W, 123.77 feet to the Point of Beginning. This area contains 1.908 acres, more or less.

By this Order, the Petitioner has acquired the above-described tract of land in fee simple (and all improvements located on said tract of land) for highway purposes and shall acquire all rights of ingress and egress to, from, and across said property to and from abutting lands.

In accordance with §29-17-911 of the Tennessee Code Annotated, the Department of Transportation for the State of Tennessee, or its duly authorized agents and assigns, is allowed the right to enter upon the Defendant's remaining land solely for the purpose of removing each improvement and/or encroachment located partially on the land condemned herein and partially on the remaining land of the Defendant.

This property must be acquired for use in the improvement of State Route 4 (Lamar Avenue), City of Memphis, Shelby County, Tennessee.

Being a portion of the property conveyed to RMRM, Inc., a Tennessee corporation, by Warranty Deed dated May 3, 2017, and recorded May 9, 2017, as Instrument No. 17046161, in the Register's Office of Shelby County, Tennessee.





[illegible]

**TRANSMIT**

COORDINATES ARE 40-09-21 (1993),  
WAS ADJUSTED BY 10  
EASTED BY 8.0000000000000000  
THE TOWN, ALL ELEVATIONS  
REFERENCE TO THE NAD 83 1983

STATE OF TENNESSEE  
DEPARTMENT OF  
TRANSPORTATION

RIGHT-OF-WAY  
DETAILS

S.R. 4  
(SHELBY COUNTY)  
STA. 621+00 TO STA. 634+00  
SCALE: 1"=50'