

IN THE CHANCERY COURT FOR LEWIS COUNTY  
AT HOHENWALD, TENNESSEE

IN RE:

SENTINEL TRUST COMPANY

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NO. 4781

FILED  
AT 9:58 O'CLOCK A.M.

MAY 23 2005

JANET WILLIAMS, CLERK & MASTER  
BY Selena Wix

MEMORANDUM AND ORDER

This matter is before the Court upon the Receiver's Motion for Approval of Sale of Sentinel's Bellevue, Tennessee Property. In open court on Monday, May 9, 2005, this Court granted the Defendants' request for additional time to file objections to this Motion. The Court gave the Defendants up to and including May 12, 2005, in which to file their objections. The Court also set a hearing to be conducted by conference call for 1:00 p.m. on Thursday, May 19, 2005, to address the Motion and the Objections.

The Court has now reviewed the filing styled "Objections of Danny N. Bates, et al., to Motion to Approve Sale of Sentinel's 'Bellevue Property'" that was filed on May 12, 2005. This pleading was signed by both Mr. Carrol Kilgore and Mr. Don Schwendimann as counsel for Mr. Bates, et al. This Court recognizes the magnitude of this case and the related matters that have been heard by the Davidson County Chancery Court and the United States District Court for the Middle District of Tennessee.

In any case of this magnitude emotions run high and tempers are short. This Court understands that and has tried to date to take that into consideration. However, high emotions and short tempers do not, and cannot, justify some of the vitriolic personal attacks against well-respected

jurists in our state and federal court systems contained in this filing.

In paragraph 3 on page 2 of the Objections, the statement is made “that the word ‘bank’ cannot be construed as meaning ‘trust company’ by any literate reader . . . . Such argument . . . proves the fact that a reading of ‘bank’ as including ‘trust company’ cannot be achieved, absent illiteracy, except by abandoning the plain meaning of language as it has existed for a period of centuries.”

In subsection (c) of paragraph 3 on page 3 of the Objections, the following statement is made: “Although other trial courts have enunciated decisions that rejected Sentinel’s contentions, none did so by demonstrating the loyalty to the sworn obligation to follow law . . . .”

Such vile statements are nothing short of personal attacks upon the character and professionalism of Judge Walter Kurtz of the 20<sup>th</sup> Judicial District for the State of Tennessee, Judge Robert E. Lee Davies of the 21<sup>st</sup> Judicial District for the State of Tennessee, and Chief Judge Robert Echols of the United States District Court for the Middle District of Tennessee. This Court will not tolerate such filings.

This filing is signed by two highly experienced, capable, and well-respected members of the Tennessee bar. Indeed, this fact makes this filing even more offensive to this Court. Many of us in the bench and bar bemoan the loss of civility in today’s practice. Yet, then this Court receives this filing from two lawyers who have in the past and should in the future be standard setters and role models for today’s younger lawyers in a movement to restore some civility to the practice of law.

This Court cannot, in good conscience, sit idly by and do nothing when faced with such offensive conduct. Accordingly, the Court, *sua sponte*, hereby **STRIKES** the Objections filed by Mr. Bates, et al. in their entirety. The Defendants will be allowed to file appropriate objections to

this Motion through the close of business tomorrow, Friday, May 20, 2005. Such appropriate objections shall be filed with the Lewis County Clerk & Master, with a copy sent directly to the undersigned judge at his office in Williamson County.

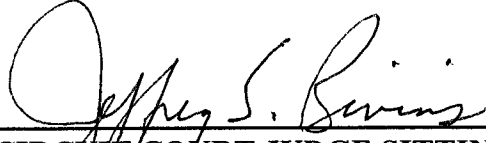
It is further **ORDERED** that this matter shall be set for hearing upon the Receiver's Motion and any appropriate Objections filed by the Defendants on either Tuesday, May 24, 2005 or Thursday, May 26, 2005 at a time to be determined. This hearing shall take place in open court at the Williamson County Judicial Center in Franklin, Tennessee. This Court recognizes that Mr. Schwendimann will be out of town all of next week, but it appears that Mr. Kilgore could be available based upon the suggestion in the filed Objections that a hearing be held in open court on Friday, May 20. Friday, May 20 was a day on which Mr. Schwendimann earlier advised the Court that he was out of town. The parties are instructed to confer and agree upon a time for the hearing sometime between 9:00 a.m. and 4:00 p.m. on Tuesday, May 24, 2005 or between the hours of 9:00 a.m. and 2:00 p.m. on Thursday, May 26, 2005. The parties shall then notify this Court's office in Franklin of the agreed upon time.

Prior to that hearing, this Court expects Mr. Kilgore and Mr. Schwendimann to send letters of apology to Judges Kurtz, Davies, and Echols. By copy of this Memorandum and Order, this Court is advising these esteemed jurists of this Court's actions. A copy of the Objections filed on May 12, 2005, shall be attached to this Memorandum and Order for their reference. If such letters of apology are sent with copies provided to this Court, this Court will consider the matter closed. If the letters are not forthcoming, this Court will consider the issuance of a show cause order for possible contempt of court charges and will consider possible referral to the Tennessee Board of Professional Responsibility.

All other matters are reserved.

**IT IS SO ORDERED.**

ENTERED this 19<sup>th</sup> day of May, 2005.

  
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**CIRCUIT COURT JUDGE SITTING  
AS CHANCELLOR**

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Order, as entered by the Court, has been sent, via First Class U.S. Mail, postage prepaid, to the following:

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This the 23<sup>rd</sup> day of May, 2005.

Selena Wix, Deputy Clerk  
Clerk and Master