

IN THE CHANCERY COURT FOR LEWIS COUNTY
AT HOHENWALD, TENNESSEE

IN RE:)

SENTINEL TRUST COMPANY)

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 20th Judicial District for the State of Tennessee, Judge Robert E. Lee Davies of the 21st 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

