

IN THE CHANCERY COURT FOR DICKSON COUNTY, TENNESSEE

STATE OF TENNESSEE, ex rel

Robert L. Brown, Bradford L. Diehl, Joyce A. Julian,
Cecil G. Julian, Jr. Family Partnership LP, Larry Fratesi,
Michael G. & Susan C. Chapman, Howard E. & Susan
M. Renner, Bill and Sharon Rion, Troy D. Russell,
Thomas A. & Christine Smith, Jerill Cagley, Larry and
Cecelia McNeel, Michael L. & Brandy R. Gilliland,
Fritz S. Stampfli, Harmon R. & Christine Daughrity,
John Tucker Jr. & Johnnie K. Tucker, Randell S. & Marian H. Sharp,
Clark & Millie Brown, Donovan J. & Martha J. Burnau,
Sean D. Spidle & Jacquelyn Barber, William R. III & Christine S. Ayers
Richard L & Hazel Fuller, Mark W. & Wanda Coone, David and
Pamelia Higgins, John Hargrove, Ralph & Virginia Easley
Jerry R. Pounds, Ewell M. Hollis, Jr., Chris & Tina G. Cianciolo
Ronald E. & Betty J. Hardin, Teresa C. Crow, Gary & Rena St. Amant
Wayne M. Kersey, Scott P. & Ellen A. Smith, Carl & Tammy Parish
John W. & Patricia M. McClenny, Jeff & Kim Dobbs, Kory and
Rhonda Harvey, Roger Black, Helen Rotkiewicz, Paul or Cynthia Beaton
Donald Lewis, Dale & Pamela Norris, Chuck & Lisa Boyd, Cliff J. Berlik
Paul S. Brady, Robert & Shannon Allen, Tim Heggie, Robert K. and
Peggy M. Overbey, Andrew M. & Patricia F. Luck, John W. and
Mary L. Dougherty, LeRoy C. & Linda T. Dunlap,

PLAINTIFFS

vs.

NO. _____

THE TOWN OF BURNS, TENNESSEE

DEFENDANT

COMPLAINT IN NATURE OF QUO WARRANTO

Come your Plaintiffs, by and through counsel, and bring this action in the nature of quo warranto, pursuant to TCA 6-51-103 and related statutes contesting the annexation of their property by the Town of Burns, Tennessee, and for cause of action would show as follows:

1. Plaintiffs own real property in Dickson County, Tennessee, which property is included within an area which Defendant Town of Burns, Tennessee, a municipal corporation, seeks to annex into its corporate limits pursuant to Ordinance Number 168, a copy of which ordinance is attached hereto as Exhibit A and made a part hereof by reference. Defendant undertook to pass said

Ordinance on second reading on or about the 1st day of May, 2006, allegedly, under authority of Tennessee Code Annotated 6-51-102, et seq.

2. Plaintiffs bring this action in the nature of quo warranto pursuant to Tennessee Code Annotated 6-51-103, et seq., and related statutes including T.C.A. 6-58-111, contesting the annexation ordinance and the attempted annexation of Plaintiffs' property without the consent and approval of your Plaintiffs.

3. Plaintiffs aver that neither the Mayor nor the City Council of Burns have received a request or approval from the Plaintiffs to annex Plaintiffs' property.

4. The governing body of the Town of Burns, Tennessee, has no power to provide any services to the citizens and residents of Sumner County, Tennessee, which the citizens and residents of Dickson County, Tennessee, do not already have or are not able, by and through their county legislative body, to procure for the benefit of all citizens and residents of Dickson County, Tennessee, including the citizens in the proposed annexed area.

5. Plaintiffs aver that the prosperity of the Town of Burns and of territory attempted to be annexed, will not be materially retarded and the safety and welfare of the inhabitants and property thereof will not be endangered if the referenced territory is not annexed.

6. Plaintiffs aver that they are entitled to a trial by jury on the statutory issue as set out in T.C.A. § 6-58-111 and do so demand a jury.

PREMISES CONSIDERED, PLAINTIFF PRAYS:

1. That process issue and be served upon Defendant requiring it to appear and answer this Complaint.

2. That a jury be empaneled to decide the statutorily mandated issue as provided in Tennessee Code Annotated 6-51-103 and T.C.A. 6-58-111.

3. That upon a trial by jury, the Ordinance herein referenced be vacated by order of this Court, and the same be declared null, void and of no effect.

6. That Plaintiff have such other, further, equitable and general relief to which this Court may deem it entitled

THIS IS THE FIRST PETITION IN THE NATURE OF QUO WARRANTO OR FOR EXTRAORDINARY RELIEF FILED ON BEHALF OF THE PLAINTIFF IN THIS MATTER AND NO COURT HAS HERETOFORE DENIED SUCH RELIEF.

Respectfully submitted,

David L. Buuck, BPR #7210
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COST BOND

We hereby acknowledge ourselves as sureties for statutorily provide court costs as provided in T.C.A. §20-12-120, in the above cause.

David L. Buuck, Atty.