

**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, David Beard,  
David A. and Maria C. Fussell, Steven D. Williams, Vince Daniels,  
Ronald S. and Brenda D. Collins, Edward R. Kimbro, Richard E. DeMara  
Ricky J. Bell, Dianne Baker Neblett, Mark and Winnie Smith, Wendell and Loretta Morgan

PLAINTIFFS

vs.

NO. \_\_\_\_\_

THE TOWN OF BURNS, TENNESSEE

DEFENDANT

**AMENDED COMPLAINT IN NATURE OF QUO WARRANTO**

Come your Plaintiffs by and through counsel, pursuant to T.R.Civ. P., Rule 15.01 and files  
this amended complaint.

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 Dickson 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,

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David L. Buuck, BPR #7210  
Attorney for Plaintiffs  
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Knoxville, Tennessee 37902  
(865) 544-0027  
(865) 637-9800 (Fax)  
dlbuuck@bellsouth.net

**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.

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David L. Buuck, Atty.

**CERTIFICATE OF SERVICE**

\_\_\_\_\_The undersigned hereby certifies that a true and exact copy of the forgoing pleading was mailed to all opposing counsel by United States Mail, postage paid, or was hand-delivered to opposing counsel this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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David L. Buuck, Attorney

Jerry V. Smith, Esq.  
300 North Main St.  
Dickson, TN 37055

***David L. Buuck***

ATTORNEY AT LAW

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June 12, 2006

Nancy Miller, Clerk and Master  
DICKSON COUNTY COURT HOUSE  
P.O. Box 547  
Charlotte, TN 37036

RE: State ex rel Brown, et al v. Town of Burns, Docket # 10254-06

Dear Ms. Miller:

Please find enclosed for filing, an Amended Complaint in the above styled cause.  
If you have any questions, please do not hesitate to call me.

Thanking you kindly, I am

Yours truly,

David L. Buuck

DLB/er

Enclosure