

COPY

IN THE CIRCUIT COURT FOR COCKE COUNTY, TENNESSEE

SMOKEY MOUNTAIN GOLF
COURSE, LLC, SMOKEY
MOUNTAIN BLUE LAGOON, LLC,
1075 GOLF COURSE ROAD, LLC,
Plaintiffs,

vs.

JOHN A. BELL, FREEBIRD LLC,
SUNSHINE FAINTING GOATS LLC,
ERBY CONTRACTORS, INC., BOBBY ERBY,
ROGER W. SMITH, SCOTT MCSWEEN,
SUSAN (BOLTON) STALLINGS,
HAROLD (SONNY) BOLTON, JOHN L. BELL,
RONNIE RAMSEY, EVERETT RAMSEY,
DONALD F. FRANCIS, and TAMMY M. FRANCIS,
Defendants.

Case No.

37009-II

COCKE COUNTY CIRCUIT COURT
FILED *me*

MAR 25 2024

at 12:21 Am / Pm
Kristy L. Nease, Clerk

COMPLAINT FOR QUIET TITLE AND ADDITIONAL CLAIMS

PREAMBLE

It is alleged that several persons, joined by John A. Bell, sought to find a path to isolate and convert for their own purposes the restart of mine operations at a quarry which is ultimately worth more than \$500,000,000.00. This group of Individuals participated in an attempt to land lock the quarry by converting a road dedicated to the County, trespassed on to the quarry to either convert water for their own purpose or introduce hazardous material into the quarry. These same and related persons participated in the operation of an unlicensed salvage/junk/dump and are attempting to conceal the dumping of hazardous material without license while operating a separate pit dump. These same persons "bought" a lot from an near illiterate 84 year old for 10 cents on the dollar, a conversion of about \$315,000.00, all to attempt to grab millions, in a surface form of the law without the substance.

Plaintiffs hereby sue the Defendants and would respectfully show to the Court as follows:

1. Plaintiffs, Smokey Mountain Golf Course, LLC, Smokey Mountain Blue Lagoon, LLC, and 1075 Golf Course Road, LLC are corporations formed in the State of Tennessee and owners of real property in Cocke County, Tennessee.
2. Defendant, John A. Bell, a former general sessions judge voted out of office, is a citizen of Cocke County, Tennessee, found at 1209 Piney Mountain Road, Newport, TN 37821.
3. Defendant, John L. Bell, alleged President of Sunshine Fainting Goats LLC, is doing business in Cocke County, Tennessee, whom may be served through his attorney, John A. Bell, found at 1209 Piney Mountain Road, Newport, TN 37821.
4. Defendant Freebird, LLC, is an owner of property in Cocke County, Tennessee, member managed, available for service of process via Registered Agent Unshackled Solutions, LLC, 1209 Piney Mountain Road, Newport, TN 37821.
5. Defendant Sunshine Fainting Goats LLC, is an owner of property in Cocke County, Tenn., member managed, whose principle office John A. Bell, 1209 Piney Mountain Road, Newport, TN 37821, is available for service of process via Registered Agent Unshackled Solutions, LLC, 1209 Piney Mountain Road, Newport, TN 37821.
6. Defendant Erby Contractors, Inc., doing business in Cocke County, Tenn., is available for service of process via Registered Agent Deborah H. Erby, 744 Lower Quarry Road, Newport, TN 37821-8810.
7. Defendant Roger W. Smith executed transfer documents for property in Cocke County, Tenn., available for service of process upon attorney John A. Bell, at 1209 Piney Mountain Road, Newport, TN 37821.
8. Defendant Susan (Bolton) Stallings executed transfer documents for property in Cocke County, Tenn., available for service of process upon attorney John A. Bell, at 1209 Piney

Mountain Road, Newport, TN 37821.

9. Defendant Harold (Sonny) Bolton, executed transfer documents for property in Cocke County, Tenn., available for service of process upon attorney John A. Bell, at 1209 Piney Mountain Road, Newport, TN 37821.
10. Defendant Ronnie Ramsey, is a citizen of Cocke County, Tennessee, available for service of process upon his attorney John A. Bell, at 1209 Piney Mountain Road, Newport, TN 37821.
11. Defendant Everett Ramsey is a citizen of Cocke County, Tennessee, available for service of process upon his attorney John A. Bell, at 1209 Piney Mountain Road, Newport, TN 37821, as further set out in this complaint it may be that this Defendant has claims against other Defendants under Tenn. Code Ann. § 71-6-120 given the transfer of an asset worth \$350,000.00 for 10 cents on the dollar, a sophisticated form of conversion or all his efforts involved intentional conduct and he is appropriately a defendant to this action.
12. Defendant Scott McSween is a citizen of Cocke County, Tennessee, available for service of process upon his attorney John A. Bell, at 1209 Piney Mountain Road, Newport, TN 37821.
13. Defendant Donald F. Francis, is a citizen of Cocke County, Tennessee, found at 1135 Golf Course Road, Newport, TN 37821.
14. Defendant Tammy M. Francis is a citizen of Cocke County, Tennessee, found at 1135 Golf Course Road, Newport, TN 37821.
15. Defendant Robert (Bobby) Erby a citizen of Cocke County, Tennessee, found at 744 Lower Quarry Road, Newport, TN 37821-8810.

JURISDICTION AND VENUE

16. This cause of action arises from transactions and events which occurred in Cocke County, Tennessee.
17. The Circuit Court is a court of general jurisdiction which is empowered to adjudicate tort and non-tort claims.
18. All defendants are residents of Cocke County, Tennessee, or are doing business in Cocke County, Tennessee.

CLAIMS

NUISANCE, TRESPASS AND BREACH OF COVENANTS (Environmental Cleanup, Automobile Salvage and Dump)

19. As depicted on the overhead view of the property, an unlicensed, not inspected, auto salvage junk yard and dump is operated by Defendant Ronnie Ramsey and/or Defendant Everett Ramsey across several adjacent properties, and which actually trespass upon the property of Plaintiffs, or impact Plaintiffs negatively (Tenn. Property Map Viewer with Vexcel Imagery and Property Lines www.tnmap.tn.gov). Exhibit A - (overhead w/ property lines & tax#).
20. It is alleged that the covenants which run with the land are applicable, were recorded prior to the operation of the ongoing dump activities, prohibit all such activities and provide authority to any owner to enjoin any dump activity even if done with license issued by the State of Tennessee, no known licence is known to exist. Further that any noxious activity is a public nuisance which may be remedied by seeking appropriate relief from the Court.
21. Plaintiff Smokey Mountain Blue Lagoon, LLC, is the owner of real property commonly known as a mine on Rebecca Road, also known by tax number 065 **28.04** on Exhibit A, and the description of the property is set out in within the attached deed and incorporated by reference. Exhibit B - Warranty Deed Book 1616 Page 895, Instrument 23001682.

22. Plaintiff 1075 Golf Course Road, LLC is the owner of real property commonly known as a 1075 Golf Course Road, also known by tax number 065 **27.01** on Exhibit A, and the description of the property is set out in within the attached warranty deed and incorporated by reference. Exhibit C - Warranty Deed Book 1617 Page 256 Instrument 23001759.
23. Defendant Freebird LLC, the successor to Defendants Donald F. Francis and Tammy M. Francis, who conveyed the land without arm length transaction without market value payment, and whose members are believed to be John A. Bell, John Luke Bell, Donald F. Francis and Tammy M. Francis, owns the real property commonly known as a Rebecca Drive, also known by tax number 065G B **011.00** on Exhibit A, and the description of the property is set out in within the attached deed and incorporated by reference. Exhibit D Quitclaim Deed Book 1626 Page 9, Instrument 23003495.
24. Defendants Donald F. Francis and Tammy M. Francis directly, as set out in the deed, owned the real property commonly known as a Rebecca Drive, since 2011, also known by tax number 065G B **011.00** on Exhibit A, and the description of the property is set out in within the attached deed and incorporated by reference. Exhibit D - Quitclaim Deed Book 1626 Page 9, Instrument 23003495.
25. Defendant Freebird LLC, the successor to Defendants Donald F. Francis and Tammy M. Francis, continues the practice of Defendants Donald F. Francis and Tammy M. Francis allowing the illegal junk yard/auto salvage/dump and/or landfill business sign and entrance to exist on the property.
26. Defendant Everett Ramsey previously directly owned the real property commonly known as a Ridgecrest Drive, since 1994, also known by tax number 065 **028.06** on Exhibit A, and

the description of the property is set out in within the attached deed and incorporated by reference. Exhibit E. Warranty Deed Book 1626 Page 46, Instrument 23003513.

27. Defendant Sunshine Fainting Goats LLC, continues the practice of Defendant Everett Ramsey allowing the illegal junk yard/auto salvage/dump and/or landfill business to exist and operate as the successor to Defendant Everett Ramsey, whose members are believed to be John A. Bell, John Luke Bell, Donald F. Francis, Tammy M. Francis and Ronnie Ramsey, owns the real property commonly known as a Rebecca Drive, also known by tax number 065 **28.06** on Exhibit A, description of the property is incorporated by reference. Exhibit E - WD Deed Book 1626 Page 46, Instrument 23003513.
28. On information and belief, Defendant Everett Ramsey has less than a grade school education, is elderly, age 84, and dependant upon assistance from John A. Bell, and his cousin Ronnie Ramsey. It is alleged that John A. Bell, joined by Ronnie Ramsey convinced Defendant Everett Ramsey to sell property to John A. Bell, John Luke Bell, Donald F. Francis, Tammy M. Francis and Ronnie Ramsey via the Sunshine Fainting Goats LLC, for about \$35,000.00 when a valid offer to purchase was made in the amount of \$350,000.00 by Smokey Mountain Blue Lagoon, LLC, a sum 1/10 of the actual value of the property, literally 10¢ on the dollar, and not a true arm length transaction sold for market value. It is also alleged that Ronnie Ramsey operated an auto salvage/dump on property of Defendant Everett Ramsey, with or without participation of Everett Ramsey.
29. Defendants Donald F. Francis and Tammy M. Francis paid Defendants Ronnie Ramsey and Everett Ramsey \$5,000.00 each for the right to purchase this same property, with actual knowledge of a valid offer of fair market value \$350,000.00, when Defendant John A. Bell knew or should have known that Defendant Ronnie Ramsey had no right to any

compensation paid to Everett Ramsey as the warranty deed, see Exhibit E, reflects that only Everett Ramsey held all interest in the property now known as Sunshine Fainting Goats LLC property. Exhibit G - Right to Purchase.

30. Plaintiffs allege that the payment to Defendant Ronnie Ramsey by Defendants Donald F. Francis and Tammy M. Francis facilitated by Defendant John A. Bell was for the purpose of obtaining Ronnie Ramsey assistance in the Sunshine Fainting Goats LLC purchase set out in Exhibit E for a value 1/10th of actual value.
31. Access to the FinCEN (Financial Crimes Enforcement Network) data base, mandatory reporting commenced January 1, 2024, is not yet available to litigants limiting ability to confirm or refute any ownership interest in any limited liability corporation.
32. On information and belief, the property transfers between Defendants were in part for the purpose of limiting their personal liability for all environmental clean up costs and other associated costs and shift same to City of Newport via an annexation attempt, and or Cocke County, Tennessee. Significant damages exist in the removal and disposal of contaminated soil and or contaminated dumped items at the unlicensed salvage yard a.k.a. dump.
33. All Defendants, involved in transfers without benefit of any arm length transaction for adequate compensation, may not claim the defense of no longer being connected as owner of record for the property. Defendants maintain personal liability for all operations conducted on the properties, past, present, and future.
34. It is alleged that an junk yard/land fill/auto salvage/dump is operated since 1994, by Defendant Ronnie Ramsey and Defendant Everett Ramsey and that Defendants Donald F. Francis and Tammy M. Francis, allowed the operation of the recently transferred dump, since 2011, without State of Tennessee license or inspection, on and across the property they

ultimately conveyed to Freebird LLC. Further that Defendants Freebird LLC, Sunshine Fainting Goats LLC, assisted by Erby Contractors, Inc., and the members of the corporations continue to allow the operation of the dump and have not taken any step to cease ongoing dump activities or legally commence clean up activities. Indeed, operations conducted by Erby Contractors, Inc., and Bobby Erby, include the transfer of contaminated soil and other materials, transporting same from the immediately adjacent properties to the dump pit on the property of Ronnie Ramsey for illegal disposal and cover up. Defendant Ronnie Ramsey is the owner of real property surrounding the cell tower on Gold Course Rd. also known by tax number 065 **27.00** on Exhibit A. Exhibit F - Warranty Deed Book 285 Page 357.

35. The operation of the auto salvage/dump so extensive that the contamination and related contaminated tanks and other container, impact, directly or indirectly, all plaintiffs property by actual dumping of automobiles, tanks, containers, and other sources of environmental contamination next to and on Plaintiff's real property.
36. It is alleged that the auto salvage/dump extends along Rebecca Road from the Freebird property and includes a portion of the property known as Rebecca Road near the Newport water tower onto Sunshine Fainting Goats property with trespass onto Plaintiffs real property owned by Smokey Mountain Blue Lagoon, LLC and 1075 Golf Course Road LLC. See Exhibit A reflecting numerous junk autos, tanks, and other disposed items.
37. It is alleged that Defendant Ronnie Ramsey, Defendant Everett Ramsey, Donald F. Francis, and Tammy M. Francis, each benefitted from, or allowed, the charge of dumping fees in breach of environmental protection laws. Indeed, at the entrance of Freebird LLC property remains the sign hand crafted by Ronnie Ramsey. Exhibit Q.

38. Plaintiff Smokey Mountain Golf Course, LLC, is the owner of real property commonly known as a public golf course, and the description of the property is set out in within the attached deed and incorporated by reference. Exhibit H - Warranty Deed Book 1616 Page 890, Instrument 23001681.
39. Defendants know that Plaintiff Smokey Mountain Golf Course LLC obtains water for the maintenance of the public golf course from the pond maintained by Smokey Mountain Blue Lagoon LLC. Any contamination of the water at Smokey Mountain Blue Lagoon LLC has an immediate impact on all users of the community golf course and has a potential of substantial harm upon any contamination discovery.
40. Continued economic viability of Smokey Mountain Golf Course, LLC, is dependant on access to water not contaminated by sand or other river borne debris which if introduced, via use of river water into the sprinklers at the golf course, would clog hundreds of sprinklers. Install of filters to handle the necessary water volume are not economically feasible.
41. It is alleged that the ground and/or water is contaminated as a result of the activities of defendants and that all expense related to testing for contamination and clean up be done by defendants in accord with the Tennessee Department of Environment and Conservation, Division of Re-mediation, Tenn. Code Ann. 68-212-201 et seq and Tenn. R. & Reg. 0400-15-.01 and/or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 USC et seq.
42. It is alleged that the continuing monitoring costs, post cleanup, if required by governmental authorities, or if recommended by an private actor hired by Defendants as part of the clean up effort, is a damage to continue until the mitigation and cleanup is deemed successful, all at the costs of Defendants.

43. It is alleged that the scope of the trespass and destruction of the land through the unlicensed activities at the auto salvage yard and/or dump on the property of Smokey Mountain Blue Lagoon LLC, significant. Plaintiff Smokey Mountain Blue Lagoon LLC, suffers damages of \$100.00 per day for each car, tank, drum or other large junk dumped, along with contaminated soil and/or debris, onto the property of Plaintiff, an estimated 100 units or more or \$10,000.00 per day since conveyance of the deed to the property on April 18, 2023, (257 day in 2023 and 75 days as of March 15, 2024, total days on March 15, 2024, 332 days or \$3,320,000.00) and ongoing until fully mitigated and cleaned of impacts. Punitive damages for intentional tortuous activity are available, Plaintiffs seek an amount of five (5) times the damages, or \$15,000,000.00 which ever is larger.
44. It is alleged that the scope of the trespass and destruction of the land through the unlicensed activities at the auto salvage yard and/or dump on the property of 1075 Golf Road LLC is less significant than Smokey Mountain Blue Lagoon LLC, but remains significant given the risk of environmental contamination. Plaintiff 1075 Golf Course Road LLC, suffers damages of \$100.00 per day for each car, tank, drum or other large junk dumped, along with contaminated soil and/or debris, onto the property of Plaintiff, an estimated 10 units or more or \$1,000.00 per day since conveyance of the deed to the property on April 18, 2023, (257 day in 2023 and 75 days as of March 15, 2024, total days on March 15, 2024, 332 days or \$332,000.00) and ongoing until fully mitigated and cleaned of impacts. Punitive damages for intentional tortuous activity are available, Plaintiffs seek an amount of five (5) times the damages, or \$1,500,000.00 which ever is larger.

NUISANCE AND BREACH OF COVENANTS
(Environmental Cleanup, Ramsey Open Dump)

45. All prior allegations are incorporated and restated.

46. Defendant Ronnie Ramsey is the owner of real property commonly known as a mine on Rebecca Road, also known by tax number 065 **27.00** on Exhibit A, the description of the property is set out in within the attached deed and incorporated by reference. Exhibit F - Warranty Deed Book 285 Page 357
47. This property is covered by the same Covenants prohibiting a dump being operated on the property. Plaintiffs have both common law standing to object the open pit dump adjacent to their property or via migration of contaminates to prevent broader contamination, all a nuisance. Further, Plaintiffs allege that each own land included in the covenants which prohibit dump activity. Exhibit I - Overhead of Pit Dump.
48. Defendant Ronnie Ramsey and Defendant John A. Bell, assisted by Bobby Erby and Erby Contractors, Inc., have worked together to reopen the open pit dump on Ronnie Ramsey property, in part to address issues related to the auto junk yard operated by Ronnie Ramsey, and continues today, on the property of his cousin Everett Ramsey (now Sunshine Fainting Goats LLC), the property of Donald Francis and Tammy Francis (now Freebird LLC), and Plaintiffs Smokey Mountain Blue Lagoon LLC (via trespass) and 1075 Golf Road LLC (via trespass).
49. Defendants have allowed the removal of contaminates and dumping from property owned and/or controlled by Defendants to the open pit on the Ronnie Ramsey property.
50. It is alleged that the open pit dump exceeds one acer, is active, and is not licensed by the State of Tennessee. Exhibit I - Overhead of Pit Dump.
51. It is alleged that contaminated soil and debris are being dumped and covered by Defendants Ronnie Ramsey, John A. Bell, Bobby Erby and Erby Contractors, Inc.

52. It is alleged that the parties know that the activity is prohibited unless properly licensed by the State of Tennessee and is therefore a nuisance and environmental nuisance.
53. The dump of contaminated soil and other alleged poisons are a threat to the properties immediately adjacent and indirectly adjacent to the open pit dump, including Plaintiffs' property.
54. Plaintiffs seek a Temporary Injunction order requiring Defendants to cease operations at the open pit dump until compliant with a State of Tennessee license for mitigation and cleanup.
55. Plaintiffs seek an order requiring Defendants to permanently cease operations at the open pit dump, to include Bobby Erby and Erby Contractors, Inc., post cleanup
56. Plaintiffs seek an order requiring Defendants to obtain all necessary State of Tennessee permits and follow all requirements to return the whole property to safe use, not just limited to the open pit dump.
57. Plaintiffs seek an order requiring monitor of all sub-surface waters to address the threat to Plaintiff water supply and that all such monitoring be in accord with Tenn. environmental reclamation rules and regulations.

QUIET TITLE

(Land-lock Effort to Cut Road Access of Smokey Mountain Blue Lagoon)

58. All preceding paragraphs are incorporated and restated.
59. Plaintiffs are in need of a declaration that the attempted land lock of Plaintiff Smokey Mountain Blue Lagoon LLC, is a nullity, or in the alternative a court ordered easement across and along Rebecca Drive.
60. All parties are aware of the existence of Rebecca Drive, formally the same access known as "Old Quarry Road", "Old Quarry Way", as the call of the land description of all deeds since

April 12, 1979, provide for the existence of Rebecca Drive by following the deed lines either north or south of Rebecca Drive. Exhibit J - Plat Allen Smith Subdivision Section 2

61. The Plat of April 12, 1979, where Rebecca Drive is depicted, appears to have been drafted as part of the probate of Susan (Bolton) Stallings, Harold (Sonny) Bolton' parents and the signature authenticating the dedication of Rebecca Drive identified as Chancellor Chester Rainwater, in effect a certification of the Plat as an Order of the Court. Mr. James C. McSween Jr., attorney well known in this jurisdiction since commencing practice in 1954, has reviewed the signature and confirms the signature of Chancellor Rainwater. Exhibit J Plat Allen Smith Subdivision Section 2
62. Contained in the files of McSween, McSween, & Greene, PLLC, a Plat which is a mirror of the above, is an original Plat signed by Susan (Bolton) Stallings, Harold (Sonny) Bolton and Chancellor Chester Rainwater. Exhibit K Unfiled Plat
63. Indeed, Rebecca Drive is partially cited in Timber Crest Plat B-166 as part of the dedication by Susan (Bolton) Stallings, Harold (Sonny) Bolton of "all streets, alleys, walks, parks and other open spaces to public or private use as noted ." This dedication is of August 19, 1989. Exhibit L Plat Timber Crest B-166.
64. Defendant John A. Bell did draft, present, encourage, and obtain signature on a quitclaim deeds signed by Roger W. Smith, a deed by Susan (Bolton) Stallings, and a deed by Harold (Sonny) Bolton. Exhibit M - Affidavit by John A. Bell.
65. Defendants Roger W. Smith, Susan (Bolton) Stallings, Harold (Sonny) Bolton, Donald F. Francis and Tammy M. Francis, facilitated by John A. Bell, joined together to convey real property, via quitclaim deeds for \$1 compensation, which had been dedicated since April 12, 1979, as a road known as Rebecca Drive. Exhibit N Collective.

66. Defendant Harold (Sonny) Bolton's deed is a nullity as no legal notary stamp is affixed to the affidavit of the conveyance, a fact that does not detract from his intent and effort to harm plaintiffs. Exhibit N.
67. Defendants Susan (Bolton) Stallings, Harold (Sonny) Bolton ignored the fully compliant dedication, of a portion of Rebecca Drive in Timbercrest Plat B-166, Exhibit L, so deeply the desire to assist Donald F. Francis and Tammy M. Francis, facilitated by John A. Bell, in their land grab of 1.41 acres. Exhibit O - Survey of Rebecca Drive.
68. The effect of the transfer/attempted transfer is the intentional merger Rebecca Drive with the property of Donald F. Francis and Tammy M. Francis, is to land-lock Plaintiff Smokey Mountain Blue Lagoon LLC, to obtain control, or ultimate ownership via future action.
69. Defendants Roger W. Smith, Susan (Bolton) Stallings, Harold (Sonny) Bolton intentionally created a fraud on the chain of title of all property touching Rebecca Drive by knowing all relevant facts that all deeds after the filing of the April 12, 1979 Plat refer to Rebecca Drive as a boundary. By assisting John A. Bell, who claimed that they had not conveyed the rights to Rebecca Drive to Cocke County, Tennessee, and sought that they gift the property for one (\$1) dollar to Donald F. Francis and Tammy M. Francis, they did intentionally or with gross negligence harmed Plaintiffs: Plaintiff Smokey Mountain Blue Lagoon LLC, directly and Plaintiff Smokey Mountain Golf Course LLC by directly threatening easement access along Rebecca Drive for the water used by the golf course.
70. Even if true that Rebecca Drive not conveyed to the county correctly, the cure would have been to dedicate Rebecca Drive to public and private use, not participate in land-lock of real property that had been provided access along Rebecca Drive for the last 45 years.

71. Tenn. Code Ann. § 66-26-106 provides:

(Presumption as to Validity of Registration After Twenty Years) Whenever a deed has been registered twenty (20) years or more, the same shall be presumed to have been properly acknowledged or proved, though the certificate of acknowledgment or probate has not been transferred to the registers book, and without regard to the form of the certificate; provided, that an acknowledgment to an instrument which has been of record in the register's office for a period of seven (7) years shall be presumed valid so as to comply with the form of acknowledgments set out in §§ 66-22-107 and 66-22-108.

72. Defendants Stallings and Bolton knew that they had transferred property in part defined by Rebecca Drive and knew that the transfer, without notice to the other owners and users of Rebecca Drive would have devastating effect on those other ascertainable owners.

73. Plaintiff seeks that the Court order enter an Order finding that the quitclaim deeds of record at Book/Page 1623/100-103 Instrument 23002912, Cocke County Register of Deeds, is a nullity and that the April 12, 1979 Plat is a valid plat which speaks for itself without any exception.

74. Plaintiff seeks that the Court order enter an Order finding that the quitclaim deeds of record at Book/Page 1623/278-281 Instrument 23002954, Cocke County Register of Deeds, is a nullity and that the April 12, 1979 Plat is a valid plat which speaks for itself without any exception.

75. Plaintiff seeks that the Court order enter an Order finding that the quitclaim deeds of record at Book/Page 1623/282-285 Instrument 23002955, Cocke County Register of Deeds, is a nullity and that the April 12, 1979 Plat is a valid plat which speaks for itself without any exception.

76. Plaintiffs seek their reasonable attorney fees as Defendants Susan (Bolton) Stallings, Harold (Sonny) Bolton conveyed the property by warranty deed, in the chain of title, the same property now owned by Plaintiff Smokey Mountain Blue Lagoon LLC, and Plaintiff Smokey

Mountain Golf Course LLC, all the rights conveyed at that time are now threatened by the same sellers of that same real property, all in breach of the warranty to protect title against all claimants, including themselves. As the effort to land-lock property now owned by Plaintiff Smokey Mountain Blue Lagoon LLC a central part of the full effort by Defendants, Plaintiffs seek all their reasonable attorney fees suffered in this action.

TORTUOUS INTERFERENCE WITH BUSINESS RELATIONSHIP

77. All preceding paragraphs are incorporated and restated.
78. Plaintiff Smokey Mountain Blue Lagoon LLC obtained rights owned by the successors in title and took over mining rights previously protected by Vulcan Mining Company. Upon adoption of zoning, Smokey Mountain Blue Lagoon LLC did file a notice of Grandfathered-In Uses with Cocke County Mayor's Office whom has accepted the notice without reservation. Plaintiff is seeking all necessary permits from the State of Tennessee in process to resume operations.
79. The filing of a notice of Grandfathered-In Uses was necessitated by the adoption of county wide zoning by the Cocke County Commission.
80. On information and belief, Defendants John A. Bell, was directed by Donald F. Francis and Tammy M. Francis, to express opposition to the mining rights of Smokey Mountain Blue Lagoon LLC to the Cocke County Mayor's office upon the filing the notice of Grandfathered-In Uses. Defendants sought to revise zoning to improve the ability to bar development, and did seek to bar acceptance of grandfather status of the property. This approach failed because Plaintiffs followed the law and the government agents also followed the law.

81. Defendants John Bell and Ronnie Ramsey sought to claim part ownership of the pool water of Smokey Mountain Blue Lagoon, claiming survey rights or Waters of the State of Tennessee. The ownership of all the water on the property of Smokey Mountain Blue Lagoon LLC is with Plaintiff and none of the water considered “Waters of the State”, the effort rejected by the Tenn. Dept. of Environment & Conservation. This approach failed because Plaintiff Smokey Mountain Blue Lagoon LLC owns the waters within its boundaries, followed the law, and the government agents also followed the law. Exhibit P.
82. Defendants John A. Bell, was directed by Donald F. Francis and Tammy M. Francis to reach out to Defendants Roger W. Smith, Susan (Bolton) Stallings and Harold (Sonny) Bolton for the express purpose of an attempt to land-lock Plaintiff Smokey Mountain Blue Lagoon LLC in furtherance of a plan to prevent business operations by Plaintiff Smokey Mountain Blue Lagoon LLC.
83. Defendant John A. Bell knew the effect of conveyance of the road to Donald F. Francis and Tammy M. Francis would damage Plaintiff Smokey Mountain Blue Lagoon LLC and did conceal his conduct to the last moment, the filing of an application for annexation. Annexation Application in possession of City of Newport or their agent and Defendants.
84. Defendants are aware that upon reopen of the mine, owned by Plaintiff Smokey Mountain Blue Lagoon LLC, that all businesses which purchase rock or crushed rock in Cocke County, Tennessee, and immediately adjacent counties, would become customers of Plaintiff. These same parties attempted to have the City of Newport to annex the property into the City, all to indirectly affirm the transfer of Rebecca Drive to Defendants Donald F. Francis and Tammy M. Francis. The attempted annexation an important element of the plan. However, the members of the commission sought additional information in the necessary and correct

deliberation of their duty and would not be swayed by the lamentation of Defendant John A. Bell, to include an effort to remove property of Sunshine Fainting Goats LLC (the same property purchased for 10 cents on the dollar from Everett Ramsey) from the application by oral amendment. This approach is pending, Annexation Application in possession of City of Newport.

85. Defendants seek control over Smokey Mountain Blue Lagoon LLC to artificially lower the value of the property and force sale for pennies (by blocking road access) or to require sale of, or transport fees along, Rebecca Drive, seeking millions in the facially valid exercise of ownership of Rebecca Drive. Defendants are aware that the entire value of the mine owned by Plaintiff Smokey Mountain Blue Lagoon LLC., including total stone value, is about, but not less than, Five Hundred Million Dollars (\$500,000,000.00) upon full development.
86. Defendants seek annexation without provision of any service by the City of Newport. Defendants seek the right to pay City of Newport land tax while seeking NO city services in return, other than the governmental entity indirectly assist Defendants in their undisclosed goals. This announcement to the Commission elicited many questions as they indicated every annexation was accompanied by request for some city service.
87. On information and belief, Defendants conduct indicated a total lack of respect of the commissioners and government agents doing their respective duty. Defendants, through John A. Bell, demonstrated a belief that knowing a commissioner equaled access and access would translate into action which could be bent to Defendant's will. Indeed, the application is silent on the operation of the junk yard across multiple lots, the junk yard trespass, the environmental damage caused by Defendants, and the potential for another "Super Fund" clean up project in Cocke County, Tennessee. A "Super Fund" project where the creation

of “Sunshine Fainting Goats LLC” and “Freebird LLC” were done to allow these entities to declare bankruptcy if necessary and shield actual owner Defendants.

88. Defendants Roger W. Smith, Susan (Bolton) Stallings, Harold (Sonny) Bolton intentionally created a fraud on the chain of title of all property touching Rebecca Drive by knowing all relevant facts of all deeds after the filing of the April 12, 1979 Plat which does refer to Rebecca Drive as a boundary and road to be used by lots touching the property and knew that the transfer, without notice to the other owners and users of Rebecca Drive would have devastating effect on those other ascertainable owners.
89. Defendants Susan (Bolton) Stallings and Harold (Sonny) Bolton actually conveyed all lots which touch Rebecca Drive, as original sellers referencing the Plat. Assisting John A. Bell, who claimed that they had not conveyed the rights to Rebecca Drive to Cocke County, Tennessee, and sought that they gift the property for one (\$1) dollar to Donald F. Francis and Tammy M. Francis, they did intentionally harmed Plaintiffs, Plaintiff Smokey Mountain Blue Lagoon LLC, directly land-locking the property, and Plaintiff Smokey Mountain Golf Course LLC directly by threatening easement access along Rebecca Drive for the water line to the golf course. Exhibit O. (Survey of 1.41 acres conveyed showing land-lock of Plaintiff Smokey Mountain Blue Lagoon, LLC).
90. Defendants Donald F. Francis and Tammy M. Francis participated in the intentional interference with the business relationships of Plaintiff Smokey Mountain Blue Lagoon LLC by seeking to land-lock Plaintiff Smokey Mountain Blue Lagoon LLC by both accepting the property in furtherance with the agreement to harm Plaintiff and participating in the decisions to obtain both the quitclaim deeds and make application to the City of Newport. Defendant John Luke Bell, and Sunshine Fainting Goats LLC also participated in the intentional

interference with the business relationships of Plaintiff Smokey Mountain Blue Lagoon LLC by providing additional property to encircle Plaintiff Smokey Mountain Blue Lagoon LLC. All members of Sunshine Fainting Goats LLC participated in efforts to sabotage business efforts by Plaintiff Smokey Mountain Blue Lagoon LLC. Exhibit M - Affidavit in support of Quitclaim Deeds by John A. Bell.

91. Defendants collectively intentionally created a fraud on the chain of title of all property touching Rebecca Drive all in the effort to prevent Plaintiff Smokey Mountain Blue Lagoon LLC from engaging in economic activity and to interfere with prospective business opportunity.
92. Even if true that Rebecca Dive not conveyed to the county correctly, the cure would have been to dedicate Rebecca Drive to public and private use, not participate in land-lock of real property that had been provided access along Rebecca Drive for the last 45 years. Defendant John A. Bell, as an attorney knew or should have known that Tenn. Code Ann. § 66-26-106 provides a presumption of valid transfer after 20 years, here a period double the statutory period.
93. The damages from this knowing and intentional acts are to be calculated but include the entire value of the mine, operated as a mine, owned by Plaintiff Smokey Mountain Blue Lagoon LLC., including total stone value, but not less than Five Hundred Million Dollars (\$500,000,000.00).
94. All defendants exercising improper motive or improper means as set out above did intentionally harm Plaintiffs, and Plaintiffs have been damaged \$10,000,000.00 for the direct tortuous activity.

95. Punitive damages are appropriate and sought in an amount to be determined but not less than 5 times the judgment amount, or \$100,000,000.00 whichever is less.

TRESPASS
(Personal Trespass)

96. All prior allegations are incorporated and restated.
97. It is alleged that Defendant John A. Bell, with Scott McSween (believed to be an agent or employee of Defendants Donald F. Francis and Tammy M. Francis) and/or Bobby Erby, did trespass onto Plaintiff Smokey Mountain Blue Lagoon LLC property (tax number 065 **28.04** on Exhibit A) from the immediately adjacent property within his control, Sunshine Fainting Goats LLC, (tax number 065 **28.06** on Exhibit A) with the intent to either dump liquids into the pond at the quarry site, or to remove water he did not own and converting same to their own use.
98. It is alleged that an Agent for Plaintiff Smokey Mountain Blue Lagoon LLC, Ian Holback, discovered the existence of a buried concealed pipe which had been put into the pond and did remove it, and did identify that the pipe went directly to the property of Sunshine Fainting Goats LLC, (tax number 065 **28.06** on Exhibit A).
99. On October 14, 2023, it is alleged that Defendants John A. Bell, Ronnie Ramsey, and Bobby Erby, and/or Scott McSween returned to the site and again attempted to place a replacement pipe into the pond at the quarry when they were caught and challenged by Ian Holback.
100. During the confrontation, Defendant John A. Bell refused to acknowledge any wrong doing and attempted to assert some form of gun violence against Ian Holback, which was absolutely untrue. Additionally, Defendant John A. Bell, using his prior authority to obtain law enforcement participation, sought City of Newport and/or Cocke County Sheriff

Department to enforce his wrongful actions, however, the officers found no wrong to be sanctioned. Ian Holback had to peacefully confront, at personal risk, the knowing and intentional intimidation and threats until Defendant John A. Bell did withdraw.

101. Defendants John A. Bell and Ronnie Ramsey knew or should have known that the property of Sunshine Fainting Goats LLC did not include any access to the quarry pond owned by Smokey Mountain Blue Lagoon LLC.
102. Plaintiff seeks temporary injunction preventing Defendant John A. Bell, Defendant Ronnie Ramsey, Defendant Bobby Erby, and Defendant Erby Contractors, Inc., or any agent of his or any co-member/owner or agent of any company which either has a personal, professional, or economic interest from entering the property of any plaintiff, including: Smokey Mountain Blue Lagoon LLC, Smokey Mountain Golf Course LLC, and 1075 Golf Course Road LLC.
103. Plaintiff seeks permanent injunction preventing Defendant John A. Bell, Defendant Ronnie Ramsey, Defendant Bobby Erby, and Defendant Erby Contractors, Inc., or any agent of his or any co-member/owner or agent of any company which either has a personal, professional, or economic interest from entering the property of any plaintiff, including: Smokey Mountain Blue Lagoon LLC, Smokey Mountain Golf Course LLC, and 1075 Golf Course Road LLC.
104. Further that the injunction provide for the necessary cleanup efforts: all costs, licensed approved by Tennessee, and monitored be taken by the same Defendants. Further, any other necessary act to facility the purposes of the environmental cleanup, all of which Plaintiffs hold power to approve in advance or deny, subject to necessary legal compliance.

105. Plaintiff Smokey Mountain Blue Lagoon LLC seeks \$5,000.00 for the trespass damages by Bobby Erby and \$10,000.00 for the trespass damages by Erby Contractors, Inc.
106. Plaintiff Smokey Mountain Blue Lagoon LLC seeks \$10,000.00 for the trespass damages from John A. Bell, \$10,000.00 for the trespass damages from Scott McSween, and \$10,000.00 for the trespass damages from Ronnie Ramsey and a permanent injunction preventing future trespass.

FRAUD

107. All preceding paragraphs are incorporated and restated.
108. The fraud includes: the land grab of Rebecca Drive to land-lock Smokey Mountain Blue Lagoon LLC: the effort to induce Everett Ramsay to sell his property to Donald Francis and Tammy Francis for 10 cents on the dollar, included the payment of \$5000.00 to Ronnie Ramsey to influence his cousin (when he did not have any right to the money), the creation of Sunshine Fainting Goats LLC and Freebird LLC to hide actual full ownership of the properties and limit risk if a Super Fund cleanup is required. All with the knowing and intentional participation, management, and guidance of John A. Bell.
109. Defendants Susan (Bolton) Stallings, Harold (Sonny) Bolton intentionally created a fraud on the chain of title of all property touching Rebecca Drive, when responding to Defendant John A. Bell who claimed that they had not conveyed the rights to Rebecca Drive to Cocke County, Tennessee, and sought that they gift the property for one (\$1) dollar to Donald F. Francis and Tammy M. Francis.
110. Defendants Donald F. Francis and Tammy M. Francis intentionally directed John A. Bell to contact Defendants Susan (Bolton) Stallings, Harold (Sonny) Bolton in a effort to obtain a fraud on the chain of title of all property touching Rebecca Drive seeking to “merge” the

property, known as Rebecca Drive for the last 45 years, to existing deeds for their personal benefit.

111. Defendant John A. Bell facilitated the effort to commit a fraud on Plaintiffs Smokey Mountain Blue Lagoon LLC, Smokey Mountain Golf Course LLC, title by retroactively terminating access to Rebecca Drive and the water line which Smokey Mountain Golf Course LLC relies upon.
112. On information and belief, Defendants Susan (Bolton) Stallings, Harold (Sonny) Bolton received more than \$1.00 for the quitclaim deed conveyed to Donald F. Francis and Tammy M. Francis, the affidavit of consideration is alleged not a true statement of fact as it is alleged that they received substantially more money than the *de minimis* fee.
113. The damages from this knowing and intentional act are to be calculated but include the entire value of the mine owned by Plaintiff Smokey Mountain Blue Lagoon LLC., including total stone value, but not less than Five Hundred Million Dollars (\$500,000,000.00).
114. That punitive damages are appropriate in an amount of five times the sum of the compensatory damages.

CIVIL CONSPIRACY

115. All preceding paragraphs are incorporated and restated.
116. That in committing the acts alleged herein, Defendants John A. Bell, John Luke Bell, Ronnie Ramsey and/or Defendant Everett Ramsey, Roger W. Smith, Susan (Bolton) Stallings, Harold (Sonny) Bolton, Donald F. Francis, Tammy M. Francis, Sunshine Fainting Goats LLC and Freebird LLC, all acting in concert, committed the act of civil conspiracy by agreeing to act together to harm the Plaintiffs, agreeing in part together and each acting for

the purpose of promoting or facilitating the commission of personal torts or crimes against Plaintiff, agreeing that one or more will engage in these individual acts.

117. That Defendants John A. Bell, John Luke Bell, Ronnie Ramsey, Donald F. Francis, Tammy M. Francis, did actually act in concert to harm the Plaintiffs.
118. Defendant Bobby Erby and Erby Construction, Inc., participated in the actual effort to conceal the Rasmey Junk yard and to illegally attempt clean up without license and in furtherance of a part of the overall plan, even if their knowledge limited to the unlicensed activity.
119. Defendants Susan (Bolton) Stallings, Harold (Sonny) Bolton, and/or Roger W. Smith, knew that they had signed deeds to property which boundaries are impacted by Rebecca Drive and still assisted in the agreement to harm Plaintiffs by signing deeds intended to land-lock Plaintiff Smokey Mountain Blue Lagoon LLC, and threaten water access by Plaintiff Smokey Mountain Golf Course LLC.
120. All individual Defendants with knowledge of key facts agreed to participate in components of the scheme, all in furtherance of Defendants overall conspiracy to prevent Plaintiff Smokey Mountain Blue Lagoon LLC from conducting any commercial business and seeking the ultimate grab of the property or “extortion” of millions to allow use of Rebecca Drive.
121. Defendants did discuss or otherwise agree to their part of the conduct stated above and such conduct is in furtherance of a common design, even if not all elements known to all co-conspirators.
122. Plaintiff seeks an award of \$2,000,000.00 in compensatory damages.
123. That punitive damages are appropriate in an amount of five (5) times the sum of the compensatory damages, up to \$10,000,000.00.

124. That defendants are jointly and severally liable for the damages.

WHEREFORE, Plaintiffs demand the following:

- A. That proper process issue and be served upon the Defendants, and that the Defendants be required to appear and answer the Complaint within the time required by law;
- B. Plaintiffs seek a Temporary Injunction order requiring Defendants to cease operations at the Open Pit Dump and the Ramsey Auto Salvage & Dump until compliant with a State of Tennessee license for mitigation and cleanup. Plaintiffs seek an order requiring Defendants to obtain all necessary State of Tennessee permits and follow all requirements to return the whole property to clean and safe use, not just limited to the open and obvious abandoned vehicle, tanks, barrels etc.
- C. Plaintiffs seek a Injunction Order requiring Defendants to permanently cease operations at the Open Pit Dump and the Ramsey Auto Salvage & Dump, to include Bobby Erby and Erby Contractors, Inc., and any successor in chain of title, post cleanup.
- D. Plaintiffs seek an order requiring monitor of all sub-surface waters to address the threat to Plaintiff water supply and that all such monitoring be in accord with Tenn. environmental reclamation rules and regulations.
- E. Plaintiff Smokey Mountain Blue Lagoon LLC, suffers damages of \$100.00 per day for each trespass found for each car, tank, drum or other large junk dumped, along with contaminated soil and/or debris, onto the property of Plaintiff, an estimated 100 units or more or \$10,000.00 per day since conveyance of the deed to the property on April 18, 2023, (257 day in 2023 and 75 days as of March 15, 2024, total days on March 15, 2024, 332 days or \$3,320,000.00) and ongoing until fully mitigated and cleaned of impacts. Punitive damages

for intentional tortuous activity are available, Plaintiffs seek an amount of five (5) times the damages, or \$15,000,000.00 which ever is larger.

- F. Plaintiff 1075 Golf Course Road LLC, suffers damages of \$100.00 per day for each car, tank, drum or other large junk dumped, along with contaminated soil and/or debris, onto the property of Plaintiff, an estimated 10 units or more or \$1,000.00 per day since conveyance of the deed to the property on April 18, 2023, (257 day in 2023 and 75 days as of March 15, 2024, total days on March 15, 2024, 332 days or \$332,000.00) and ongoing until fully mitigated and cleaned of impacts. Punitive damages for intentional tortuous activity are available, Plaintiffs seek an amount of five (5) times the damages, or \$1,500,000.00 which ever is larger.
- G. Plaintiffs seek an order requiring Defendants to permanently cease operations at the Open Pit Dump, to include Bobby Erby and Erby Contractors, Inc. Plaintiffs seek an order requiring Defendant Ronnie Ramsey obtain all necessary State of Tennessee permits and follow all requirements to return the whole property to safe use, not just limited to the Open Pit Dump. Further, Plaintiffs seek an order requiring monitor of all sub-surface waters to address the threat to Plaintiff water supply and that all such monitoring be in accord with Tenn. environmental reclamation rules and regulations. All a cost of Defendants.
- H. Plaintiff seeks that the Court order enter an Order finding that the quitclaim deeds of record at Book/Page 1623/100-103 Instrument 23002912, Book/Page 1623/278-281 Instrument 23002954, Book/Page 1623/282-285 Instrument 23002955, Cocke County Register of Deeds, each is a nullity and that the April 12, 1979 Plat is a valid plat which speaks for itself without any exception.

- I. Plaintiff Smokey Mountain Blue Lagoon LLC seeks \$5,000.00 for the trespass damages, each, from Bobby Erby and \$10,000.00 from Erby Contractors, Inc., and Plaintiff Smokey Mountain Blue Lagoon LLC seeks \$10,000.00 for the trespass damages, each, from John A. Bell, and Ronnie Ramsey and a permanent injunction preventing future trespass.
- J. Plaintiff Smokey Mountain Blue Lagoon LLC and Smokey Mountain Golf Course LLC damages from this knowing and intentional fraud of Defendants be the entire value of the mine owned by Plaintiff Smokey Mountain Blue Lagoon LLC., including total stone value, but not less than Five Hundred Million Dollars (\$500,000,000.00) and that punitive damages are appropriate in an amount of five times the sum of the compensatory damages.
- K. Plaintiff Smokey Mountain Blue Lagoon LLC seeks damages from tortuous interference with business relationships, all a knowing and intentional act not less than Five Hundred Million Dollars (\$500,000,000.00) special damages. All Defendants exercising improper motive or improper means as set out above did intentionally harm Plaintiffs, and Plaintiffs have been damaged \$10,000,000.00 for the tortuous interference with business relationships, and that punitive damages are appropriate in an amount of five times the sum of the compensatory damages.
- L. Plaintiff each seek an award of \$2,000,000.00 in compensatory damages for the civil conspiracy of the Defendants and that each Plaintiff be granted punitive damages are appropriate in an amount of five (5) times the sum of the compensatory damages, up to \$10,000,000.00, and that this award be joint and several as provided by law.
- M. That Plaintiffs be allowed to elect their damage where necessary;
- N. For costs of this action be taxed to Defendants;
- O. That Plaintiff's attorney fees be granted in a sum to be determined and paid by Defendants.

P. Such other and further relief to which the Plaintiff may prove to be entitled.

**THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY
PROCESS IN THIS CAUSE**

Respectfully submitted this March 25, 2024



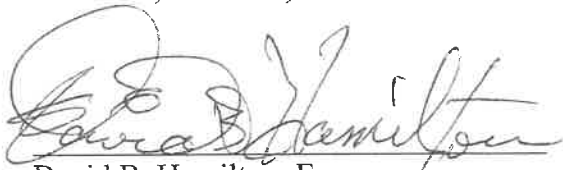
David B. Hamilton, BPR No.: 020783
1810 Merchant Drive
Knoxville, TN 37912
865.219.9250 / 865.219.7982 fax



Plaintiff, Ian Holback, Manager
Smokey Mountain Golf Course, LLC

COST BOND

I, Ian Holback as Manager for Plaintiff Smokey Mountain Golf Course, LLC, as Principal, and David B. Hamilton, as Surety, are held and firmly bound unto the Circuit Court Clerk of Cocke County, Tennessee for the payment of costs awarded against the principal. To that end, we bind ourselves, our heirs, executors and administrators.



David B. Hamilton, Esq.



Principal, Ian Holback, Manager
Smokey Mountain Golf Course, LLC