



BRYANT C. DUNAWAY

## District Attorney General

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August 18, 2025

Via email and U.S. Mail  
[Mayoradcockdekalbtn@gmail.com](mailto:Mayoradcockdekalbtn@gmail.com)

Mayor Matt Adcock  
DeKalb County Courthouse  
Room 204  
Smithville, TN 37166

RE: Silver Point Shores Subdivision

Dear Mayor Adcock:

On August 8, 2025, I received an email from you that had several attachments. Those attachments included:

1. A copy of November 2022 minutes of the planning commission;
2. A summary of lot sales listing lot purchasers;
3. An email written by Fire Chief Donny Green dated October 7, 2022.
4. An outdated and obsolete copy of TN statute TCA 13-4-306.

This email was the first communication that I have had with you about this matter.

After reviewing your email and its' attachments, I learned about the public meeting where several property owners attended. At that meeting you made public comments that this matter was criminal, that the District Attorney was looking into this and the District Attorney may refer this matter to the FBI.

I don't know why you made such comments, you and I have never spoken about this matter. I understand that you did have a brief message exchange with my Assistant District Attorney.

Even so, after receiving your email, I reviewed the documents you provided and also reviewed some public records from the Register of Deeds office. This

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matter appears to be an unfortunate situation for the property owners. While there may be some civil remedies available to the property owners, there does not appear to be a criminal matter. As you are aware, by law my office only handles the prosecution of criminal cases.

My first observation is that copy of Tenn. Code Ann § 13-4-306 that you sent me in your email is obsolete and out dated. I am enclosing a copy of the current statute that has been in effect since March 2021. The current statute contains no criminal penalties for violating what it prohibits.

The statute provides, in part, that property owners, shall not "**transfer or close** the sale" of land by reference to... a subdivision plat without first submitting a final subdivision plat to the planning commission, receiving the commission's approval and before the final plat is recorded in the Register's Office.

Based upon my own search of the Records of the Register of Deeds, I find that the final plat for Silver Point Shores Subdivision was recorded October 12, 2022 in Plat Book 1, page 1665 (copy of recoding notation below).

**Daniel Seber, Register**  
**DeKalb County**

|                      |                               |
|----------------------|-------------------------------|
| <b>Rec #:</b> 141367 | <b>Instrument #:</b> 206319   |
| <b>Rec'd:</b> 30.00  | <b>Recorded</b>               |
| <b>State:</b> 0.00   | <b>10/12/2022 at 12:09 PM</b> |
| <b>Clerk:</b> 0.00   | <b>in Plat</b>                |
| <b>Other:</b> 2.00   | <b>1</b>                      |
| <b>Total:</b> 32.00  | <b>PGS 1665-1666</b>          |

Upon reviewing the plat itself, it appears to have all the required signatures including a certification by the Secretary of the Dekalb County Regional Planning Commission, dated October 12, 2022, certifying that the plat has been approved for recording (see image immediately below).

CERTIFICATION OF APPROVAL FOR RECORDING

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF DEKALB COUNTY, TENNESSEE, WITH THE EXCEPTION OF SUCH VARIANCES, IF ANY, AS ARE NOTED IN THE MINUTES OF THE DEKALB COUNTY REGIONAL PLANNING COMMISSION AND THAT IT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE COUNTY REGISTER.

10/12/2022  
DATE

  
SECRETARY, DEKALB COUNTY REGIONAL  
PLANNING COMMISSION

I further note that the warranty deeds conveying lots to the purchasers listed on the summary of sales list that you provided to me show that all of the deeds were transferred after October 12, 2022.

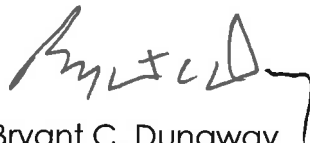
What is puzzling to me is that even though the plat was certified and approved for recording on October 12, 2022, the Planning Commission meeting minutes that you provided to me where the plat approval is discussed is dated November 7, 2022.

Civil remedies are discussed in the statute (Tenn. Code Ann. § 13-4-306) and those civil remedies may be available to the County or the property owners in trying to resolve the concerns that exist here. Even if the statute did contain a criminal penalty, all crimes require an element of criminal intent and criminal prosecutions require a high level of proof (beyond a reasonable doubt). The fact that the Planning Commission signed the plat certifying that it was approved for recording and the fact that the lots were transferred after that date really muddy the water.

I understand from the primary concern is the lack of installation of the fire suppression system that is required. I understand that there was a 40k bond posted by the developer for that purpose. I further understand that the County may have discovered that the cost of installing such a system exceeds 40K. The resolution of this issue would be appropriately resolved in civil court. It does not appear to be a criminal matter.

I feel for the property owners here. This is a difficult situation and I understand their concern.

Sincerely,



Bryant C. Dunaway  
District Attorney General

cc: Hilton Conger, County Attorney

West's Tennessee Code Annotated  
Title 13. Public Planning and Housing  
Chapter 4. Municipal Planning (Refs & Annos)  
Part 3. Municipal Planning Regulations

T. C. A. § 13-4-306

§ 13-4-306. Sales without approval of plat; false representations concerning roads or streets; remedies and penalties

Currentness

(a)(1) The owner or the agent of the owner of any land shall not:

(A) Transfer or close the sale of the land by reference to, exhibition of, or by other use of a subdivision plat without first submitting a final subdivision plat to the municipal planning commission and receiving the commission's approval and before the final plat is recorded in the appropriate register's office; or

(B) Falsely represent to a prospective purchaser of the land that roads or streets will be constructed by the municipality or other political subdivision.

(2) The description by metes and bounds in the instrument of transfer or other document used in the transfer does not exempt the transaction from a violation of this subsection (a). The municipality, through the municipal attorney or other official designated by the chief legislative body, may pursue an injunction or other appropriate remedy for a violation of this subsection (a).

(b) The owner or agent of the owner of any land may close the sale of or transfer any lot or lots shown on a plat only after that plat has been given final plat approval by the planning commission, and after having been granted this final plat approval, the final plat is recorded in the office of the county register. The planning commission may grant final plat approval where the infrastructure improvements such as roads, water, sewer, utilities, other infrastructures, and facilities are not completed and accepted by the appropriate entities. For the planning commission to grant final approval, the owner or agent of the owner of the land to be granted final approval shall post a bond, letter of credit, or other method of assurance in form, in amount, and with conditions and surety satisfactory to the planning commission. The bond, letter of credit, or other method of assurance shall provide for and secure to the public and the municipality the actual construction and installation of the infrastructure improvements within a period specified by the planning commission.

(c) The remedies and penalties provided by this chapter are to be applied exclusively to the owner or agent of the owner. Title to any tract conveyed without compliance with this chapter is not affected by this chapter unless the sale or transfer has been enjoined by a court of competent jurisdiction before the conveyance is recorded in the office of the appropriate county register. While the title to the tract is not affected by this chapter, the tract remains otherwise subject to this chapter.

**Credits**

1935 Pub.Acts, c. 45, § 5; 1989 Pub.Acts, c. 591, § 113; 2015 Pub.Acts, c. 209, § 5, eff. April 20, 2015; 2021 Pub.Acts, c. 39, §§ 4 to 6, eff. March 23, 2021.

Formerly 1950 Code Supp., § 3407.14; § 13-606.

Notes of Decisions (2)

T. C. A. § 13-4-306, TN ST § 13-4-306

Current with effective legislation through Chapter 529 of the 2025 First Regular Session of the 114th Tennessee General Assembly. Some sections may be more current; see credits for details. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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