BETTY OLD MABRY] IN THE PROBATE COURT OF DAVIDSON COUNTY, TENNESSEE

VS.] NO. 51678

WILLIAM ELLIS MABRY, JR.] DECREE

Map 102-8
Par. 37
M.A.

This cause came on to be heard on this 7th day of March, 1968, before the Honorable Shelton Luton, Judge, Probate Court of Davidson County, Tennessee, upon the original petition filed by the complainant, attachment against the real property of the parties, and service by publication. From the testimony of the complainant and her corroborating witnesses, statement of counsel, and from the entire record of this cause, the Court is of the opinion that the complainant did sufficiently prove her grounds for divorce, that is, that the defendant has been guilty of such cruel and inhuman treatment towards her as renders further cohabitation unsafe and improper for her to remain under his dominion and control; and further, that defendant has been guilty of desertion for more than one whole year.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the complainant, Betty Old Mabry, is awarded an absolute divorce from the defendant, William Ellis, Mabry, Jr., and the bonds of matrimony heretofore subsisting between the parties are forever and perpetually dissolved. The complainant is restored to all the rights and privileges of an unmarried person.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the complainant is awarded the absolute care, custody and control of the two minor children of the parties, to wit, Cathey Lenell, and Joel Keith, with the defendant having the right to visit said aforementioned minor children at reasonable times and places.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that since the defendant is now a non-resident of the state of Tennessee, that all questions pertaining to support for said aforementioned minor children are expressly reserved by the Court for further consideration.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that as alimony, complainant is awarded all of the defendant's equity in and to the household furnishings located in the home of the parties at 843 Russleo Drive, Nashville, Tennessee. In addition thereto, complainant is awarded all of the defendant's

right, title and interest in and to the real property now owned by the parties as tenants by the entirety, located at 843 LRussleo Drive, Nashville, Tennessee and more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 38 on the Map of Horton Heights, Section IV, as of record in Book 1835, page 129, Register's Office for said County.
>
> Said Lot 38 fronts 83 feet on the southwesterly side of Russleo Drive and runs back 264.8 feet on the northwesterly line and 252.6 feet on the southeasterly line, to a dead line, measuring 111.5 feeththereon.
>
> Being the same property conveyed to William E. Mabry, Jr., and wife, Betty Old Mabry, by deed from James D. McClure and wife, Helen B. McClure, of record in Book 2634, page 303, R.O.D.C.

Said aforementioned property is divested out of the defendant and vested into the complainant, to be hers absolute.

It further appearing to the Court that the parties are also owners as tenants by the entirety of certain cemetery lots located in the Masonic Cemetery at Lawrenceburg, Tennessee, and being the same lots sold to the parties by Mrs. C. C. Collier, it is ORDERED, ADJUDGED AND DECREED that said cemetery lots be divested out of the defendant and vested in the complainant, to be hers absolute.

All other questions pertaining to alimony and attorney's fees are reserved, in view of defendant's non-residency.

The ~~defendant~~ COMPLAINANT will pay the costs of this cause, for which execution may issue, if necessary.

Entered this 11th day of March, 1968.

/s/ Shelton Luton
JUDGE

O.K. FOR ENTRY:

/s/ Jack Norman, Jr.
Jack Norman, Jr., Attorney for Complainant

I certify that I have mailed a copy of this Decree to Mr. Jerome A. Lamb, attorney for defendant, 17 West Michigan Avenue, Ypsilanti, Michigan.

/s/ Jack Norman, Jr.
Attorney

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STATE OF TENNESSEE

I, ALF RUTHERFORD, Clerk of the Circuit Court for the County of Davidson, in the State aforesaid, do certify that the foregoing is a correct transcript of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between BETTY OLD MABRY *Plaintiff, and* WILLIAM ELLIS MABRY, JR. *Defendant, as same remain of record in said Court.*

IN TESTIMONY WHEREOF, *I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the* 10th *day of* APRIL *in the year one thousand nine hundred and* 68 *and in the* 192nd *year of American Independence.*

ALF RUTHERFORD, Clerk.

By _____, *D. C.*

122284

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY
STATE OF TENN.

APR 10 3 46 PM '68

RECORDING FEE $ 4.50

DEP. REG. R