BOOK 4266 PAGE 695

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IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

Map. 129-7
Par. 25
PW

JOSEPHINE HYMEL,

V.

GENE JOSEPH HYMEL,

APPEARANCE NO. 48708

D E C R E E

This cause came on to be heard on August 8, 1968 before Honorable Benson Trimble, Judge, upon the petition of Josephine Hymel to make final and absolute the limited divorce granted the petitioner by the decree of this Court entered September 12, 1967, and for other relief, including a division of property, alimony for petitioner and support for her children, visitation rights of the defendant and solicitors' fees. After consideration by the Court of the oral testimony introduced upon the hearing of this petition, deposition of the defendant, exhibits entered in the cause, the entire record of this cause, and upon argument of counsel, the Court finds that the petition for absolute divorce has been sustained. The Court, therefore, finds that the defendant has been guilty of such cruel and inhuman treatment and conduct towards petitioner as renders further co-habitation with the defendant unsafe and improper. The Court further finds that the interest of society, as well as the case law in this state, dictates that divorce a vinculo be, and the

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DAVIDSON COUNTY, TENN.

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same hereby is, granted and petitioner is hereby restored to all the rights, privileges and immunities of an unmarried person

The Court further finds and decrees that petitioner shall have custody of the four minor children of this marriage, those children being Mary Louise Hymel, born November 1, 1958; Henry Carriere Hymel, born June 10, 1960; Joseph Boillin Hymel, born January 15, 1962 and Margaret Claudia Hymel, born August 12, 1963. Defendant, for the time being, is allowed visitation rights with the children on every other Sunday afternoon from 2:00 p.m. until 6:00 p.m., said visitation to occur by the defendant picking up the children at their home on Melinda Drive in Nashville, Tennessee at 2:00 p.m. in the afternoon and returning the children at the same place on or before 6:00 p.m. on the same afternoon.

The defendant is hereby granted the right to have custody of the children for the period beginning at 12:00 Noon August 16, 1968 to 5:00 p.m. August 24, 1968, by which time they will be returned to the petitioner's residence on Melinda Drive, Nashville, Tennessee, this visitation being for the sole purpose of allowing the defendant to take the children to the State of Louisiana to visit members of the defendant's family. In view of the ages of the children, the Court thinks it advisable for the defendant to avoid driving at night on the trips to and from Louisiana and strongly recommends that the

defendant and the children stop at an appropriate lodging place for the night on both legs of the journey.

The Court concludes that the following division of property should be made in this case and so decrees:

(1) The defendant shall receive sole title and interest to the lot in Metairie, Louisiana now jointly owned by the parties, being more particularly described as Lot 14, Square 39, Pontcharian Shores, Metairie, Louisiana, and title to the same is hereby divested from Josephine Hymel and vested solely in Gene Joseph Hymel, said Gene Joseph Hymel will assume all outstanding indebtednesses thereon;

(2) The defendant shall have sole title and interest in stock in Old Town, Inc , a corporation of the State of Louisiana, and all title and interest which Josephine Hymel might have in stock certificate number 5 representing 500 shares of said corporation is hereby divested from the said Josephine Hymel and vested solely in Gene Joseph Hymel;

(3) All stock owned by Josephine Hymel as of the date of this decree, whether represented by certificates in her name or held by brokers in a "street name," shall be her sole and exclusive property, and all title or interest Gene Joseph Hymel may have in such stock is hereby divested out of him and vested solely in Josephine Hymel;

(4) All right, title and interest in and to real estate and all improvements thereon located at 6538 Melinda Drive, Nashville, Davidson County, Tennessee, is divested out of Gene Joseph Hymel and vested in Josephine Hymel as her sole and exclusive property, subject to the lien referred to in the following paragraph, said Josephine Hymel will assume all outstanding indebtednesses thereon;

As a part of the division of the property in this case, Josephine Hymel shall pay to the defendant, as his portion of the equity in the real estate described in the preceding paragraph, $2500.00, and said obligation shall constitute a lien on the premises at 6538 Melinda Drive until paid;

(5) All furnishings presently in the above described residence on Melinda Drive shall be the sole and exclusive property of Josephine Hymel and all furnishings now in the possession of Gene Joseph Hymel shall be his sole and exclusive property;

(6) Defendant shall pay the petitioner $400.00 per month for the support, care and maintenance of the four minor children of the parties, said payments to be made by the 5th of each month, the first payment being due not later than September 5, 1968;

(7) Said parties shall pay solicitors' fees to the petitioner's attorneys in this case in the amount of $600.00, $300.00 to be paid by the petitioner and $300.00 to be paid by defendant.

(8) Defendant will pay the costs of this cause, for which execution may issue.

This decree signed this 16th day of August, 1968.

BENSON TRIMBLE, Judge
Fourth Circuit Court of
Davidson County, Tennessee

APPROVED FOR ENTRY:

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Frank Runyon

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M.B. 58A Page 843

STATE OF TENNESSEE

I, ~~ALF RUTHERFORD~~ GEORGE L. ROOKER, Clerk of the Circuit Court for the County of Davidson, in the State aforesaid, do certify that the foregoing is a ~~correct transcript~~ true copy of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between JOSEPHINE HYMEL Plaintiff, and GENE JOSEPH HYMEL 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 9th day of Sept in the year one thousand nine hundred and sixty-eight and in the 193rd year of American Independence.

~~ALF RUTHERFORD~~ GEORGE L. ROOKER, Clerk.

By Gayle Jennings, D. C.