EVA FRANCES BENNETT HAWKINS] NO. 42198 BOOK 1315 PAGE 889

-V-] IN THE PROBATE COURT OF DAVIDSON

HENRY EARL HAWKINS] COUNTY, TENNESSEE

Map 60-2 / Map 60-1
Par. 267-268 / Par. 72

- FINAL DECREE -

This cause came on to be heard on January 8, 1964, before the Hon. Sam A. Marable, Chancellor, Retired, sitting by designation of the Chief Justice of the Supreme Court of the State of Tennessee, after the regular judge of this Court, the Hon. Shelton Luton, had therefore recused himself from the trial of this cause and had properly requested such designation.

At this time, this cause, by agreement of the parties, came on to be heard upon the original bill filed by the original complainant, Eva Frances Bennett Hawkins, the answer and cross-bill of the defendant and cross-complainant, Henry Earl Hawkins, the temporary orders theretofore entered by the regular judge in the cause, the amended and supplemental cross-bill filed by the defendant and cross-complainant, Henry Earl Hawkins, the amendments to the cross-bill and supplemental cross-bill, the answer of the original complainant and cross-defendant and her cross-bill, with the understanding by and between the parties made to the Court that all issues in this cause had been properly joined by the respective parties.

From a consideration of all the pleadings in the cause, the temporary orders hereinabove referred to, the oral testimony heard by the Court by agreement of the parties, and from the entire record in this cause, the Court is of the opinion, as reflected by the Memorandum Opinion filed in this cause on February 26, 1964, which is hereby incorporated and made a part of this decree by reference, but need not be copied, that the allegations of neither the original bill filed by the original complainant, Eva Frances Bennett Hawkins, nor those of her cross-bill, and amended and supplemental bill, were sustained by the evidence, and that they should, therefore, be dismissed.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that the original bill and the answer and cross-bill, and the amended and supplemental bill filed on behalf of the said Eva Frances Bennett Hawkins, be and the same are hereby dismissed.

The Court is of the further opinion that the allegations contained in the cross-bill and amended and supplemental cross-bill filed on behalf

of the original defendant and cross-complainant, Henry Earl Hawkins, were fully sustained by the evidence, that is, that the cross-defendant, Eva Frances Bennett Hawkins, has been guilty of such cruel and inhuman treatment and conduct towards the cross-complainant, Henry Earl Hawkins, as renders it unsafe and improper for him to further cohabit with her.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore subsisting between the cross-complainant, Henry Earl Hawkins, and the cross-defendant, Eva Frances Bennett Hawkins, be and the same are hereby forever and perpetually dissolved, the cross-complainant, Henry Earl Hawkins, is hereby decreed an absolute divorce from the cross-defendant, Eva Frances Bennett Hawkins, and he is restored to all the rights and privileges of an unmarried person.

The Court is of the further opinion that the marital estate of these parties had been principally obtained since their marriage, and with the substantial aid and assistance of the cross-defendant, Eva Frances Bennett Hawkins. The Court further finds that a part of the marital estate is represented by real property and is vested in the names of the parties as tenants by the entirety, and that it is necessary, notwithstanding the fact that the cross-complainant husband has been decreed the divorce, to make such a division of the marital estate as in the opinion of the Court and under the facts and circumstances of the case represents equity and justice to each party.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that all right, title and interest in and to a certain piece of real estate located at No. 370 Ewing Lane, identified in this record as the former home of these parties, said land being in Davidson County, Tennessee, and more particularly described, as follows:

> Beginning in the south margin of Ewing Creek Road in the center of a drain and running with said margin N88° 12'E 150 feet to an iron pin in the east line of the property conveyed to Robt. E. Ligon, et ux, in Book 1344, Page 690, R.O.D.C., Tennessee; thence with the east line of said property SO° 30'W 619 feet to an iron pin in a fence; thence with said fence and the south line of Lot 6 in the aforesaid subdivision N89° 30'W 112 feet to an iron pin; thence NO° 30'W 397 feet to the center of the drain; thence with said drain N36° 30'W 50 feet, and N3°W 175 feet to the beginning, and containing 1.73 plus acres.
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> Being part of the property conveyed to Henry E. Hawkins, et ux, and being a part of Lot 6 in Bransford Realty Company's Subdivision of the Frank Brown place, as of record in Plan Book 547, Page 126, R.O.D.C., Tennessee.

now vested in the cross-complainant, Henry Earl Hawkins, be and the same is divested out of the said Henry Earl Hawkins, and title to said property is hereby decreed to and vested in the cross-defendant, Eva Frances Bennett Hawkins, in fee simple.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that all right, title and interest in and to the following described real estate, identified in the record as a duplex at 368 Ewing Lane, the same being land in Davidson County, Tennessee, more particularly described, as follows:

> Being Part of Lot 7 on the Plan of Bransford Realty Company's Subdivision of the Frank Brown home place, as of record in Book 547, Page 126, Register's Office for said county, and more particularly described according to a survey made July 24, 1958, by Stephen O. Draper, Surveyor, as follows:
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> Said part of said lot fronts 100 feet on the south side of Ewings Creek Road and extends back between lines 599.5 feet on the easterly line and 601 feet on the westerly line, and measures 100 feet thereon.
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> Being the same property conveyed to Earl Hawkins and wife, Frances Hawkins, by deed from Wm. C. Greer and wife, Louise Greer, as recorded in Book 2800, Page 397, R.O.D.C., Tenn.

now vested in the cross-complainant, Henry Earl Hawkins, is hereby divested out of the said Henry Earl Hawkins and title to the same is hereby decreed to and vested in the cross-defendant, Eva Frances Bennett Hawkins in fee simple.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that all right, title and interest in and to the household furniture and equipment and all contents of the home place of the parties at 370 Ewing Lane, with the exception of the personal clothing, personal effects, records and papers belonging to the cross-complainant, Henry Earl Hawkins, now vested in the cross-complainant, Henry Earl Hawkins, be and the same is hereby divested out of the said Henry Earl Hawkins and title to the same is vested in the cross-defendant, Eva Frances Bennett Hawkins, absolutely. The cross-defendant, Eva Frances Bennett Hawkins, is hereby directed to deliver to, or make available to, the said Henry Earl Hawkins his personal clothing and personal effects, and all of his personal and official papers and records now located in the home, within fifteen (15) days after the entry of this decree.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the remaining of a series of real estate lien notes payable $35.00 monthly, heretofore owned by these parties, are decreed to and title to the same

is vested in the cross-defendant, Eva Frances Bennett Hawkins.

The cross-defendant, Eva Frances Bennett Hawkins, is further hereby decreed the title to the 1962 model Chevrolet automobile and the boat and trailer described in these pleadings, all of which are now in the possession of the cross-defendant; and the cross-complainant, Henry Earl Hawkins, will sign and execute such evidences of title to said automobile, boat and trailer as may be necessary to effect title to the same in the cross-defendant.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that as a full, final and complete award as her fair and equitable share in the marital estate, the cross-complainant, Henry Earl Hawkins, pay to the cross-defendant, Eva Frances Bennett Hawkins, the sum of Eleven Thousand ($11,000.00) Dollars in cash, for which execution may issue, if necessary.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that all right, title and interest in and to a certain piece of real estate upon which there is a duplex building, and known in this record as 410 Ewing Lane, the same being land in Davidson County, Tennessee, more particularly described, as follows:

> Land in the 12th, formerly the 21st, Civil District of Davidson County, Tennessee, described according to a survey made by H. Gee, Surveyor, April 10, 1953, as follows:
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> Beginning at a point in the center of Brick Church Pike at the intersection of the center line of said Pike and the center of the East Fork of Whites Creek; thence with the center of said Pike, South 2° West 657 feet; thence North 82° 10' West 915 feet to a fence in the eastern boundary line of the property formerly owned by Wheless; thence with the eastern boundary line of said property, North 4° 45' East 830 feet to the center of said Creek, being also the northeast corner of the said Wheless property; thence with the center of said Creek, eastwardly 925 feet, more or less, to the beginning, containing 15.5 acres, more or less.
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> Being part of the property conveyed to Harry C. Cornish and wife, Gladys E. Cornish, by deed from Wm. James Givens and wife, of record in Book 1305, page 73, Register's Office for said county; and being the same property conveyed to Henry E. Hawkins and wife, by deed from Henry C. Cornish and wife, Gladys E. Cornish, as of record in Book ___, Page ____, R.O.D.C., Tennessee.

now vested in the cross-defendant, Eva Frances Bennett Hawkins, be and the same is hereby divested out of the said Eva Frances Bennett Hawkins, and title to said real estate is hereby decreed to and vested in the cross-complainant, Henry Earl Hawkins in fee simple.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that all right, title and interest in and to the following real estate, identified

in this record as No. 374 Ewing Lane, consisting of land in Davidson County, Tennessee, and more particularly described as follows: BOOK 4315 PAGE 893

Beginning at an iron pin in the south margin of Ewing Creek Road in the west line of the property conveyed to Robt. E. Ligon in Book 1344, Page 690, R.O.D.C., Tennessee, running thence N88° 12'E 72 feet to the center of a drain; thence with said drain S3°E 175 feet, S 36° 30'E 50 feet; thence S0° 30'E 397 feet to an iron pin in the south line of Lot 6 of the aforesaid Subdivision; thence N89° 30'W 108 feet to an iron pin in a fence corner; thence with a fence and the east line of said Lot 6 N0° 30'E 605 feet to the beginning, and containing 1.38 plus acres.

Being part of the property conveyed to Henry E. Hawkins, et ux, and being a part of Lot 6 in the Bransford Realty Company's Subdivision of the Frank Brown Place as of record in Plan Book 547, Page 126, R.O.D.C., Tennessee.

now vested in the cross-defendant, Eva Frances Bennett Hawkins, be and the same is hereby divested out of the said Eva Frances Bennett Hawkins, and title to said real estate is decreed to and vested in the cross-complainant, Henry Earl Hawkins, in fee simple.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that all of the rest and remaining of the marital estate of these parties, and particularly the personal property now in possession of the cross-complainant, Henry Earl Hawkins, including, real, personal and mixed property, which has not been otherwise or hereinabove specifically decreed to the cross-defendant, Eva Frances Bennett Hawkins, is reserved to and is hereby decreed to, and title to the same is vested in the cross-complainant, Henry Earl Hawkins, as his sole and separate estate.

Each of the parties to this cause is hereby directed to sign and execute any and all deeds, bills of sale, or legal documents necessary to effect the directions of this decree.

All of the injunctions heretofore granted by this Court in this cause are hereby dissolved and dismissed.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the cause as to the defendants, Wm. C. Greer, Capital City Bank, a corporation, Nashville Bank & Trust Company, a corporation, and First American National Bank, a corporation, be and the same is hereby dismissed, and the injunctions heretofore had against them are hereby dissolved and dismissed.

The defendant and cross-complainant, Henry Earl Hawkins, will pay the costs of this cause, for which execution may issue, if necessary.

S. Allen Venable

judge

APPROVED FOR ENTRY:

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Jack Norman

Jack Norman, Attorney for Cross-Complainant

W. Cornelius Breedlove

W. Cornelius Breedlove, Attorney for Cross-Defendant

42199 Final Decree 1-8-64 MB. 31 P89

STATE OF TENNESSEE

I, ~~ALF RUTHERFORD~~ George 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 Eva Frances Bennett Hawkins Plaintiff, and Henry Earl Hawkins 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 26th day of February in the year one thousand nine hundred and 69 and in the 193rd. year of American Independence.

George Rooker
~~ALF RUTHERFORD~~, Clerk.

By Hilda Green, D. C.

IDENTIF. REFERENCE
A 33069

FELIX Z. WILSON III REGISTER
DAVIDSON COUNTY, TENN.
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