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NINA RUTH WARRICK

vs No. 32599

JAMES G. WARRICK

IN THE FOURTH CIRCUIT COURT

OF

DAVIDSON COUNTY, TENNESSEE

Map. 83-6
Par. 35 Pw

APRIL 25th, 1960.

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D E C R E E

This cause came on to be heard before the Honorable Benson Trimble, Circuit Judge, upon the original bill of the complainant, the answer filed thereto by the defendant, the cross bill filed by the cross-complainant, the answer of the cross defendant thereto, the testimony of the principals and that of their corroborating witnesses, the testimony of corroborating witnesses by deposition, the argument of the solicitors and the entire record in this cause. From all of which, the Court is of the opinion and finds as follows:

That the complainant did successfully prove her cause of action for an absolute divorce by her testimony, that of her corroborating witnesses and by the admissions made in the testimony of the defendant, and, therefore, she should be granted an absolute divorce from the defendant upon the statutory ground of cruel and inhuman treatment as alleged in her original bill.

That the custody of the minor child in this cause should be awarded the complainant with the defendant to have all reasonable rights of visitation and, also, to have exclusive custody of the minor child for a period not in excess of two weeks during the summer months of each year. Further, that either party may apply at any time in the future for an alteration in the visitation right as heretofore ordered as may best serve the interest and welfare of the minor child.

That the cross complainant did fail to prove his cause of action against the cross defendant and, therefore, the cross bill of the said cross complainant should stand forthwith dismissed and held for naught.

That, as support and maintenece of the minor child, the defendant should pay into the office of the Circuit Court Clerk for Davidson County, Tennessee the amount of $100.00 each month, plus 5% as a commission

going to the clerk of the court, making a total amount of payment $105.00. That the first such payment should be made on or before the 15th day of May, 1960 and should be considered for the calendar month of May, 1960 and a like such payment to be made on or before the 15th day of each succeeding month pending further orders of this court.

It is further the opinion of the court that an equitable division of the property rights of the party, under Sec. 36-825 TCA should be as follows:

I. That all of the right title and interest the defendant may now have in and to the real property owned as tenants by the entirety by the parties to this cause should be divested from him and the fee simple title should be reinvested in the complainant subject to a lien in the amount of One Thousand Eight Hundred Seventy Five Dollars ($1,875.00) which should be in favor of the defendant as his interest in the said real property as a result of the subsequent decree in this cause. The Court finds that there is now an equity in the real property of Seven Thousand Five Hundred Dollars ($7,500.00) and as tenants by the entirety theoretically the principals would be entitled to one-half (½) of that amount each. The Court further finds that due to the misconduct of the defendant, the complainant is entitled to a divorce from him and, therefore, one-half (½) of the interest of the defendant should go to the complainant as a portion of the alimony in this cause.

2. Further, that all of the right, title and interest that the complainant may have in and to the motorboat of the parties as described in the original pleadings; the 1959 Chevrolet automobile described in the pleadings; the household furnishings of the parties located within the State of Georgia and in the possession of the defendant should be divested out of said complainant and reinvested in the defendant to be his prqerty absolutely.

Further, that, of course, the complainant will be relieved of any indebtness on said property and all such indebtedness will become the sole obligation and responsibility of the defendant.

Further, the defendant shall pay to the solicitor of record representing the complainant a total fee in the amount of Five Hundred Dollars ($500.00) and any pendente lite fee that may have been heretofore paid shall act as a credit upon that total amount, which is in the amount of $70.00.

That it is further a finding of the court that the defendant is in contempt of the court for the willful violation of the court's orders insofar as the payments for the support and maintenance of the minor child are concerned, as well as for disposing of personal property that was under injunction. The Court will take under advisement the matter of punishment for this contempt pending the performance of the defendant insofar as future support and maintenance payments are concerned.

Further, the court finds that there is a total arrearage now due and owing by the defendant insofar as the support and maintenance payments heretofore ordered are concerned in the amount of $500.00 and that amount will be reflected as a judgment against the defendant in the resulting decree.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing and subsisting between the complainant and the defendant, be and the same are forever, absolutely and perpetually dissolved, and the complainant is restored to all the rights and privileges of an unmarried person.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the complainant have the custody of the minor child of the parties, with rights in the defendant to visit him at reasonable times and places, and also the

defendant will have the exclusive custody of the minor child for a period not in excess of two weeks during the summer months of each year, and the defendant will pay to Alf Rutherford, Clerk, the sum of $105.00 per month as support and maintenance for said child, the first payment to be made on or before May 15th, 1960, and monthly thereafter.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the interest that the defendant now has in the following described real property is divested from him, and vested in the complainant subject to a lien in the amount of One Thousand Eight Hundred and Seventy Five Dollars ($1,875.00) in favor of the defendant. The property is described as follows:

> Being land in Davidson County, more particularly described as follows:
>
> Being the northerly 226 feet of the easterly 125 feet of Lot No. 4 on the map of W.L. Horn's Sprout Spring addition, of record in Book 57, page 106, Register's Office for Davidson County, Tennessee, and also of record in Book 332, page 164, said Register's Office.
>
> Said part of said lot fronts 125 feet on the northerly side of Eastland Avenue and runs back between parallel lines along the westerly margin of North 17th Street, formerly Hughes Street, 226 feet to a dead line.
>
> Being the same property conveyed to J.G. Warwick, Jr. and wife, Nina Owen Warwick by deed from John Geist Colley, and wife, Mildred S. Colley of record in Book 2036, page 336, said Register's Office.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the interest that the complainant has in the following property be divested out of her and vested in the defendant: (a) one cabin cruiser boat; (b) 1959 Chevrolet automobile; (c) the household furnishings of the parties located within the State of Georgia and in the possession of the defendant. It is further ordered by the Court that the complainant is relieved of any indebtness on said property and all such indebtness will become the sole obligation and responsibilit of the defendant.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the defendant will pay the sum of $500.00 to C.Allen High, solicitor for the

complainant as his reasonable solicitor's fee, and he will pay all the co of this cause, for all of which execution is awarded.

It is further ORDERED, ADJUDGED AND DECREED by the Court the complainant have a judgment against the defendant in the amount of $5(for support money in arrears, for which execution may issue if necessary.

This cause will be retained in Court for the enforcement o this decree, and either party may, on change of conditions, apply to the Co for such modification in respect to the amount awarded as child support, an to the custody of the child as justice shall require.

Circuit Judge

Approved for Entry:

C. Allen Lyle
Attorney for Complainant and Cross-Defendant

George H. Cate, Jr.

Ernest Brookins, By: Gilt, J.
Attorneys for Defendant and Cross-Complainant

Circuit #32599 M3/4/70

STATE OF TENNESSEE

I, 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 of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between James Quinn Keith Patrick *Plaintiff, and* James G. Patrick *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* 24th *day of* March *in the year one thousand nine hundred and* Seventy *and in the* 194th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*
By Rebecca Lee Bradley, D. C.

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IDENTIF. REFERENCE
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FELIX Z. WILSON REGISTER
DAVIDSON COUNTY, TENN.