4-20-73

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80C/1322

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

KATHRYN ELAINE ROBERTS)
)
)
VS.) APPEARANCE NO. 67998
)
)
DURELL ROBERTS)
)

Map 102-7.
Par. 14
M.O.

FINAL DECREE

This cause came on to be finally heard on the 10th day of April, 1973, before the Honorable Benson Trimble, Judge, of the Fourth Circuit Court for Davidson County, Tennessee, upon the pleadings, the testimony of the principals, upon the testimony of corroborative witnesses on behalf of the plaintiff, argument of the solicitors and the entire record herein, from all of which the Court is of the opinion and finds from all of the proof before it, that there is no reasonable hope of a reconciliation between these parties, and therefore, the Court is of the opinion that the plaintiff should be awarded an absolute divorce on the statutorily alleged grounds of cruel and inhuman treatment. The best interest of the minor child will be served by her principal custody being committed to the plaintiff with visitation rights to the defendant on an every other weekend basis from 5 o'clock P.M. on Friday until 6 o'clock P.M. on Sunday. Further, the Court is of the opinion that when the child visits in the defendant's sister's home on the overnight visitations that a separate bed or sleeping arrangement be provided for the minor child. Further, the Court will expect the defendant to see to it that the child is regular in her attendance in her Sunday School that she has heretofore been attending on those Sundays that the defendant has custody of the child.

Further, the Court is of the opinion that all right, title and interest that the defendant may have in and to the home and household furniture be divested from the defendant and reinvested in the plaintiff to be hers in fee simple title. The plaintiff will assume the mortgage indebtedness thereon.

Further, the Court is of the opinion that all right, title and interest that the defendant may have in and to the 1966 Chevrolet motor vehicle may be divested from the defendant and reinvested in the plaintiff to be hers in fee simple title.

Further, the Court is of the opinion that as child support, the defendant shall pay the amount of $125.00 each month plus one-half of all sums coming into his hands from any source whatsoever over and beyond $189.43 on an every payday basis. He also shall continue in full force and effect all insurance he now has that would be of any benefit whatsoever to the minor child.

Further, the Court is of the opinion that the solicitor representing the plaintiff is entitled to the modest fee requested, that being the amount of $200.00. All of the foregoing findings of the Court are incorporated in the written memorandum issued by the Court in this cause dated April 11, 1973, the same being incorporated herein by reference.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff, Kathryn Elaine Roberts, be and she is hereby awarded an absolute divorce from the defendant, Durell Roberts, and she is hereby restored to all of the rights and privileges of an unmarried person.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the care, custody, and control of the minor child of the parties, Kimberly Lynn Roberts, shall be granted to the plaintiff, Kathryn Elaine Roberts, with visitation rights granted to the defendant as hereinafter set forth.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, Durell Roberts, shall have vistation rights on an every other weekend basis beginning on Friday at 5 o'clock P.M. and continuing until Sunday at 6 o'clock P.M. The defendant will further provide a separate bed or sleeping arrangement for the minor child when the minor child visits in the defendant's sister's home. The defendant will further see that the minor child is regular in her attendance in her Sunday School, that the minor child has heretofore been attending on those Sundays that the defendant does have custody of the child.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the following described real estate in Davidson County, Tennesse, heretofore owned by the parties as tenants by the entireties shall be, and the same is hereby divested out of the defendant, Durell Roberts, and vested into the plaintiff, Kathryn Elaine Roberts, in fee simple:

Land in Davidson County, State of Tennessee, described as follows, to wit:

Being Lot No. 124 on the Plan of Charlotte Park, Section 26, as of record in Book 3700, Page 91, Register's Office for said County to which plan reference is hereby made for a more complete and accurate description.

Being the same property conveyed to Durell Roberts and wife, Kathryn Elaine Roberts, by deed from Reynold Bubis, Trustee, of record in Book 4257, Page 113, Register's Office for Davidson County, Tennessee.

The plaintiff will assume the mortgage indebtedness thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all right, title and interest that the defendant, Durell Roberts, may have in and to the household furnishings owned by the parties be, and the same is hereby divested from the defendant, Durell Roberts and reinvested in the plaintiff, Kathryn Elaine Roberts, to be hers in fee simple title.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all right, title and interest that the defendant, Durell Roberts, may have in and to the 1966 Chevrolet Motor Vehicle be, and the same is hereby

divested from the defendant and reinvested in the plaintiff, Kathryn Elaine Roberts, to be hers in fee simple title. The defendant will execute any and all documents necessary to carry out this transfer of interest.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, Durell Roberts, shall pay to the plaintiff, Kathryn Elaine Roberts, the sum of $125.00 each month plus one-half of all sums coming into his hands from any source whatsoever over and beyound $189.43 on the basis of his twice per month payday. The defendant, Durell Roberts, shall continue in full force and effect all insurance he now has that would be of any benefit whatsoever to the minor child.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the solicitor for the plaintiff, David B. Herbert, be and he is hereby, awarded a fee in the amount of $200.00 to be paid by the defendant, Durell Roberts.

The costs of this cause are taxed against the defendant for which let execution issue, if necessary.

Enter this 20 day of April, 1973.

JUDGE

Approved For Entry:

ORTALE, KELLEY, HERBERT & CRAWFORD

David B. Herbert
Solicitor For Plaintiff

Terry McNabb
Solicitor For Defendant

The undersigned hereby certified that a true and correct copy of this pleading has been served upon counsel for all interested parties Hon. Terry McNabb by delivering same to their offices or by placing same in the United States mail, postage prepaid, this 17 day of April, 1973.

C07420

IDENTIF. REFERENCE

MAY 21 2 35 PM '73

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

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MAY21P MISC

A* 10.00 * 10.00

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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 true copy of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between Kathryn Elaine Roberts Plaintiff, and Durrell Roberts 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 21st day of May in the year one thousand nine hundred and seventy-three and in the 197th year of American Independence.

GEORGE L. ROOKER, Clerk.

By Tony Bowers, D. C.