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IN THE SIXTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

44-14
4
PW

JOHN M. DAVIS)
)
-vs-) NO. 65732
)
LENA ARA FLATT DAVIS)

FINAL DECREE

This cause came on to be heard this 29th day of August, 1973, before the Honorable James M. Swiggart, Judge of the Sixth Circuit Court for Davidson County, Tennessee, upon the original Petition filed by John M. Davis on April 26, 1972, the Answer and Counterclaim for Separate Maintenance filed by Lena Davis, the Decree for Separate Maintenance heretofore granted by this Court on December 12, 1972, the Petition for Absolute Divorce filed by the husband on April 25, 1973, the Answer & Counterclaim for Absolute Divorce filed by the wife, the two witnesses, sworn and examined in open court, from all of which the Court finds that the parties have not reconciled since the Decree for Separate Maintenance was granted and that the original Plaintiff and Cross Defendant has been guilty of such cruel and inhuman treatment as to render further co-habitation unsafe and improper.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that the original Defendant and Cross Plaintiff, Lena Ara Flatt Davis, be granted an absolute divorce and restored to all the rights and privileges of an unmarried person.

It further appearing to the Court that the parties in this cause have executed an Agreement for custody of the children, support of the parties' children, visitation rights, alimony, attorney's fees, and property settlement, which Agreement was admitted in evidence as an exhibit to the Cross Plaintiff's testimony, who requested that same be approved by the Court and made enforceable by the Court, said Agreement provides as follows:

AGREEMENT

This Agreement made and entered into on this the 7th day of July, 1973, by and between JOHN M. DAVIS, husband, and LENA ARA FLATT DAVIS, wife; whereas there has heretofore been granted to the wife a decree for separate maintenance and the husband has filed a complaint for divorce and that the parties desire to settle certain rights should a divorce be granted it is hereby agreed as follows,

WITNESSETH:

1. That the care, custody and control of the parties' children be awarded to the wife.

2. That the Complainant, John M. Davis, hereby agrees to pay to the Defendant, Lena Ara Flatt Davis, the sum of Fifty and no/100 ($50.00) Dollars per week for alimony and child support, to be divided as follows:

Thirty and no/100 ($30.00) Dollars to be paid as child support for the parties' two children, Barbara Elaine and Mark Anthony, and Twenty and no/100 ($20.00) Dollars as alimony.

3. The said John M. Davis further agrees to give the said Lena Davis as hers in fee simple the property located at 203 Martingale Dr., Old Hickory, Tennessee, together with all household effects and furniture located therein. The said John M. Davis agrees to clear any and all liens on the house, furniture and household effects.

4. The parties shall divide equally the eight (8) grave lots now owned by the parties.

5. The parties agree to sign and and all documents, contracts, covenants, or deeds necessary to carry out the full purpose and intent of this agreement. Both parties agree that they have read this agreement in its entirety and have signed same voluntarily, without duress and agree that same is binding and effective if approved by the Court granting said divorce.

6. The said John M. Davis will keep the children

covered under his group insurance plan for so long as they are eligible under said plan.

7. That the Complainant, John M. Davis, shall pay to the said Lena Davis' attorney, J. K. Woodard, the sum of $500.00 for representing her in this cause.

IN WITNESS WHEREOF the parties have hereto set their hand this day and date above written.

/s/ John M. Davis
JOHN M. DAVIS

/s/ Lena Ara Flatt Davis
LENA ARA FLATT DAVIS

It further appearing to the Court the said Agreement is signed by the parties and properly acknowledged, and that the Court is of the opinion that said Agreement is fair and reasonable and the Court does hereby ratify and approve said Agreement and makes it a part of this Decree, and orders and direct each of the parties to sign and execute all legal documents which may be necessary to affect each and every transfer of interest or release mentioned and agreed to by the terms of the foregoing Agreement.

It is further ORDERED, ADJUDGED and DECREED that all right, title, and interest of the said John M. Davis in and to the property located at 203 Martingale Dr., Old Hickory, Tennessee, be divested out of him and title to said property be vested solely, absolutely, and exclusively in the said Lena Ara Flatt Davis in fee simple. Said property being described as follows:

> Land in Davidson County, Tennessee, being Lot No. 203 of Block 3 on the Map of Cumberland Terrace, Part 1, as of record in Book 1424, page 49, Register's Office for said County, described as follows:
>
> Beginning on the westerly margin of Martingale Drive at the corner of Lots Nos. 202 and 203; thence with the line between said two lots, westwardly 198.3 feet; thence southwardly 121.6 feet to the northerly margin of Creedmore Drive; thence with said Creedmore Drive, eastwardly 130.2 feet to the

beginning of a curve; thence around said curve in a northeasterly direction 47.1 feet to the westerly margin of Martingale Drive; thence with said Drive, northwardly 78 feet to the beginning.

Being the same property conveyed to John M. Davis and wife, Lena Flatt Davis, by deed from James V. Hooper and wife, Mary B. Hooper, of record in Book 2291, page 451, Register's Office for Davidson County, Tennessee.

It is further ORDERED, ADJUDGED and DECREED that the eight grave lots located in Hermitage Memorial Gardens, Inc., Nashville, Tennessee, and owned jointly by the parties be divided between them, Lot No. 118A, grave No. 1, 2, 3 and 4 are hereby vested in John M. Davis and Lot No. 118C, grave No. 1, 2, 3 and 4 are hereby vested in Lena Ara Flatt Davis.

It is further ORDERED, ADJUDGED and DECREED that the said John M. Davis may visit the parties' son, Mark Anthony, after 1:00 P.M. on Sunday as long as he presents himself in a sober condition.

It is further ORDERED ADJUDGED and DECREED that the parties be enjoined from harrassing each other by phone or otherwise.

It is further ORDERED, ADJUDGED and DECREED that the said Lena Davis return to John Davis the Drug Card obtained through his medical plan at his place of employment; however, the said John M. Davis is ordered by the Court to make available to Lena Davis the Drug Card for all necessary medicines for the children.

It is further ORDERED, ADJUDGED and DECREED that John M. Davis pay to Lena Davis' attorney, J. K. Woodard, attorney's fees in the amount of $500.00 for representing her in this cause for which execution may issue if necessary and all court costs.

Enter this the 7th day of September, 1973.

James M. Beasley
Judge

Approved for Entry:

J. K. Woodard
Attorney for Lena Ara Flatt Davis

West M. Coss
Attorney for John M. Davis

RECORDER'S MEMO:
Legibility of Writing, Typing or Printing in This Document Unsatisfactory When Received.

C 27952

Mail
J. K. Woodard, Atty
330 Gallatin Rd. S.
Madison, Tenn
37115

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IDENTIF. REFERENCE

OCT 16 11 17 AM '73
FELIX Z. WILSON REGISTER
DAVIDSON COUNTY, TENN.

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OCT 16 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* JOHN M. DAVIS *Plaintiff, and* LENA ARA FLATT DAVIS *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* 16th *day of* October *in the year one thousand nine hundred and* seventy-three *and in the* 198th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Gayle Jennings, *D. C.*