2-8-74
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BOOK 4816 PAGE 891

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

MP 146-4
Par. 1&3

JANET LEE RICHARDSON HART

PETITIONER and CROSS-DEFENDANT,

VS.

NO. 69199

THOMAS WILSON HART,

DEFENDANT and CROSS-PETITIONER.

DECREE FOR ABSOLUTE DIVORCE

THIS CASE came on to be heard this 4th day of February, 1974, before the Honorable Benson Trimble, Judge of the Fourth Circuit Court of Davidson County, upon the cross-action of Thomas Wilson Hart for absolute divorce, the answer of the defendant Janet Lee Richardson Hart, the oral testimony of witnesses examined in open court, and the entire record in this cause.

It satisfactorily appears to the Court from the evidence that the facts charged in the cross-petition are true; that the cross-defendant was guilty of cruel and inhuman treatment towards the cross-petitioner as renders cohabitation unsafe and improper, and as renders it unsafe and improper for him to be under her dominion and control.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony subsisting between the cross-petitioner and cross-defendant be absolutely and forever dissolved, and that the cross-petitioner be vested with all the rights of an unmarried person.

IT FURTHER APPEARS to the Court that the parties hereto have entered into a property settlement agreement,

which property settlement agreement, in its entirety, is in words and figures, as follows:

PROPERTY SETTLEMENT AGREEMENT

THIS AGREEMENT entered into this the 31st day of November, 1973, by and between JANET LEE RICHARDSON HART, and THOMAS WILSON HART.

W I T N E S S E T H:

WHEREAS, the parties hereto are husband and wife, both are residents of the State of Tennessee; and

WHEREAS, the parties are estranged and have no hope of reconciliation regardless of the outcome of the divorce proceedings between them now pending in the Fourth Circuit Court for Davidson County, Tennessee, under Rule No. 69199; and

WHEREAS, the parties have arrived at a custody and property settlement agreement which they intend shall be effective as between them regardless of the outcome of such proceedings; and

WHEREAS, the parties desire that such agreement be set forth in writing and submitted to the Court for its approval at the final hearing of this cause,

NOW THEREFORE, in consideration of the premises and matters herein set out below, the parties agree as follows:

1. Custody of the minor children of the parties, DEBRA LEE HART, THOMAS WILSON HART, JR., and KIMBERLY RENE HART, subject to the discretion of the Court, be vested in the father, THOMAS WILSON HART, with the right of reasonable visitation reserved for the mother, JANET LEE RICHARDSON HART.

2. All right, title and interest in the houshold furniture and furnishings of the parties located at 435 Wauford Drive in Davidson County, Tennessee, except the sewing machine and bowling trophies belonging to the plaintiff, shall be divested out of the plaintiff and vested in the defendant.

3. All right, title and interest of the defendant in the 1970 Plymouth automobile currently in the possession of the plaintiff, shall be divested out of the defendant and vested solely in the plaintiff.

4. All other items of personalty belonging to the parties shall be divested out of the plaintiff and vested solely in the defendant.

5. The real property of the parties located at 435 Wauford Drive in Davidson County, Tennessee, shall be vested jointly in the parties as tenants in common, with one-fourth undivided interest belonging to the plaintiff and three-fourths undivided interest belonging to the defendant. It is further understood and agreed between the parties that the plaintiff shall not realize or receive her interest in said property unless (1) the defendant desires to sell said property, and/or (ii) the youngest child of the parties obtains age 18 years.

It is further agreed between the parties that the foregoing agreement shall be presented to the Court at the time of the divorce hearing between the parties, with the request that the same be adopted and made the order of the Court.

IN WITNESS WHEREOF, the parties have executed the foregoing Agreement in Nashville, Tennessee, to be effective on the day and date first above written.

/s/ Earl J. Porter, Jr.
WITNESS

/s/ Janet Lee Richardson Hart
JANET LEE RICHARDSON HART

/s/ Richard D. Speight
WITNESS

/s/ Thomas Wilson Hart
THOMAS WILSON HART

In accordance with the terms of this agreement, it is, therefore, ORDERED, ADJUDGED AND DECREED that custody of the minor children of the parties, Debra Lee Hart, Thomas Wilson Hart, Jr., and Kimberly Rene Hart, be vested in Thomas Wilson Hart, with the right of reasonable visitation reserved for Janet Lee Richardson Hart.

It is further ORDERED, ADJUDGED AND DECREED that all rights, title and interest in the household furniture and furnishings of the parties located at 435 Wauford Drive in Davidson County, Tennessee, except the sewing machine and bowling trophies belonging to the cross-defendant, be divested out of the cross-defendant, and vested in the cross-petitioner. All right, title and interest of the cross-petitioner in the 1970 Plymouth automobile in the possession of the cross-defendant is hereby divested out of the cross-petitioner and vested solely in the cross-defendant. All other items of personalty belonging to the parties are hereby divested out of the cross-defendant and vested solely in the cross-petitioner.

It is further ORDERED, ADJUDGED AND DECREED that the real property of the parties, located at 435 Wauford Drive in Davidson County,Tennessee, formely held by the parties as tenants-by-the-entiretys, is hereby vested jointly in the parties as tenants in common, with a one-fourth undivided interest belonging to the cross-defendant, Janet Lee Richardson Hart, and three-fourths undivided interest belonging to

the cross-petitioner, Thomas Wilson Hart. It is further ORDERED that cross-defendant not realize or receive any interest in said property unless the cross-petitioner desires to sell the property, and/or the youngest child of the parties attains the age of 18 years.

The court costs shall be paid by the cross-petitioner. This case will be retained in court for the enforcement of this decree, with leave to either party to apply whenever it shall be deemed necessary.

JUDGE

2-8-74

APPROVED FOR ENTRY:

GOODPASTURE, CARPENTER, WOODS & SASSER
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Nashville, Tennessee 37201

RICHARD D. SPEIGHT

ATTORNEY FOR: CROSS-PETITIONER

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EARL J. PORTER

ATTORNEY FOR: CROSS-DEFENDANT

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IDENTIF. REFERENCE

BOOK 4816 PAGE 895

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DAVIDSON COUNTY, TENN.

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M.B. 86A Page 159

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* JANET LEE RICHARDSON HART *Plaintiff, and* THOMAS WILSON HART *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* 14th *day of* May *in the year one thousand nine hundred and* seventy-four *and in the* 198th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Gayle Jennings, *D. C.*