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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

BOOK 4831 PAGE 348

WINNIE LEE GIBSON KESSLER,
Complainant

vs.

JOSEPH E. KESSLER,
Defendant

NO. 71078

FINAL DECREE

This cause came on to be heard this 13th day of May, 1974, before the Honorable Benson Trimble, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the original Petition for Absolute Divorce filed by the Complainant, Winnie Lee Gibson Kessler, the Answer and Cross-Petition of the Defendant, Joseph E. Kessler, the Pendente Lite Order fixing alimony of record in Book 84-A, page 211, Circuit Court Clerk's Office for Davidson County, Tennessee, the Answer to the Cross-Petition, the testimony of the parties and witnesses for both parties in open Court, the argument of counsel for both parties, and the entire record in this cause, whereupon the Court issued a certain three page Memorandum dated May 14, 1974, and found that the Complainant was entitled to an Absolute Divorce on the grounds of cruel and inhuman treatment, that the Complainant, Winnie Lee Gibson Kessler, should have the care, custody and control of the minor child of the parties, David Lee Kessler, with reasonable visitation privileges in the Defendant, Joseph E. Kessler, at reasonable times and reasonable places, that the Complainant is entitled to the forty-seven acre farm of the parties, the exact legal description of which follows hereafter, as well as her present home, located at 2826 Lakeland Drive, Nashville, Tennessee, the exact legal description of which also follows hereafter, that the personal property of the parties has already been divided between the parties and such division is approved by the Court, that the Complainant is entitled to child support in the amount of One Hundred and Seventy-Five ($175.00) Dollars

per month plus one-third (1/3) of all net income to the Defendant above One Hundred and Thirty-Two ($132.00) Dollars each week, which is the amount ordered by the Court to be paid by the Defendant as alimony by a certain previous Memorandum dated September 19, 1973, and which was intended to order child support instead of alimony, and finally that the Complainant is entitled to the 1967 Plymouth automobile now in her possession, and the four (4) certain cemetary lots now in the name of the Defendant, and the Court further found that the Defendant, Joseph E. Kessler, was entitled to the real estate where he now resides, 2424 Ridgeland Drive, Nashville, Tennessee, and the rental property located at 5818 and 5923 Carl Place, also in Nashville, Tennessee, the exact legal description of which follow hereafter, and that the solicitor representing the Plaintiff, J. L. Thompson, III, is entitled to a fee in the amount of One Thousand ($1,000.00) Dollars, Five Hundred ($500.00) of which is to be paid by the Complainant and Five Hundred ($500.00) of which is to be paid by the Defendant, said attorney's fee to become a lien upon the properties of the parties until satisfied in toto.

It is therefore ORDERED, ADJUDGED and DECREED that the Complainant, Winnie Lee Gibson Kessler, is hereby awarded an Absolute Divorce from the bonds of matrimony heretofore existing between her and the Defendant, Joseph E. Kessler, 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, David Lee Kessler, is hereby awarded to the Complainant, with reasonable visitation privileges in the Defendant at reasonable times and reasonable places.

It is further ORDERED, ADJUDGED and DECREED that all of the right, title and interest of the Defendant, Joseph E. Kessler, in and to the following described real estate be and the same is hereby divested out of him, and vested in the Complainant, in fee simple absolute:

A certain piece or parcel of land lying in the 2nd civil district of Cheatham County, Tennessee.

Beginning at J. K. Millikens N. W. corner; thence S. 86 1/2° E 56 poles to M. L. Morris S. W. corner; thence N. 4° E. 100 poles to the center of the Ridge Road that leads to the Pinnacle School House; thence N. 61° W. 20 poles to the stone with 2 white oak pointers; thence S. 24° W. 40 poles to a sugar tree on the East bank of a stream generally known as Proc Branch with hickory and beech pointers; thence S. 66° W. 14 poles to a stone in the J. H. Mayo's East Line; thence S. 4° W. with J. H. Mayo's line, 19-18/25 poles to the beginning, containing 25 acres, and 46 poles, more or less.

Being the same property conveyed to Winnie Lee Kessler from Charlie Craig and wife, Martha Craig, of record in Book 99, page 33, Register's Office for Cheatham County, Tennessee.

A certain tract or parcel of land in Cheatham County, Tennessee,

Beginning at a stone, formerly Bracy's N. W. corner in M. L. Morris S. line, thence N. 86 1/2° W. about 330 feet to a stake in the center of Pinnacle Ridge Road, thence with said road and its meanders, southernly and southeasternly about 825 feet to a point in the center of said road, thence S. 34° E. 14 feet to a point in the center of road, thence N. 42° E. 625 feet to a stake in M. L. Morris S. boundary line, thence N. 84° W. 394 feet to the beginning, containing 5 1/2 acres, more or less, and being the same land conveyed to Joseph E. Kessler and wife, Winnie Lee Kessler by deed from R. L. Gibson and wife, Pearlie Gibson of record in Book _____, page _____, and part of the land conveyed to Joseph E. Kessler and wife, Winnie Lee Kessler, by deed from C. D. McMahan of record in Book 82, page 580, Register's Office for Cheatham County, Tennessee.

A certain tract or parcel of land in Cheatham County, Tennessee,

Beginning at a stone in the center of Pinnacle Ridge Road and in J. K. Millikens, deceased, north boundary line, thence N. 2° W. 275 feet, to a point in center of said road; thence with road N. 72° W. 552 feet to a point in the center of said road; thence S. 4 1/4° W. 1,638 feet to a stone, Raymer's S. E. corner in J. K. Millikens N. Line; thence with said J. K. Millikens N. line S. 87° E. 495 feet to the beginning, containing 20 acres, more or less, and being part of the land, all on the west side of Pinnacle Ridge Road, conveyed to Joseph E. Kessler and wife, Winnie Lee Kessler by deed from Jesse Rediker and wife Bemar Rediker of record in Book 87, page 322A, Register's Office for Cheatham County, Tennessee.

Land in Davidson County, Tennessee, described as follows:

96-9
73-12
PARCEL 200

Being Lot No. 57 on the plan of Twin Lawn Subdivision, as of record in Book 2331, page 9, Register's Office for Davidson County, Tennessee.

Said Lot No. 57 fronts 97 feet on the northerly side of Lakeland Drive and runs back between lines 110 feet on the westerly side and 166.2 feet on the easterly side to a broken line in the rear and measures 116.5 feet on said broken line.

Being the same property conveyed to Joseph E. Kessler and wife, Winnie Lee Kessler, by Winnie Lee Kessler, of record in Book 4267, page 433, Register's Office for Davidson County, Tennessee.

It is further ORDERED, ADJUDGED and DECREED that the Complainant, Winnie Lee Gibson Kessler, assume all mortgage indebtedness on the real estate immediately herein above described.

It is further ORDERED, ADJUDGED and DECREED that all right, title and interest of the Defendant, Joseph E. Kessler, in and to four (4) certain cemetary lots now in his name, be divested out of him and vested in the Complainant, to be hers in fee simple absolute.

It is further ORDERED, ADJUDGED and DECREED that the actual division of all of the personal property belonging to the parties is hereby approved in all respects.

It is further ORDERED, ADJUDGED and DECREED that all of the right, title and interest of the Complainant, Winnie Lee Gibson Kessler, in and to the following three tracts of real estate in Davidson County, Tennessee, be divested out of her and vested in the Defendant, Joseph E. Kessler:

Being Lot No. 245 on the plan of Section II, Sunset View, of record in Book 2663, page 52, Register's Office for Davidson County, Tennessee.

73-12
PARCEL 21

Said Lot No. 245 fronts 100 feet on the north side of Ridgeland Drive and runs back between lines 264.7 feet on the east line, and 300 feet on the west line to a dead line in the rear of which it measures 102.6 feet.

Being the same property conveyed to Winnie Lee Kessler, by J. E. Kessler and Wife, Winnie Lee Kessler, of record in Book 3316, page 451, Register's Office for Davidson County, Tennessee.

91-6
PARCEL 110

Being Lot No. 9 on the plan of West Park Addition of record in Book 2330, page 39, Register's Office for Davidson County, Tennessee.

Said Lot No. 9 fronts 50 feet on the northerly side of Carl Place and extends back between parallel lines 127 feet to a dead line in the rear.

Being the same property conveyed to Joseph E. Kessler and wife, Winnie Lee Kessler, from Winnie Lee Kessler, of record in Book 4268, page 912, Register's Office for Davidson County, Tennessee.

91-6
PARCEL 135

Land in Davidson County, Tennessee, being Lot No. 50 on the map of West Park Addition, as of record in Book 2330, page 39, Register's Office for Davidson County, Tennessee, described as follows:

Beginning at a point in the easterly margin of Carl Place at the common corner of Lots No. 50 and 51; thence along said Place, southerly 50.05 feet to a monument; thence around a curve in a southerly direction 39.23 feet to a monument in the northerly margin of Couch Drive; thence with said drive, easterly 77.3 feet to the corner of Lots 49 and 50; thence with a line between said lots, northerly 75 feet to the corner of Lots 50 and 51; thence with the line between these lots, easterly 102.3 feet to the beginning.

Being the same property conveyed to J. E. Kessler and wife, Winnie Lee Kessler, from Malcolm P. Harris, Jr., and wife, Lela Mai Harris, of record in Book 4314, page 163, Register's Office for Davidson County, Tennessee.

It is further ORDERED, ADJUDGED and DECREED that the Defendant, Joseph E. Kessler, assume all mortgage indebtedness on the three tracts of real estate described immediately herein above.

It is further ORDERED, ADJUDGED and DECREED that the Defendant, Joseph E. Kessler, pay child support in the sum of One Hundred and Seventy-Five ($175.00) Dollars each month, plus the Clerk's five (5%) percent commission, in installments of $87.50 plus the Clerk's five (5%) percent commission on the fifteenth day of each month beginning May 15, 1974, and on the first day of each month, beginning June 1, 1974, and on the first and fifteenth days of each month hereafter, plus one-third (1/3) of all net income to the Defendant, Joseph E. Kessler, over and above One Hundred and Thirty-Two ($132.00) Dollars each week, which amount was intended to be child support, and not alimony, by the Court's Memorandum Opinion dated September 19, 1973, and is accordingly ordered to be child support and not alimony, and is ordered to be paid into the Clerk

of this Court.

It is further ORDERED, ADJUDGED and DECREED that all of the right, title and interest of the Defendant, Joseph E. Kessler, in and to a certain 1967 Plymouth automobile, now in the possession of the Complainant, Winnie Lee Gibson Kessler, be and the same is hereby divested out of him and vested in the Complainant.

It is finally ORDERED, ADJUDGED and DECREED that the solicitor of record for the Complainant, J. L. Thompson, III, is hereby awarded an attorney's fee of One Thousand ($1,000.00) Dollars, Five Hundred ($500.00) Dollars of which shall be paid by the Complainant, and Five Hundred ($500.00) Dollars of which shall be paid by the Defendant, said attorney's fee to become a lien upon the properties of the parties described herein, until paid in toto.

The costs of this cause are to be paid by the Defendant, for all of which execution may issue, if necessary.

JUDGE

5-21-74

APPROVED FOR ENTRY:

J. L. Thompson, III, Solicitor
for the Complainant

Melvin B. Butler, Solicitor for
the Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree has been mailed to the Honorable Melvin B. Butler, Stahlman Building, Nashville, Tennessee 37201, this 16th day of May, 1974.

J. L. Thompson, III

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IDENTIF. REFERENCE

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JUL 3 12 25 PM '74

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

JUL-3 MISC

A* 14.00 * 14.00

MB 88A - 120 #71078 5-21-74

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* Vivian Lee Gibson Kessler *Plaintiff, and* Joseph C Kessler *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* 3 *day of* July *in the year one thousand nine hundred and* 74 *and in the* 198 *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By [signature] *D. C.*