14-16 Panel 11
64-2 Panel 13

10-26-73
84A/341

BETTY DIANE LEHMAN KYLE] IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

VS.]

NO. 69634

JIMMY RICHARD KYLE]

D E C R E E

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This cause came on to be heard before the Honorable Edward C. Coomer, Special Judge of the Fourth Circuit Court of Davidson County, Tennessee, on this the 15th day of October, 1973, upon the original complaint of the plaintiff, and the answer of the defendant. Following the testimony of the plaintiff and her witnesses, the testimony of the defendant, statement of counsel, and the review of the entire record of this cause, the Court is of the opinion that the plaintiff did successfully sustain her grounds for divorce, that is, that the defendant has been guilty of such cruel and inhuman treatment towards her as renders further cohabitation unsafe and improper.

It is, therefore, ORDERED, ADJUDGED and DECREED that the plaintiff, Betty Diane Lehman Kyle, is awarded an absolute divorce from the defendant, Jimmy Richard Kyle, and she is restored to all the rights and privileges of an unmarried person. The bonds of matrimony heretofore existing between the parties are forever and perpetually dissolved.

It is further ORDERED, ADJUDGED and DECREED that the plaintiff shall have the absolute care, custody and control of the minor children of the parties, to wit, Kana and Kreg. The defendant shall be allowed to see and visit said children and/or to have them in his physical possession on alternate weekends from 4:00 P.M. on Friday afternoon until 4:00 P.M. on the following Sunday. In addition thereto, the defendant shall have the right to have said aforementioned children with him for a three week period during their regular summer school vacation. It will

be the responsibility of the defendant, however, to notify plaintiff as to what three weeks that he desires thirty days prior to said visitation privilege. In addition thereto, and during the Christmas vacation period, the defendant shall have the right to have the children with him for half of the normal vacation period. For the year 1973, he will have the children from December 26th, until the night prior to their scheduled reentry into school. Then, in 1974, the defendant shall have the children from the time that Christmas vacation starts, through Christmas Day, and shall redeliver the children to the plaintiff on the morning of December 26th. Thereafter, the Christmas visitations will alternate as heretofore set forth. At all times, it shall be the duty and responsibility of the defendant to call for and redeliver the children to the custody of the plaintiff. The defendant will pay to the plaintiff as support for said children the sum of $300.00 per month. Said payments are to be made directly to the plaintiff by appropriate check or money order, and are to be due and payable on or before the 5th day of each month, subsequent to the entry of this order. For the month of October, 1973, however, the defendant shall be given credit for any money that he has already paid the plaintiff.

The proof having shown that the parties are owners as tenants by the entirety of two pieces of real property, one located at 206 Barley Mill Road, and being the former home of the parties, and the other being located at 5014 Bonnahill Drive, and being a piece of rental property; and it being further shown that the parties were in the process of attempting to sell the house at 206 Barley Mill Road, but that they had obligated themselves toward the purchase of a condominium, contingent upon the sale

of the property at Barley Mill Road; and it being the intention of the Court to award the plaintiff the equity in the property on Barley Mill Road, or the proceeds from the sale thereof, it is accordingly ORDERED, ADJUDGED and DECREED that all of defendant's right, title and interest in and to said property as is now vested in the defendant shall be divested from the defendant and said property shall hereinafter be vested absolutely in the plaintiff. Said property is more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 125 on the Plan of Brandywine Farms, Section 5, as of record in Book 4175, page 18, Register's Office for said County.
>
> Said Lot No. 125 fronts 137.0 feet on the southerly margin of Barley Mill Road, and extends back 330.2 feet on the westerly line and 302.8 feet on the easterly line to a dead line in the rear, measuring 138.8 feet thereon.
>
> Being the same property conveyed to Jim R. Kyle and wife, by deed from I. J. R. Coarsey, Trustee, of record in Book 4415, page 213, R.O.D.C.

Until said property is sold, it shall be the further responsibility of the defendant to continue all monthly payments thereon, including the first and second mortgages, the swimming pool note, the taxes and the insurance, and the normal monthly utility bills. All of defendant's right, title and interest in and to the furnishings located at said property as is now vested in the defendant shall be divested from the defendant and said furnishings shall be awarded absolutely to the plaintiff.

All of plaintiff's right, title and interest in and to the real property located at 5014 Bonnahill Drive, as is now vested in the plaintiff shall be divested from the plaintiff, and awarded absolutely to the defendant. Said property is more particularly described as follows:

Land in Davidson County, Tennessee, being Lot No. 408 in Hermitage Hills, Section Five, of record in Book 3300, pages 1 and 2, Register's Office for said County.

Beginning at a point in the northerly margin of Bonnahill Drive, the corners of Lots 408 and 409; thence with said margin of said Drive southwestwardly 108.30 feet to a concrete monument at the beginning of a curve having a radius of 25 feet; thence around said curve northwestwardly 40.46 feet to a concrete monument in the easterly margin of Bonnawell Drive; thence with said Drive, northwestwardly 98.22 feet to a point, the common corners of Lots Nos. 407 and 408; thence with the line between said lots northwestwardly 116.4 feet to a concrete monument at the common rear corners of Lots Nos. 407, 408 and 409; thence with the line between Lots Nos. 408 and 409, southwestwardly 121.51 feet to the point of beginning.

Being the same property conveyed to Jimmy Richard Kyle and wife, Dianne Lehman Kyle, by deed from Frank E. Stratton, Jr. and wife, Bette Stratton, of record in Book 3644, page 523, R.O.D.C.

It shall be the duty of the defendant to hold plaintiff harmless from any further responsibility in regard to said aforementioned property.

As alimony in futuro, the defendant shall pay to the plaintiff the sum of $200.00 per month. Said payments shall continue until the death or remarriage of the plaintiff, and shall be payable to the plaintiff directly by appropriate check or money order. Said payments are to be due and payable on or before the 5th day of each month, subsequent to the entry of this order. For the month of October, 1973, the defendant shall be given credit for whatever sum of money he has given plaintiff prior to the hearing of this cause.

It shall be the further responsibility of the defendant to maintain hospitalization and medical insurance on both of the minor children, and until such time as the children reach their majority.

As additional alimony, the defendant shall pay to Jack Norman, Jr., solicitor for the plaintiff, the sum of $1,000.00 as his reasonable fee for services rendered plaintiff in this cause. A lien in favor of said attorney shall exist against the real property awarded the defendant, and located at 5014 Bonnahill Drive, and shall exist until payment of said attorney fee in full.

The defendant will pay the costs of this cause, for which execution may issue, if necessary.

Entered this 26 day of Oct., 1973.

C. Edward Boyer
SPECIAL JUDGE

APPROVED FOR ENTRY:

J Norman Jr
Jack Norman, Jr.
Attorney for Plaintiff

Bill Hodde
Attorney for Defendant

I certify that I have mailed a copy of this Decree to Mr. Bill Hodde, attorney for defendant, P. O. Box 574, 112 Stadium Drive, Hendersonville, Tennessee, this 23rd day of October, 1973.

J N Jr
Attorney

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IDENTIF. REFERENCE

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FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

JUL 17 MISC A* 12.00 * 12.00

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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* ~~correct transcript~~ True Copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Betty Diane Lekmon Kyle *Plaintiff, and* Jimmy Richard Kyle *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* 17th *day of* July *in the year one thousand nine hundred and* Seventy Four *and in the* 199 *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Barbara Baldwin, *D. C.*