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IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

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KC

LILLIAN LOUISE SOUTHALL)
VS.) NO. 73986
MARION BENNETT SOUTHALL)

JAN 23 MISC A* 8.00 * 8.00

FINAL DECREE

This cause came on to be heard the 12th day of November, 1974, before the Honorable James Cornelius Summers, Special Judge, upon the entire record and statements of counsel from which it appears to the Court that the defendant and cross-complainant, Marion Bennett Southall, has abandoned his cross-complaint and that the parties reached an agreement upon matters of child custody, visitation, support and property settlement as hereinafter set forth, which agreement is approved and adopted by the Court, and thereupon the matter was heard by the Court on the original complaint, the testimony of the plaintiff and her corroborating witnesses examined in open Court, statements of her counsel and the entire record, from all of which the Court is satisfied that the allegations of said original complaint are fully sustained by the proof, that is to-wit: that the defendant has been quilty of such cruel and inhuman treatment or conduct towards plaintiff as renders it unsafe and improper for her to cohabit with him or to remain under his dominion and control. IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the bonds of matrimony heretofore subsisting between plaintiff and defendant be and the same are hereby forever and perpetually dissolved and for nothing held and that said plaintiff, Lillian Louise Southall, be and she is hereby awarded an absolute divorce from said defendant, Marion Bennett Southall, and is restored to all the rights and privileges of an unmarried person. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the exclusive care, custody and control of the minor child of the parties, namely: Marion Bennett Southall, Jr., be and the same is hereby awarded to the plaintiff, with defendant having the right to have said child visit with him all day on Saturday of each week from 9:00 A.M. to 7:00 P.M., picking him up and returning him to the plaintiff's residence at 928 Kirkwood Lane, Nashville, Tennessee, beginning Saturday, 16

November 1974. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant pay to the Office of the Circuit Court Clerk the sum of $30.00 per week plus the Clerk's Commission to be paid by the Clerk to the plaintiff for the support of said minor child, beginning Friday, 15 November 1974 and weekly thereafter until further orders of the Court. Upon default in any of said weekly payments, execution may issue for all arrearages. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that _____ be and she is hereby appointed as Special Master to investigate the condition and circumstances of said minor child and report to the Court regarding same within _____ days after date of this Decree. Copy of said report will be furnished to counsel for both parties. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, as alimony to the plaintiff and/or as equitable property settlement, all right, title and interest of said defendant, Marion Bennett Southall, in and to the house and lot of real estate located at and known as 928 Kirkwood Lane, Nashville, Tennessee, and more particularly described as follows:

"Land in Davidson County, Tennessee, being Lot No. 1 on the new plan known as Idlewild Plan, of record in Book 4350, page 82, Register's Office of said County.

Said Lot No. 1 is more particularly described as follows: Beginning at a point in the north margin of Kirkwood Avenue, being the southeast corner of Lot No. 2 and the southwest corner of Lot No. 1 on said plan; thence N. 00° 19' E 225 feet along the line between said Lots 1 and 2 to a point in the south margin of a 15 foot alley; thence N. 77° 30' E 46.94 feet along the south margin of said alley to a point; thence southeasterly around a curve 35.89 feet to a point in the west margin of Sherbourne Avenue, thence S. 00° 19' west 179.99 feet along said west margin of Sherbourne Avenue to a point, thence around a curve southwesterly 33.68 feet to a point in said north margin of Kirkwood Avenue, thence S. 77° 30' W. 52.05 feet to the point of beginning.
Being the same property conveyed to said Marion B. Southall and wife, Lillian B. Southall by deed from James Edward Fitzwater Jr. and wife, Lynn S. Fitzwater, of record in Book 4407, page 545, said Register's Office, as corrected by deed of correction from said Marion B. Southall and wife, Lillian B. Southall of record in Book 4422, page 300, said Register's Office, reconveying to said James Edward Fitzwater Jr. and wife, Lynn S. Fitzwater a certain portion of said property which portion was erroneously included in said deed of record in Book 4407, page 545, said Register's Office said Lillian B. Southall being the same person as Lillian Louise Southall."

together with all household furnishings and equipment located therein, be and the same is hereby divested out of said defendant and is vested in the plaintiff, Lillian Louise Southall, in fee simple, and that the said plaintiff will assume full responsibility for

paying the indebtedness to Home Federal Savings and Loan Association and Commerce Union Bank encumbering said real estate and to Associates Capitol encumbering said household furnishings and equipment and will also pay and be responsible for the taxes and insurance on said real estate to which she is receiving complete title under this Decree. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff relinquishes any right, title and claim to the IBM Electric Typewriter and the duplicating machine removed by the defendant from the home or to any refund for amounts paid by her thereon. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, as alimony to the plaintiff, the defendant will pay the plaintiff's attorney, Avon N. Williams, Jr., Esquire, the sum of $300.00 as defendant's contribution upon his reasonable counsel fee of $750.00 in this case and for which $300.00 execution may issue against the defendant, if necessary. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant be and he is hereby permanently enjoined from coming about the plaintiff or the minor child or from coming about her said home or the plaintiff's employment or any other place maintained by the plaintiff separate and apart from him or from harassing the plaintiff or intermeddling with her and the minor child in any form or fashion whatsoever except his exercise of said visitation rights with the child as hereinabove permitted and he is also enjoined from making harassing phone calls to the plaintiff's beautician, church members, employer and other persons connected with her or from intermeddling with the nursery school where the minor child is located except that he may visit the child in the nursery school at reasonable times as may be approved by the Director of the nursery school as not interfering with the schedule of the child, but he shall not remove the child from the nursery school at any time. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the cross-complaint filed in this case be and the same is hereby dismissed. All costs of the cause are taxed against the defendant, for which execution may issue, if necessary. A copy of this Decree will be served upon the defendant by Certified Mail, addressed to his last known address.

FOR ENTRY

Avon N. Williams, Jr.

Attorney for Plaintiff

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S/ J. W. Rutherford
J. W. Rutherford

Attorney for Defendant

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S/ J. C. Summers
SPECIAL JUDGE

CERTIFICATE

The undersigned certifies that copy of the foregoing Decree was mailed to J. W. Rutherford, Esquire, Nashville Bank and Trust Building, Nashville, Tennessee 37219, Attorney for the Defendant and Cross-Complainant, this the 16th day of November, 1974.

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IDENTIF. REFERENCE

JAN 23 1 25 PM '75

FELIX Z. WILSON, REGISTER
DAVIDSON COUNTY, TENN.

11-25-74 MB92C/1119-A #73986

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* Lellan Louise Southall *Plaintiff, and* Marion Bennett Southall *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* 23 *day of* January *in the year one thousand nine hundred and* 75 *and in the* 199 *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By S. Eyer, *D. C.*