1065/539

HELEN ELAINE (MANOS)ALLEN) IN THE THIRD CIRCUIT COURT OF

VS.) DAVIDSON COUNTY, TENNESSEE

CALVIN SEAY ALLEN) NO. 73327

BOOK 4897 PAGE 470

147-1

EPW

FINAL DECREE

This cause came on to be heard on the 4th day of December, 1974, upon the original petition for divorce filed by Helen Elaine Allen and the answer filed by the defendant, Calvin Seay Allen, upon the testimony of theparties, corroborating witnesses, from all of which the Court granted the divorce to the plaintiff, but took the matter under advisement as to the disposition of the property.

MAR 20 MISC A* 6.00 * 6.00

An order was entered on December 4, 1974, incorporating the findings of the Court that the plaintiff's statutory grounds for divorce had been fully sustained by the proof, that is, that the defendant, Calvin Seay Allen, had been guilty of such cruel and inhuman treatment towards the plaintiff as renders further cohabitation unsafe and improper for her to remain under his dominion and control, and it was ordered and decreed by the Court that the plaintiff, Helen Elaine (Manos) Allen, be awarded an absolute divorce and restored to all the rights and privileges of an unmarried person.

It was further ORDERED and DECREED that the Court reserved the disposition of property matters for a later determination.

It was also ORDERED and DECREED by the Court that the defendant, Calvin Seay Allen, pay to the plaintiff's attorney of record, Robert L. Hudson, the sum of $150.00 as attorney fees, for all of which let execution issue if necessary.

Subsequent to this order, the Honorable Bobby Jackson, Special Judge, Third Circuit Court, Davidson County, Tennessee, issued a memorandum opinion relative to the disposition of the property incorporated herein as follows:

> 1. Insofar as the furniture, furnishings, and personal property all of the personal property which was presented to the Court in the form of an Exhibit, shall be awarded as the exclusive property of the complainant, Helen Elaine Allen, with the exception of the pool table, which shall be awarded to the defendant.

2. Insofar as the house of the parties, described more fully as follows, to wit:)

Being Lot 421 on the Plan of Caldwell Hall, Section VI, as of record in Book 2900, page 48, Register's Office for said County.

Said lot fronts 80 feet on the north side of Lynn Drive and runs back 146.5 feet on the west line and 148.55 feet on the east line to a dead line in the rear on which it measures 82.15 feet.

Being part of the property conveyed to the Kennedy Corp., a Tennessee Corporation, by deed from Andrew Ewing, Trustee, as of record in Book 3279, page 603, said Register's Office.

the testimony reveals that the house was purchased in approximately November, 1961, and has an equity of somewhere between Sixteen Thousand ($16,000) and Eighteen Thousand Dollars ($18,000) depending on the prevailing market conditions. The testimony further indicates that the complainant is very desirous of living in the house on a permanent basis and that the defendant has abandoned the house several months prior. The Court is also mindful of the fact that there is an approximate Two Thousand Two Hundred Dollar ($2,200) Tax Lien resulting from nonpayment of taxes on behalf of the defendant, which Tax Lien is being paid by the complainant. In view of all these circumstances, the Court feels that the house and lot should be awarded as the exclusive property of the complainant subject to the following:

In view of the defendant's contributions to the house, including improvements of which he testified that he made to the house, the Court will award him a Lien against the house and lot in the amount of Three Thousand Dollars ($3,000). Said lien will be unenforceable until such time as the home is sold. Defendant will be unable to force sale through partition, nor will he be able to make demand on the amount of the lien until such time as the complainant chooses of her own free will and volition to sell the house. The Court is granting the defendant this amount, taking into consideration the fact that he has not lived up to his obligation to pay the income tax arrearage, and therefore, the Court penalizes the defendant by deducting Two Thousand Two Hundred Dollars ($2,200) from the amount that he would have been awarded otherwise.

It is therefore ORDERED and DECREED:

1. That the plaintiff, Helen Elaine (Manos) Allen, is hereby awarded an absolute divorce from the defendant and restored to all the rights and privileges of an unmarried person.

2. That the defendant, Calvin Seay Allen, pay to the plaintiff's attorney of record, Robert L. Hudson, the sum of $150.00 as attorney fees, for all of which let execution issue if necessary.

3. That the furniture, furnishings and personal property shall be awarded as the exclusive property of the plaintiff, Helen Elaine Allen, with

the exception of the pool table, which shall be awarded to the defendant.

4. That the automobile shall be awarded to the defendant, Calvin Seay Allen.

5. That the house of the parties, described more fully hereinabove, be awarded to the plaintiff, Helen Elaine (Manos) Allen, in fee simple, with the defendant, Calvin Seay Allen, being awarded a lien against the house and lot in the amount of $3,000.00, which said lien will be unenforceable until such time as the home is sold.

Enter this the 24 day of January, 1975.

Robert L. Jackson
SPECIAL JUDGE

Enter This 24 Day of Jan 197

APPROVED FOR ENTRY:

Attorney for Plaintiff

Attorney for Defendant

IDENTIF. REFERENCE

MAR 20 8 19 AM '75

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

C 9 1 2 4 4

Docket Number 73327, Minute Book 106B, Page 539

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* Helen Elaine (Manos) Allen *Plaintiff, and* Calvin Seay Allen *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* 20th *day of* March *in the year one thousand nine hundred and* Seventy-Five *and in the* 199th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By D. Williams, *D. C.*