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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

DOROTHY STAFFORD SMITH)
)
)
VS.) NO. 74737
)
)
DOUGLAS EDWARD SMITH)

Map 72-14
Par. 409
M.O.

ORDER OF ABSOLUTE DIVORCE

This cause came on to be heard on April 14, 1975, before the Honorable Jack A. Butler, Special Judge, upon the complaint for divorce filed by the plaintiff, Dorothy Stafford Smith, against the defendant, Douglas Edward Smith, personal service upon the defendant, the answer of the defendant, the appearance and testimony of the plaintiff and her witnesses, the appearance and statement of both counsel, and upon the entire record.

Upon the calling of the case, the defendant's attorney, Mr. Morris Levine, moved for a continuance in light of the fact that neither the defendant nor any of his witnesses were present, which motion was opposed by the plaintiff and her attorney. Upon inquiry and discussion before the Court it appears,

1. That Mr. Levine personally advised his client that the trial was set for April 14, 1975, and that he should appear to make his defense,

2. That the case was Number 2 on the Court's docket,

3. Upon request of the defendant's attorney the Court passed the case at each call of the docket throughout the day until it was the last remaining case and the only persons left in the courtroom were the plaintiff and her witnesses,

4. That Mr. Levine tried on numerous occasions during the day to contact the defendant, and left messages to return his call but to no avail, and

5. That the plaintiff was present and prepared to go forward with the trial of the case on the date and time assigned:

It therefore appears to the Court the defendant's motion is without merit and is not well taken,

RECORDER'S MEMO
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It is therefore ordered that the defendant's motion for a continuance is overruled and that the trial proceed upon the proof of the plaintiff.

It appears to the Court that the allegations of the complaint are sustained by the proof and that the defendant, Douglas Edward Smith, has been guilty of such cruel and inhuman treatment toward the plaintiff as to render further cohabitation unsafe and improper and further has abandoned her and failed to provide for her.

AND IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff, Dorothy Stafford Smith, is granted an Absolute Divorce from the defendant, Douglas Edward Smith, and is restored to all of the rights and privileges of an unmarried person.

It is further ordered that the plaintiff, Dorothy Stafford Smith, will have custody and control of the minor daughter of the parties, Dawn E. Smith, and that the defendant, Douglas Edward Smith, will have visitation with the daughter at times and upon conditions which are reasonable and agreed to by the parties, that it is further ordered that the defendant, Douglas Edward Smith, will pay to the plaintiff, Dorothy Stafford Smith, the amount of $15.00 per week for support of the minor child, said payments to be made through the Circuit Court Clerk's Office, together with the Clerk's lawful charge of 5%, beginning April 18, 1975, and each and every week thereafter until the minor child attains her majority.

It is further ordered that the plaintiff is awarded the house and lot which is owned by the parties and that all of the defendant's right, title and interest in and to the improved real property is divested out of the defendant and vested in the plaintiff and that she shall have a fee simple interest in said property known as 1506 East Cahal Avenue, Nashville, Tennessee, more fully described as follows, to wit:

> Land in Davidson County, Tennessee, being the northerly part of Lot No. 4 and the easterly 24 feet of the northerly part of Lot No. 3 on the plan of Re-subdivision of M. T. Stratton's plan of the subdivision of part of the Cahal Lands, as of record in Book 421, Page 59, Register's Office for said County described according to a survey by Clyde D. Anderson Surveyor, May 19, 1961, as follows:
>
> Beginning on the southerly margin of Cahal Avenue at the northwest corner of Lot No. 5 conveyed to Louise M. Stratton by deed from Edward M. Stratton of record in Book 1628, Page 54,

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said Register's Office; thence with the line between Lots Nos. 4 and 5 south 3° 21' west 180.8 feet; thence north 87° 13' west 74 feet to the eastern boundary line of the property conveyed to L. T. Stevens by deed from Charles J. Perry, of record in Book 3641, Page 219, said Register's Office; thence with said line north 3° 21' east 181 feet to said margin of Cahal Avenue; thence with same, south 86° 47' east 74 feet to the beginning.

Being the same property conveyed to Donald R. O'Guin, and wife, Regenia O'Guin by deed from Felix E. Stevens, and wife, Ann Stevens, of record in Book 4452, Page 441, Register's Office of Davidson County, Tennessee.

Being the same property conveyed to Douglas B. Smith, and wife, Dorothy S. Smith by Installment Deed dated May 1, 1973 from Donald R. O'Guin, and wife, Regenia O'Guin which is not recorded.

It is further ordered that all of the defendant's right, title and interest in and to the household furnishings and personal effects located in the residence is divested out of the defendant and vested in the plaintiff except the defendant is entitled to remove any personal effects in clothing he may have in the residence.

The costs of this cause are assessed against the defendant,

Wherefore and for all of which execution may issue if necessary.

s/ Jack Byrd
JUDGE
5-1-75

APPROVED FOR ENTRY:

s/ Thomas I. Bottorff
THOMAS I. BOTTORFF

I hereby certify that a copy of the foregoing Order of Absolute Divorce has been mailed to the Honorable Morris Levine, Stahlman Building, Nashville, Tennessee, this 24th day of April, 1975.

s/ Thomas I. Bottorff
THOMAS I. BOTTORFF

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IDENTIF. REFERENCE

MAY 29 2 30 PM '75

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

MAY29'75 MISC A* 8.00 * 8.00

Mail To: Thomas J. Barkley
306 Nashville City Bank & Trust Bldg.
315 Union Street
Nashville, TN 37201

Docket No. 74737 960/965

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* Dorothy Stafford Smith *Plaintiff, and* Douglas Edward Smith *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* 29th *day of* May *in the year one thousand nine hundred and* seventy-five *and in the* 199th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Patty Fraser, *D. C.*