MB 98C/1040
10-15-75

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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

VIRGINIA MAE UPTON)
)
-vs-) No. 74797
)
ERNEST L. UPTON)

Mapp - Parcel
105-14
Par. 145

FINAL DECREE

This cause came to be heard on October 14, 1975, before the Honorable Benson Trimble, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the original bill of the Plaintiff filed on July 11, 1974, Answer and Cross Bill of the Defendant, Plaintiff's Answer to the Cross Bill, Property Settlement Agreement entered into on October 10, 1975, witnesses introduced in open Court, and the entire record in this cause.

From all of which the Court was of the opinion that the allegations contained in the original bill were fully sustained, that is, that the Defendant has been guilty of such cruel and inhuman treatment or conduct towards the Plaintiff as renders cohabitation unsafe and improper; moreover, the Court was of the opinion that the Property Settlement Agreement entered into by the parties be given full force and effect.

It is, therefore, ORDERED, ADJUDGED, and DECREED by the Court that the Plaintiff, Virginia Mae Upton, be and she is hereby granted an absolute divorce from the Defendant, Ernest L. Upton, and restored to all the rights and privileges of an unmarried person.

It is further, ORDERED, AJUDGED, and DECREED by the Court that whatever right, title, or interest that the Defendant, Ernest L. Upton, has or may have in the real property hereinafter

described, be and the same is hereby divested out of him and vested in the Plaintiff, Virginia Mae Upton, as her sole property:

> "LAND in Davidson County, Tennessee, being the southerly forty-five (45) feet of Lot No. 23 of Block 19 on the Plan of Yarbrough's Suvdivision of Woodland, as of record in Book 161, page 87, Register's Office for said County.
> SAID part of Lot No. 23 fronts 45 feet on the westerly side of Lindell formerly Wilson Avenue, and runs back between parallel lines 167-1/2 feet to an alley.
> BEING the same property conveyed to BETTYE HUNTER GILL by deed from Robert A. Fraser and wife, of record in Book 2151, page 548, said Register's Office, and by Decree of Divorce of record in Minute Book 27, page 344, Fourth Circuit Court, and certified copy of Book 3536, page 639, said Register's Office."

It is further ORDERED, ADJUDGED, and DECREED by the Court that the Property Settlement Agreement entered into by and between the parties on the 10th day of October, 1975, which is copied herein verbatim, be and the same is hereby approved in its entirety:

"CUSTODY AND PROPERTY SETTLEMENT AGREEMENT

This agreement by and between Virginia Mae Upton, hereinafter referred to as the "wife", and Ernest L. Upton, hereinafter referred to as the "husband".

WHEREAS, there is now pending in the Fourth Circuit Court for Davidson County, Tennessee, an action for divorce filed by the wife, and the husband and the wife are desiring the settling of all matters involving custody, child support, and property between them, in order that they may have an amicable relationship, if a divorce is granted in these proceedings;

Both the husband and the wife are of the opinion and agree that the husband is a fit and proper person to have the care and custody of their child, Terry Upton, now fifteen (15) years of age, and they believe and represent that it is the desire of Terry that she be in the custody of the husband, as has been the case since the divorce proceedings were filed in July, 1974.

The husband and wife are of the opinion and agree that the wife is a good and proper person to have the custody of their other two (2) minor children, Tammy Upton, age 11, and Chad Upton, now age 8, and while the husband has been providing any and all support requested of him, and they believe he will continue to do so whether or not there is a Court Order of child support, it is agreed by and between them that twenty ($20.00) dollars per month would be a reasonable amount of child support for the husband to pay for the support of these children, in the event a divorce is granted and the Court deems it necessary to order the husband to pay child support for such children.

It is agreed by and between the husband and wife that all personal property in the possession of each of them at this time shall become and remain the personal property of the party now having possession of this property at this time. The only real property owned by the parties is a house and lot at 2215 Lindell Avenue, Nashville, Tennessee, and both the husband and wife agree that the husband shall claim no interest in this property, and will execute any and all instruments necessary to divest title, if there be such in property, out of him and into his wife, and the wife agrees that she shall assume all indebtedness secured by liens on such property at this time, and will hold the husband harmless from any liabilities for such debts.

The parties further agree that the husband shall pay to the wife's attorney a reasonable fee of two hundred fifty dollars ($250.00) of the total attorney fees which is three hundred fifty dollars ($350.00).

This /s/ 10th day of October, 1975.

/s/ Virginia Mae Upton
VIRGINIA MAE UPTON

/s/ Ernest L. Upton
ERNEST L. UPTON

It is further ORDERED, ADJUDGED, and DECREED by the Court that the Defendant will pay the costs of this cause for which execution may issue.

ENTERED this 15th day of October, 1975.

/s/ Benson Trimble
JUDGE

APPROVED FOR ENTRY:

/s/ J. G. Stranch III
J. G. STRANCH III
Attorney for the Plaintiff

cc: Mr. Denty Cheatham
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IDENTIF. REFERENCE

OCT 23 11 10 AM '75

FEE REGISTER
DAVIDSON COUNTY, TENN.

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OCT 23 MISC A* 8.00 * 8.00

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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 of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Virginia Mae Upton *Plaintiff, and* Ernest L. Upton *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* October *in the year one thousand nine hundred and* 75 *and in the* 200th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By [signature], *D. C.*