9-26-75
178/1057

IN THE SIXTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

BOOK 4986 PAGE 762 96-6 192 pw

DONALD EVERETT COLLINS	)	
	)	
Plaintiff and Cross-Defendant	)	
	)	
VS.	)	No. 78825
	)	
JUNITA LEE COLLINS	)	
	)	
Defendant and Cross-Plaintiff	)	

O R D E R

This cause came on to be heard on this the 24th day of September, 1975, before the Honorable James M. Swiggart, Judge of the

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Circuit Court, Part VI, of Davidson County, Tennessee, upon the original bill filed by the Plaintiff and Cross-Defendant, the answer and cross-bill filed by the Defendant and Cross-Plaintiff; the answer filed by the Plaintiff and Cross-Defendant, the agreed order pendente lite heretofore entered in this cause, upon the testimony of the Defendant and Cross-Plaintiff and the witnesses of the Defendant Cross-Plaintiff heard in open court, upon statement of counsel for the Defendant Cross-Plaintiff regarding matters agreed to by the parties and their respective counsel, and upon the entire record in this cause,

From all of which the Court is of the opinion that the Plaintiff and Cross-Defendant, Donald Everett Collins, has failed to prove any grounds for divorce and his petition should therefore be dismissed.

The Court is of the further opinion, however, that the allegations of the Defendant and Cross-Plaintiff, Junita Lee Collins, are fully sustained by the proof, that is, that the Plaintiff and Cross-Defendant, Donald Everett Collins, has been guilty of such cruel and inhuman treatment and conduct towards the Defendant and Cross-Plaintiff as renders further cohabitation unsafe and improper for her to be under the dominion and control of the Plaintiff and Cross-Defendant.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the Petition for Divorce filed by the Plaintiff and Cross-Defendant be, and the same is hereby, dismissed.

IT IS FURTHER ORDERED, ADJUDGED and DECREED by the Court that the bonds of matrimony heretofore existing and subsisting between the Defendant and Cross-Plaintiff, Junita Lee Collins, and the Plaintiff and Cross-Defendant, Donald Everett Collins, be, and the same are hereby, forever and perpetually dissolved; Defendant and Cross-Plaintiff, Junita Lee Collins, is hereby granted an absolute divorce from the Plaintiff and Cross-Defendant, Donald Everett Collins, and restored to all the rights and privileges of an unmarried person.

It further appearing to the Court that unto this union two children have been born, Donita Lynn Collins and Donald Everett Collins, II, and that the Defendant and Cross-Plaintiff is the fit and proper person to have absolute custody and control of said children, with reasonable rights of visitation vested in the Plaintiff and Cross-Defendant, with the exception that the Plaintiff and Cross-Defendant shall at no time take said minor children around or about the person or residence of one Marie Davis so long as said Plaintiff and Cross-Defendant and said Marie Davis are not legally man and wife.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the care, absolute custody, and control of the two minor children of the parties, namely, Donita Lynn Collins and Donald Everett Collins, II, be, and the same are hereby, committed to the Defendant and Cross-Plaintiff, with reasonable rights of visitation vested in the Plaintiff and Cross-Defendant with the exception that the Plaintiff and Cross-Defendant shall at no time take said minor children around or about the person or residence of one Marie Davis so long as said Plaintiff and Cross-Defendant and said Marie Davis are not legally man and wife.

It further appearing to the Court that the parties are the owners as tenants by the entirety of a certain tract of land in Davidson County, Tennessee, described as follows:

> Land in Davidson County, Tennessee, being Lot No. 30 on the map of Cloverhill, Section II, as of record in Book 2133, page 46, Register's Office for said County. Said Lot 30 fronts 60 feet on the easterly side of Ironwood

Drive and runs back between lines 211 feet on the northerly line and 190 feet on the southerly line, to a dead line measuring 102 feet thereon.

Being the same property conveyed to Donald E. Collins and wife, Junita Lee F. Collins by deed from James P. Killus and wife, Lanis Sue Killus, of record in Book 4130, Page 231, of said Register's Office.

IT IS, THEREFORE ORDERED, ADJUDGED and DECREED by the Court that all right, title, and interest that the Plaintiff and Cross-Defendant has in and to the above described real property be, and the same is hereby, divested out of the Plaintiff and Cross-Defendant and vested solely in the Defendant and Cross-Plaintiff in fee simple.

It further appearing to the Court that the parties are the owners of certain household goods, fixtures, and appliances, and that the Defendant and Cross-Plaintiff is the proper person to have ownership of these items.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that all the right, title, and interest that the Plaintiff and Cross-Defendant has in and to said household goods, fixtures, and appliances be, and the same is hereby, divested out of the Plaintiff and Cross-Defendant and vested solely in the Defendant and Cross-Plaintiff.

It appearing to the Court that the Plaintiff and Cross-Defendant currently maintains medical and hospitalization insurance on the minor children of said parties and that he should continue to do so until they reach their majority, as well as pay any other medical or dental bills incurred on their behalf,

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the Plaintiff and Cross-Defendant shall continue to maintain all hospital and medical insurance covering the the parties' minor children, and that he shall be responsible for any and all additional medical and dental bills or expenses incurred on behalf of the parties' minor children.

It further appearing to the Court that the minor children are presently enrolled in a private school and that the Plaintiff and

Cross-Defendant is the proper party to pay all expenses required to provide said minor children with a private education,

IT IS FURTHER ORDERED, ADJUDGED and DECREED by the Court that the Plaintiff and Cross-Defendant shall pay all the school expenses of a private education for the two (2) minor children of the parties.

IT IS FURTHER ORDERED, ADJUDGED and DECREED by the Court that the Plaintiff and Cross-Defendant, Donald Everett Collins, continue to pay to the Defendant and Cross-Plaintiff, Junita Lee Collins, the sum of two hundred dollars ($200.00) per month for and as child support, said payments to be made in two (2) installments of one hundred dollars ($100.00) each, on each payday of the Plaintiff and Cross-Defendant. Defendant and Cross Plaintiff is granted the right to seek additional support if and when the Plaintiff and Cross-Defendant's income is increased from any other source.

IT IS FURTHER ORDERED, ADJUDGED and DECREED by the Court that the Plaintiff and Cross-Defendant pursuant to his agreement with the Defendant and Cross-Plaintiff will paint the house she and the children currently occupy or in the alternative pay to have same done.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED by the Court that the Plaintiff and Cross-Defendant pay the additional sum of three hundred dollars ($300.00) to Alfred E. Wehby, Attorney for the Defendant and Cross-Plaintiff, for his services rendered the Defendant and Cross-Plaintiff in this cause.

The Plaintiff and Cross-Defendant will pay the costs of this cause, for which execution may issue if necessary.

Enter This 16th Day of Sept, 1975.

Judge

Approved for Entry:

Alfred E. Wehby
Attorney for Defendant & Cross-Plaintiff

James W. Rutherford
Attorney for Plaintiff & Cross-Defendant

cc: James W. Rutherford

Mail Clifford Otis Lockaby, Color
622 J.C. Broadyard Road
Hurst, Tex

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TENNESSEE REFERENCE

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REGISTER
DAVIDSON COUNTY, TENN.

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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* DONALD EVERETT COLLINS *Plaintiff, and* JUNITA LEE COLLINS *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* 31st. *day of* OCTOBER *in the year one thousand nine hundred and* SEVENTY-FIVE *and in the* 200th. *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Gene Smith, *D. C.*

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