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BOOK 4973 PAGE 962

LUCILLE ELIZABETH CASTELOW COOK] IN THE FIFTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

VS.]

NO. 78800

FRED THOMAS COOK]

42-10
2 pw

D E C R E E

It appears to the Court that an original bill for separate maintenance was filed in this Court by the plaintiff on June 2, 1975, and personal service was had on the defendant, and that the defendant filed an answer and cross-complaint, by which he sought an absolute divorce, on July 25, 1975. Thereafter, on August 6, 1975, the plaintiff filed her answer and an amended petition, by which she sought an absolute divorce. After service of this process on the defendant, the defendant filed his answer thereto on August 14, 1975, and the case was thus at issue. An order was entered on September 19, 1975, setting the cause for final hearing on October 1, 1975.

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The cause came on for hearing before the Honorable Stephen North, Judge of the Fifth Circuit Court of Davidson County, Tennessee, on Wednesday, October 1, 1975, at which time the defendant, Fred Thomas Cook, who was present in Court, and through his attorney, abandoned his cross-bill, and the trial proceeded ex parte upon the original and amended petition filed by the plaintiff. It further appeared that there were no minor children involved.

From the record in the cause, the testimony of the original plaintiff, Lucille Elizabeth Castelow Cook, and her supporting witnesses, the statement of counsel, and from the entire record in the cause, the Court was of the opinion that the allegations of the original and amended bill were fully sustained by the evidence, that is, that the defendant,

Fred Thomas Cook, had, without any reasonable cause, abandoned and deserted the plaintiff at her home at 822 Old Hickory Boulevard in Davidson County, Tennessee, on May 29, 1974, and had not returned or made any effort to become reconciled with her, and had thereby remained away from her for a period of more than one year.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that the bonds of matrimony heretofore subsisting between Lucille Elizabeth Castelow Cook and the defendant, Fred Thomas Cook, be and the same are hereby forever and perpetually dissolved. The said Lucille Elizabeth Castelow Cook is hereby decreed an absolute divorce from the said Fred Thomas Cook, and she is further restored to all the rights and privileges of an unmarried person.

It is further ORDERED, ADJUDGED and DECREED by the Court that all of the right, title and interest in the real estate heretofore owned by the parties as tenants by the entirety, and now occupied by the plaintiff as her home, and more particularly described as follows:

> Being land in Davidson County, State of Tennessee, consisting of land in the 11th Civil District of Davidson County, Tennessee, being Lot No. 3 on the Plan of Bonnie Brae Subdivision, Section I, of record in Book 2330, page 1, Register's Office for Davidson County, Tennessee.
>
> Said Lot No. 3 fronts 100 feet on the north side of Old Hickory Boulevard, and runs back between parallel lines 320 feet to a dead line.
>
> Being the same property conveyed to Fred T. Thomas and wife, Lucille C. Cook, by deed from John D. Clayton and wife, Edna E. Clayton, as of record in Book 100, page 233, Register's Office for Davidson County, Tennessee.

now vested in the defendant, Fred Thomas Cook, is hereby divested out of the said Fred Thomas Cook, and vested in the said Lucille Elizabeth Castelow Cook, in fee simple.

The plaintiff will assume any unpaid balance or obligation against said property as of the date of this decree.

It is further ORDERED, ADJUDGED and DECREED by the Court that all the right, title and interest in and to the furniture and all personal effects now located in the said former home of the parties at 822 Old Hickory Boulevard, now vested in the said Fred Thomas Cook, is hereby divested out of the said Fred Thomas Cook, and vested in the said Lucille Elizabeth Castelow Cook.

Each party will retain any and all other monies or personal property now in their possession as their individual property.

It is further ORDERED, ADJUDGED and DECREED by the Court that the said Fred Thomas Cook pay and is hereby ordered to pay the said Lucille Elizabeth Castelow Cook the sum of $110.00 per week, said weekly payments to continue in this amount until the remarriage or death of the said Lucille Elizabeth Castelow Cook.

It is further ORDERED, ADJUDGED and DECREED by the Court that the said Fred Thomas Cook pay to Jack Norman, for professional services to plaintiff in this cause the sum of $300.00, for which execution may issue, if necessary.

The defendant, Fred Thomas Cook, will pay the costs of this cause, for which execution will issue, if necessary.

Entered this 3 day of October, 1975.

JUDGE, FIFTH CIRCUIT COURT

APPROVED FOR ENTRY:

Jack Norman, Attorney for Plaintiff, Lucille Elizabeth Castelow Cook

William E. Higgins, Attorney for Defendant, Fred Thomas Cook

I, Jack Norman, certify that I have mailed a copy of this Decree to Mr. William E. Higgins, attorney of record for the defendant in this cause, to his office at 388 46th Avenue, North at Charlotte, P. O. Box 90202, Nashville, Tennessee 37209, this 2nd day of October, 1975.

Jack Norman, Attorney

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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~~ True Copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Lucille Elizabeth Castelow Cook *Plaintiff, and* Fred Thomas Cook *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* November *in the year one thousand nine hundred and* seventy-five *and in the* 199 *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By D. Buttrey, *D. C.*

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TO NOTE REFERENCE

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FELIX A. ... REGISTER
DAVIDSON COUNTY, TENN.