Map. 180 P. 6A
Map. 181 P. 1B
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BOOK 4987 PAGE 521

PEGGY RUTH LOWE BROWN	]	IN THE SIXTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
VS.	]	
BOBBY LEON BROWN	]	NO. 79626

map 12-18

DECREE

JAN 12 MISC B* 16.00 * 16.00

This cause came on to be heard before the Honorable James Swiggart, Judge, Division VI of the Circuit Court of Davidson County, Tennessee, upon this the 17th day of November, 1975, and upon the original petition filed by the plaintiff, the answer and cross-bill of the defendant and cross-plaintiff, and the answer to the cross-bill. Following the testimony of the principals, their corroborating witnesses, the introduction of exhibits, the statement of counsel, and a review of the entire record in this cause, the Court is of the opinion that the original plaintiff did sustain her grounds for divorce, that is, that the defendant has been guilty of such cruel and inhuman treatment towards her as renders further cohabitation unsafe and improper.

It is, therefore, ORDERED, ADJUDGED and DECREED that the original plaintiff, Peggy Ruth Lowe Brown, is awarded an absolute divorce from the defendant, Bobby Leon Brown, and the bonds of matrimony heretofore existing between the parties are forever and perpetually dissolved. Plaintiff is restored to all the rights and privileges of an unmarried person. The cross-petition filed by the cross-plaintiff, Bobby Leon Brown, is dismissed.

It is further ORDERED, ADJUDGED and DECREED that the absolute care, custody and control of the minor children shall be vested as follows: That the custody of the youngest child, Jennifer, will continue to be vested in the original plaintiff,

with the right and privilege of the defendant to see and visit said aforementioned child on alternate weekends, for two weeks during summer vacation, and for reasonable times during holiday periods. The care, custody and control of the oldest child, Tammy Renee, shall be temporarily vested in the defendant for a period of thirty (30) days, ending on December 21, 1975. Thereafter, the custody of Tammy Renee shall be vested in the original plaintiff, unless the Court should make a prior determination that custody be vested elsewhere. During the aforementioned thirty day period, ending on December 17, 1975, the original plaintiff shall have the right to see and visit said aforementioned child on alternate weekends, and after the expiration of the thirty days, and when custody of the child reverts to the original plaintiff as aforeordered, then, thereafter, the original defendant shall have the same rights of visitation with the older child as heretofore set forth for the younger child. As support for said aformentioned minor children, the defendant shall pay to the plaintiff the sum of $450.00 per month, payable on or before the 5th day of each month, subsequent to the entry of this decree, directly to plaintiff by appropriate check or money order. However, for the first month only, the defendant shall be given a credit of $200.00, in view of the fact that the oldest child will be in the temporary custody of the defendant. In addition thereto, the defendant shall be responsible for the continued payment of the children's school tuition at the Ezell-Harding Christian School in the monthly amount of $150.00.

As alimony <u>in futuro</u>, it is ORDERED, ADJUDGED and DECREED that the defendant will pay to the plaintiff directly by check or

money order, and payable on or before the 5th day of each month subsequent to the entry of this decree, the sum of $200.00 per month. Said payments are to continue until the death or remarriage of the plaintiff. As additional alimony in solido, the defendant shall pay to the plaintiff an additional $200.00 per month, payable as heretofore ordered in regard to alimony in futuro, and payable to the plaintiff for one calendar year from the entry of this decree. Said sum of money is payable to plaintiff to offset obligations made by the parties to Henshaw's for household furnishings.

As alimony in solido, all of defendant's right, title and interest in and to certain real property now owned by the parties on Hold Road in Davidson County, Tennessee, and consisting of one tract of approximately five acres on which is located the homeplace of the parties, and in addition thereto, another tract consisting of approximately ten acres, but all of which adjoin or are in close proximity of one another, and all of which constitute the homeplace property of the parties, as is now vested in the defendant, shall be divested from the defendant, and awarded to the plaintiff in fee simple, said properties to become the absolute properties of the plaintiff. The plaintiff, however, shall be responsible for the existing mortgage thereon, due and payable after November 17, 1975, and shall hold the defendant harmless from any future responsibility therefor. Said properties are more particularly described as follows:

TRACT 1: LAND in the 6th Civil District of said County, described according to a survey by Harold F. Morris, Surveyor, dated October 4, 1968, and being more particularly described as follows:

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TRACT 12 of the Subdivision of the Marvin W. Moore Farm, an unrecorded subdivision; beginning at a point in the southerly margin

of Holt Road, said point being a common corner of Tract No. 11 and Tract No. 12; thence with the said southerly margin of Holt Road, in a curve, 20.13 feet to a point; thence continuing with said southerly margin of Holt Road S 78 deg. 43' 20" E, 228.23 feet to a point; thence leaving said southerly margin of Holt Road S 1 deg. 46' 37" W 651.55 feet to a point; thence N 89 deg. 24' 48" W, 366.02 feet to a point; thence N 11 deg. 07' 02" E, 710.31 feet to the point of beginning.

BEING the same property conveyed to the grantors by deed of record in Book 4278, page 944, said Register's Office.

BEING Lot No. 458 on the Plan of Whispering Hills, Section II-C, of record in Book 2663, pages 66 and 67, Register's Office for said County.

BEING the same property conveyed to the grantors by deed of record in Book 2963, page 545, said Register's Office.

BEING the same property conveyed to Bobby L. Brown, et ux, Peggy R. Brown, by deed from Harold Reeves, of record in Book 4888, page 901, Register's Office, Davidson County, Tennessee.

TRACT 2: Land in Davidson County, Tennessee, in the 6th District of said County described according to a survey made by Frank Hagewood and Mark Hagewood on February 16, 1972, being described as follows:

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Beginning at a point at the southeasterly corner of property of Robert Brown, said point being more or less 650 feet south of the intersection of Holt Road and Maxwell Lane and in the easterly border of Maxwell Lane; thence South 0° 57 East, 389.7 feet to a point; thence South 29° 33' West, 103.9 feet to a point; thence North 88° 05' West, 896.6 feet to a point; thence North 1° 55' East, 437.9 feet to a point also the southeasterly corner of R. W. Mosley property; thence following the west fork of Mill Creek, South 89° 25' East, 947.1 feet to a point of beginning and containing an area of 9.8 acres more or less.

Being the same property conveyed to Bobby L. Brown and wife, Peggy Ruth Brown by deed from Frank Hagewood, Jr. and John F. Hagewood of record in Book 4581, page 901, Register's Office for Davidson County, Tennessee.

In addition thereto, all of the defendant's right, title and interest in and to the household furnishings located at the homeplace of the parties on Holt Road as aforementioned as is now vested in the defendant, is divested from the defendant, and said furnishings are awarded absolutely to the plaintiff. In addition thereto, the plaintiff is awarded the riding lawn mower located on said aforementioned property and normally used for grass cutting purposes. All of defendant's right, title and interest in and to the Buick automobile normally used by the plaintiff is divested from the defendant, and said aforementioned automobile is awarded to the plaintiff. The defendant shall execute such documents as may be necessary for the proper transfer of title of said automobile to the plaintiff.

All of the plaintiff's right, title and interest in and to real property or properties owned by the parties and located in Coffee County, Tennessee, as is now vested in the plaintiff is divested out of the plaintiff and awarded absolutely to the defendant. However, it shall be the responsibility of the defendant to assume all existing mortgages and/or encumbrances upon said aforementioned property, and to hold the plaintiff harmless from any future responsibility therefor. Said property is more particularly described as follows:

TRACT 1: Being in the 3rd (formerly 2nd) Civil District of Coffee County, State of Tennessee, and beginning on a rock on the west side of Coal Ridge Road, A. J. Norvell's northeast corner and Emiline Teal's (Col.) west boundary line, walnut and locust pointers, running north 50 deg. east 26 rods to a stake near a school house (Col.); thence north 5-1/2 deg. west 82 rods to Angeline Carden's (Col.) line; thence with her line north 41 deg. west 54 rods; thence north 39-1/2 deg.

west 8.6 rods to a locust; thence north 45-1/2 deg. west 14 rods; thence north 12-3/4 deg. west 10 rods; thence north 19-1/2 deg. west 17.6 rods to a rock; thence south 42-1/2 deg. west with J. L. Lowe's line 85.5 rods to locust on ridge, A. J. Norvell's east boundary line; thence south 51-1/2 deg. east 11.5 rods; thence south 74-1/2 deg. east 28 rods; thence south 53-1/2 deg. east 17.2 rods; thence south 63-1/2 deg. east 22-1/2 rods; thence south 69-1/2 deg. east 28.4 rods to the place of beginning, and containing 34 acres, more or less.

Also conveyed to the said Bobby L. Brown and wife, Peggy Brown, is an easement for a right of way for purposes of ingress and egress, such right of way being fifteen (15) feet in width and running in a westerly direction from the west boundary line of the above described property across property of E. C. Lowe to the McBride branch public road.

Being the same property conveyed to Bobby L. Brown and wife, Peggy Brown, by deed from E. C. Lowe and wife, Jim Anna Lowe, of record in Note Book 0, page 277, and recorded in Book of Deeds, Volume 110, page 139, Register's Office, Coffee County, Tennessee.

TRACT 2: Beginning at a corner post located in the easterly margin of the new Beech Grove and Hoodoo Road, same being Juanita Lowe's northwest corner, thence South 63° 03' East and crossing McBride's Branch in all 453.4 feet to a 24 inch oak located in Juanita Lowe's northeast corner; thence continuing in an easterly direction with Leon Trail's north boundary line to a stake at a point where Leon Trail, E. C. Lowe and the property herein conveyed corner; thence running in a northwesterly direction with E. C. Lowe's west boundary line to the corner of a fence, same being the northwest corner of the property herein conveyed; thence running in a southwesterly direction with a fence to the center of a ditch that runs to McBride's Branch; thence running in a westerly direction with the center of said ditch to McBride's Branch and continuing on to a stake located in the easterly margin of the new Beech Grove and Hoodoo Road; thence running in a southerly direction with the easterly margin of the new Beech Grove and

Hoodoo Road, 482 feet to the point of beginning; and containing 50 acres, more or less. Said property being bounded on the North by E. C. Lowe; on the South by Leon Trail and Juanita Lowe, on the west by the new Beech Grove and Hoodoo Road and other lands of Clyde Lowe.

It is understood and agreed between the parties hereto that the ditch mentioned in the body of the above description shall be keep open at all times, for drainage purposes.

Being the same property conveyed to Bobby L. Brown and wife, Peggy R. Lowe Brown, by deed from Clyde Lowe, of record in Note Book P, page 298, and Deed Book 137, page 101, Register's Office, Coffee County, Tennessee.

All of plaintiff's right, title and interest in and to certain livestock and/or livestock equipment as is vested in the plaintiff is hereinafter divested from the plaintiff and is awarded absolutely to the defendant. Said property includes two Royal Heir stallions, four brood mares, two geldings, miscellaneous saddles, tack, etc., and a horse trailer.

As additional alimony, the defendant will pay to Jack Norman, Jr., solicitor for the plaintiff, the total sum of $750.00 as reasonable attorney's fees for services rendered plaintiff in this cause.

The defendant will pay the costs of this cause, all for which execution may issue, if necessary.

To the action of the Court as aforementioned, the defendant excepts and prays an appeal to the next term of the Court of Appeals. The defendant is permitted thirty (30) days from the date of the entry of this decree in which to perfect his appeal.

Entered this 28th day of Nov, 1975.

S/ James H. Lanigan
JUDGE

APPROVED FOR ENTRY:

S/ Jack Norman Jr
Jack Norman, Jr., Attorney for Plaintiff

FELIX Z. WILSON REGISTER
DAVIDSON COUNTY, TENN.
JAN 12 1 35 PM '76
IDENTIF. REFERENCE
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I certify that I have mailed a copy of this Decree to Mr. James W. Rutherford, attorney for defendant, Nashville Bank and Trust Building, Nashville, Tennessee 37201, this 26th day of November, 1975.

S/ Jack Norman Jr
Attorney

11-28-76. MB 170/1856 #79626

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* Peggy Ruth Love Brown *Plaintiff, and* Bobby Lee Brown *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* 12 *day of* January *in the year one thousand nine hundred and* 76 *and in the* 200th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By H. Cooper, *D. C.*