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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

M. 102-11 p. 35
M. 103-7 p. 46

GLYNA EASTERLY KILPATRICK)
)
Plaintiff)
)
)
vs.) NO. 72045
)
)
)
JOHN DANIEL KILPATRICK)
)
Defendant)
)

FINAL DECREE

This cause came on to be heard this 3rd day of May, 1974, before the Honorable Muriel Robinson, sitting specially for the Honorable Benson Trimble, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon an original complaint, pro confesso, default judgment, witnesses heard in open Court, from all of which the Court finds that the Defendant has been guilty of Tennessee Code Annotated, Section 36-801 (3) "That either party has committed adultery", and 36-802-1 "That the husband or wife has been guilty of such cruel and inhuman treatment or conduct as renders further cohabitation both unsafe and improper".

It is therefore ORDERED, ADJUDGED AND DECREED THAT:

1. The Plaintiff is awarded an absolute divorce and restored to all the rights and privileges of an unmarried person.

2. That the Plaintiff be awarded the absolute care, custody and control of the three minor children,John, Jr., Nancy and Mark, with reasonable rights of visitation vested in the Defendant.

3. That the Plaintiff be awarded as her absolute property the following described real estate:

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Land in Davidson County, Tennessee, being Lot No. 370 on the Plan of Brook Meade, Section X, as of record in Book 2331, page 135, Register's office for said county, described as follows:

Beginning at a point in the southerly margin of Adkisson Lane, the common front corner of Lots Nos. 370 and 371 on said Plan; thence southerly along the dividing line of said Lots 200 feet to a point; thence westwardly 206 feet to a point in the east margin of Templeton Drive; thence northwardly along the east margin of said Templeton Drive, 182.8 feet to a point; which is the beginning of a curve; thence around said curve having a radius of 25 feet; 39.3 feet to a point in the southerly margin of Adkisson Lane; thence eastwardly along the south margin of said Lane 183 feet to the beginning.

Being the same property conveyed to John Raymond Neal and wife, Linda Morris Neal by deed from Betty Jean LaRue, of record in Book 3985, page 581, Register's office for Davidson County, Tenn.

As a part of the consideration, the Grantees have assumed and agreed to pay the remaining unpaid balance of a certain note which is secured by a Deed of Trust of record in Book 3985, page 582, Register's office for Davidson County, Tenn., reference to which is here made.

LAND in the 8th, Formerly the 12th Civil District of said County and State, being Lot No. 35 on the plan of Richland Meadows, Section 1, as of record in Book 2083, page 40, said Register's Office.

Said Lot No. 35 fronts 50 feet on the northerly side of Oakmont Circle and runs back 183.4 feet on the westerly line and 208.8 feet on the easterly line to the center line of Richland Creek, measuring 89 feet thereon.

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Being the same real property conveyed to Edward Theodore Koch, Jr., and wife, Lois Evelyn Koch, by deed from E. Kirby-Smith and wife, dated June 14, 1955, filed June 15, 1955, and recorded in Book 2436, page 542, said Register's Office.

This conveyance is made subject to a 10 foot eastment for public utilities across rear part of premises, anchor easement at the northwest corner of premises, 30 foot building setback line from Oakmont Circle, as shown on plan of record in Book 2083, page 40, said Register's Office, and to restrictive covenants contained in an instrument executed by W. L. Bainbridge, Jr., (not dated) acknowledged March 1, 1953, filed July 7, 1953, and recorded in Book 2152, page 121, said Register's Office, and to additional restriction contained in an instrument executed by W. L. Bainbridge, Jr., (not dated) acknowledged September 2, 1953, filed September 2, 1953, and recorded inBook 2195, page 256, said Register's office.

and that all right, title and interest be vested in the Plaintiff and divested out of the Defendant.

4. The Court further orders the defendant to pay as continuing alimony, $50 per week to the Plaintiff and $25 per week per child until each child shall reach its majority, becomes married or is self supporting, whichever is first. The Court is ordering the Defendant to pay a total of $125 per week to the Plaintiff but, to be allocated as above set forth. The Court finds that the Defendant has a bring home pay in the amount of $225 per week and this awarq is based upon that figure.

5. The Court awards an attorney's fee in the amount of $500 as further alimony to the solicitor of record, William L. Underhill.

6. The Court awards the Plaintiff the 1973 Ford LTD automobile and vests in her all right, title and interest and divests out of the Defendant, all of his interest which he may have.

7. The Defendant is ordered to make the three children of the parties irrevocable beneficiaries of his life insurance policy with the Business Mens Assurance Company of America and to retain same in full force and effect. Defendant is further ordered to retain the three minor children on any dental or major medical plan which he is entitled to as a part of his work benefits.

Defendant is further ordered to convey by whatever means, necessary to his family the membership at the West Meade Recreational Swimming Pool. All right, title and interest in the cemetery lots which have been purchased for the family shall be divested out of the Defendant and vested in the Plaintiff.

8. The Defendant is ordered to remove himself from the premises of 812 Templeton Drive, immediately upon receipt of this order.

9. The injunction heretofore issued enjoining the Defendant from rendering physical harm or abuse to the Plaintiff and/or children shall remain as a permanent injunction.

The costs of this cause are taxed to the Defendant for all of which let execution issue.

Enter This 8 Day of MAY 1974

W Dewey Robinson
JUDGE

APPROVED FOR ENTRY:

WILLIAM L. UNDERHILL
Attorney for Plaintiff

I Certify that I have forwarded a copy of the foregoing to
John Kilpatrick
812 Templeton
on this 3 day of May 1974
W. L. Underhill
W. L. Underhill

D 34708

IDENTIF. REFERENCE

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REGISTER
DAVIDSON CO., 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*~~ True Copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Wyma Easterly Kilpatrick *Plaintiff, and* John Daniel Kilpatrick *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* 4th *day of* Feb. *in the year one thousand nine hundred and* 76 *and in the* 200 *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By L. Bates, *D. C.*