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BOOK 5051 PAGE 421

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

NANCY O. COWDEN)
)
vs.) NO. 76951
)
CHARLES M. COWDEN)

Amended Final
ORDER

This cause came on to be heard before The Honorable Benson Trimble, Judge of the Circuit Court for Davidson County, Tennessee, upon the bill for divorce filed by the complainant; the answer of the defendant; statement of counsel for the parties

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advising the Court before trial that the matter would not be contested but would go off as an uncontested case; the testimony offered by the complainant and her witnesses, after which the Court took the matter under advisement and did later advise it had found that the defendant had been guilty of acts which constituted cruel and inhuman treatment toward the complainant so as to render further cohabitation unsafe and improper and that the complainant was entitled to an absolute divorce.

Counsel for the parties further stated, and the testimony of the complainant revealed, that the parties had entered into a property settlement agreement orally, which had not been reduced to writing by trial time, but the settlement was in detail stated to the Court and is in words and figures as follows:

"1. The defendant shall pay to the complainant the sum of $1,750.00 per month, beginning with the entry of this order for the month of August 1975, and a like sum on the first day of each month thereafter until the complainant reaches her 65th birthday or until the complainant remarries.

"2. The defendant shall be divested of all his right, title and interest in the parties' home located on Liberty Lane in Davidson County, Tennessee, and

the same shall be vested in the complainant herein. The property is more particularly described as follows:

> Land in the 10th Civil District of Davidson County, Tennessee, being described according to a copy of a survey by Ralph W. C. Lambert, Surveyor, dated November 14, 1960, as follows:
>
> Beginning at a point in the westerly margin of Liberty Lane in the north line of the property conveyed to Clay Morris Peeples and wife, by deed of record in Book 2690, page 141, Register's Office for Davidson County, Tennessee, and bearing south 67° 50' West 50 feet from the northwest corner of the property conveyed to the Trustees of Grace Nazarene Church as of record in Book 3375, page 521, said Register's Office; thence with the west margin of said Lane South 7° East 610 feet to a point; thence westwardly 225 feet to a point; thence North 16° 45' West 550 feet to a point; thence North 67° 50' East 233 feet to the point of beginning, containing 3 acres, more or less.
>
> Being the same property conveyed to C. M. Cowden and wife, Nancy O. Cowden, by Warner Hensley McPherson and wife, Peggy Whittington McPherson, of record in Book 4128, page 906, Register's Office for Davidson County, Tennessee.

"3. The defendant shall be divested of all his right, title and interest in all furnishings, equipment and personal property located in the said home, and the same is vested in the complainant. Likewise, the defendant shall be divested of his interest in a 1971 Buick automobile and the same vested in the complainant, and the defendant shall execute the necessary documents to transfer legal title to complainant.

"4. Upon the entry of this order the defendant shall pay to the complainant $20,000.00 in cash.

"5. Upon the entry of this order the defendant shall cause to be transferred all of his right, title and interest in an Allstate insurance policy, No. 73-269-174, insuring the life of the defendant, to the complainant, the face amount of which policy being $100,000.00, and shall execute such legal documents as are necessary to effect such transfer. The defendant

shall pay during his lifetime all of the annual premiums on the said policy. The said premiums shall be paid to complainant ten (10) days prior to the due date of such premiums, together with a sum in excess of the premium equal to 35% of the total annual premium.

"6. The complainant shall have the absolute custody of the parties' minor son Jeffery, with reasonable rights of visitation reserved to the defendant.

"7. The defendant agrees to pay the necessary costs of providing a four year, undergraduate college education for the parties' three sons, Charles M. Cowden, Jr., Paul Douglas Cowden and Jeffrey F. Cowden. Such payments are limited to tuition, room and board, books, hospital insurance, medical and dental bills, automobile insurance, clothing and other necessary expenses actually incurred by his minor sons. The defendant shall not be obligated to pay any support payments to the complainant for the room and board expense of said sons when they are residing with the complainant in her home, although defendant shall be obligated to maintain hospital insurance and pay medical and dental bills during such periods for his sons and for the parties' minor son, Jeffrey F. Cowden, during his high school years.

"8. The defendant shall pay to counsel for the complainant, John T. Conners, Jr., $7,500.00 as a ~~reasonable~~ attorney's fee for services rendered to complainant."

The above property settlement agreement of the parties is approved by the Court.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED as follows:

1. That Nancy O. Cowden be, and she is hereby, awarded an absolute divorce from Charles M. Cowden, and is hereby restored to all of the rights and privileges of an unmarried person.

2. That the property settlement agreement entered into by and between the parties and incorporated hereinabove is hereby approved by the Court and made the judgment of this Court.

3. That the costs of this cause are taxed to the defendant, for which execution may issue if necessary.

JUDGE

11-18-75

APPROVED FOR ENTRY:

Attorney for Plaintiff

Attorney for Defendant

Defendant

Filed
Nov 4, 1975

IDENTIF. 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~~ True Copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Nancy O. Cowden *Plaintiff, and* Charles M. Cowden *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* 28th *day of* July *in the year one thousand nine hundred and* 76 *and in the* 201st *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By L. Bates *D. C.*