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10-29-74
72A197

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

10:33
2:55 PM

OLIVIA ANN TOLER]
]
]
-vs-] NO. 74229
]
]
FRED BUSTER TOLER]

FINAL DECREE

This cause came on to be heard on the 18th day of October, 1974 before the Honorable Daniel Finch, Special Judge, upon the petition for absolute divorce filed by complainant, personal service of process upon the defendant, pro confesso being duly entered, testimony of complainant and her two corroborative witnesses, statement of counsel in open court and from the entire record in this cause. From all of which the Court finds that the defendant has been guilty of such cruel and inhuman treatment or conduct toward complainant as renders further cohabitation unsafe and improper. It is therefore

ORDERED, ADJUDGED AND DECREED that the bonds of matrimony heretofore subsisting between the parties be and the same are hereby forever and perpetually dissolved and the complainant is granted an absolute divorce from the defendant and restored to all the rights and privileges of an unmarried person.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the property settlement agreement heretofore executed by the parties and tendered to the Court is approved in all respects and made a part of this decree by inclusion, as follows:

WHEREAS, there is presently pending in the Fourth Circuit Court of Davidson County, Tennessee, a petition for absolute divorce filed by OLIVIA ANN OESER TOLER, hereinafter called Wife, against FRED BUSTER TOLER, hereinafter referred to as Husband, under Docket No. 74229, and

WHEREAS, these parties are presently suffering irreconcilable difficulties and desire to resolve all their property rights and submit same to the Court in the event a decree of divorce is granted in this cause.

NOW, THEREFORE, in consideration of $1.00 cash in hand paid and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties do agree as follows:

(1) Wife will proceed to trial on a non-contested basis.

(2) The custody of the three minor children of the parties will be awarded to the Wife, with reasonable right of visitation reserved to the Husband.

(3) Husband agrees to pay the sum of $50.00 per week as child support, said payments to be made directly to the Wife, the first payment to be due on Friday, June 28, 1974 and a like sum thereafter until further orders of the Court.

(4) The house and lot of the parties located at 4900 Nebraska Avenue, Nashville, Tennessee, will be awarded to the Wife, it being her obligation to pay the mortgage indebtedness thereon.

(5) All of the household furniture and furnishings and personal property of the parties is awarded to the Wife, with the exception of the old bottles and a few antiques which are awarded to Husband.

(6) Husband agrees that he will assist Wife in paying back taxes on the house, the utility bills and other joint family obligations until the divorce is granted.

(7) Husband agrees to maintain in full force and effect hospitalization and medical insurance for the benefit of the minor children of the parties until they reach the age of eighteen (18) years. Any medical, hospital or dental bill not covered by insurance will be divided equally between Husband and Wife.

(8) Both parties agree that Husband will be allowed to claim the two oldest children as exemptions for income tax purposes and Wife will claim the youngest child.

(9) Husband agrees to pay Wife's solicitor of record, Robert L. Jackson, a total attorney fee of $100.00, said fee to be paid on or before the date of the trial of this cause.

Both parties agree to sign any and all documents, deeds or contracts necessary to carry out the full purpose and intent of this agreement. They acknowledge that they have read this agreement in its entirety and have signed same voluntarily.

WITNESS OUR HANDS, on the day and date below written.

WIFE Date

ATTORNEY FOR WIFE

HUSBAND Date

ATTORNEY FOR HUSBAND

It is further ORDERED, ADJUDGED AND DECREED by the Court that all right, title and interest which the defendant has in and to the real property of the parties located at 4900 Nebraska Avenue, Nashville, Tennessee, more particularly described as follows:

> Being Lots Nos. 1 and 2 of Block 8 on the Map of the unrecorded portion of Sylvan Park and a strip of land immediately north of same described as follows:
>
> Beginning at the northwest corner of Nebraska Avenue and 49th Avenue, North; thence with the westerly margin of 49th Avenue, North, northwardly 210 ft.; thence westwardly 110 ft.; thence southwardly 210 ft. to the northerly margin of Nebraska Avenue; thence with the northerly margin of said Avenue eastwardly 110 ft. to the beginning.
>
> Being the same property conveyed to Fred Buster Toler and wife, Olivia O. Toler, by deed from Lizzie Oakley Hunter, a widow, of record in Book 4196, page 358, Register's Office for Davidson County, Tennessee.
>
> Being Map 103-3, parcel 233.

is divested out of him and the sole and exclusive ownership in fee simple is vested in the complainant, Olivia Ann Toler.

The costs of this cause are taxed against the defendant, for all of which execution may issue, if necessary.

Enter this 29 day Oct 1974

/s/
SPECIAL JUDGE
Daniel Finch

APPROVED:

/s/
Attorney for Complainant
Robt Jackson

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of this pleading has been served upon counsel for all parties at interest in this cause by delivering a true copy of said pleadings to the offices of said counsel or placing a true copy of said pleading in the United States mail addressed to said counsel

This the 21 day of Oct 19 74.

/s/ Robert Jackson

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IDENTIF. REFERENCE

AUG 11 1 44 PM '76

REGISTER
DAVIDSON COUNTY, TENN.

AUG 11 MISC B* 10.00 * 10.00

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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*~~ true copy of a divorce *proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Olivia Ann Toler *Plaintiff, and* Fred Buster Toler *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* 9th *day of* August *in the year one thousand nine hundred and* Seventy Six *and in the* 200th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Robert Myers, *D. C.*