3-2-76
314/660

IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

BOOK 5081 PAGE 297 104-10
156
PW

SHIRLEY ANNETTE CARDEN,
COMPLAINANT AND
CROSS-DEFENDANT

VS.

HAROLD WAYNE CARDEN,
DEFENDANT AND
CROSS-COMPLAINANT

DOCKET NO. 80824

FINAL DECREE OF DIVORCE

OCT 26 MISC 12.00 * 12.00

This cause came on to be heard on the 5th day of February, 1976 before the Honorable Steven North, Judge of the Fifth Circuit Court of Davidson County, Tennessee, upon the original complaint, the withdrawal of the Defendant's Answer and Cross-Complaint, testimony of the Complainant and the testimony of her witnesses, statement of counsel and the entire record in this cause; from all of which it appeared to the Court:

1. That the Complainant, Shirley Annette Carden, should be awarded an absolute divorce from the Defendant, Harold Wayne Carden, on the grounds that he has been guilty of such cruel and inhuman treatment as renders further cohabitation unsafe and improper, and that the Complainant be restored to all the rights and privileges of an unmarried person.

2. That the Complainant, Shirley Annette Carden, shall have the exclusive custody of the parties minor children, Patricia Dawn Carden, age ten (10) years and Linda Eve Carden, age seven (7) years, subject to reasonable visitation rights of the Defendant, Harold Wayne Carden.

3. That the said Defendant, Harold Wayne Carden, shall pay into the Clerk of this Court the sum of One Hundred Ten ($110.00) Dollars every other calander week, with the administrative costs of the Court to be subtracted from the amount paid into the Court, for support of the parties minor children, Patricia Dawn Carden and Linda Eve Carden, until said children reach the age of majority or become

emancipated.

4. That the said Complainant, Shirley Annette Carden, shall own all of the personal property, household furniture, clothing, and jewelry currently in her possession.

5. That the said Defendant, Harold Wayne Carden, shall own all personal property, household belongings, clothing, and jewelry currently in his possession.

6. That the Defendant, Harold Wayne Carden, shall continue maintaining a health and accident insurance policy on the parties minor children, Patricia Dawn Carden and Linda Eve Carden, until said children reach the age of majority or become emancipated.

7. That the said Defendant, Harold Wayne Carden, shall divest title to the 1969 Volvo automobile, currently in the possession of the Complainant, Shirley Annette Carden, out of his name, without lien or incumberances attached thereto, and vest title to the 1969 Volvo automobile into the name of the Complainant, Shirley Annette Carden.

8. That the said Defendant, Harold Wayne Carden, shall continue to pay the monthly mortgage, including principle, interest, insurance, and taxes on the property owned by the parties, located at 3202 Overlook Drive, Nashville, Tennessee. Title to the property located at 3202 Overlook Drive shall be divested out of the name of the Complainant, Shirley Annette Carden, and vested into the name of the Defendant, Harold Wayne Carden. Subject to the following provisions:

A) The Complainant, Shirley Annette Carden and the parties minor children, Patricia Dawn Carden and Linda Eve Carden, shall be permitted to live on and have the right of possession of the property located at 3202 Overlook Drive, Nashville, Tennessee for a period of five (5) years from the date of this Final Decree of Divorce.

B) In the event that the Complainant, Shirley Annette Carden, chooses to remarry within four (4) years from the date of this Final Decree of Divorce, then the property located at 3202 Overlook Drive shall be sold and the payments made on the monthly mortgage, including principle, interest, taxes and insurance by the Defendant, Harold Wayne Carden, shall be deducted from the proceeds of the sale. Then the remaining proceeds of the sale shall be divided equally between the Complainant, Shirley Annette Carden, and the Defendant, Harold Wayne Carden. In the event the property is sold, the principal amount of the note owed to the Defendant's mother, which was signed by both parties, shall be deducted from the proceeds of the sale. In the event the property is not sold during the period of five (5) years from the date of this decree, then the Defendant will

be responsible for paying off the note to the Defendant's mother in full and indemnifying the Plaintiff therein.

C) If the Complainant, Shirley Annette Carden, remarries four (4) years after the date of this Final Decree of Divorce, then the Complainant, Shirley Annette Carden and her spouse shall be permitted to continue living in and have possession of the property located at 3202 Overlook Drive for a period of time not exceeding five (5) years from the date of this decree.

D) At the end of five (5) years from the date of this Final Decree of Divorce, the Defendant, Harold Wayne Carden, shall have the right of possession or the right to sell or dispose of the property located at 3202 Overlook Drive as he deems appropriate and the Complainant, Shirley Annette Carden, and her minor children, Patricia Dawn Carden and Linda Eve Carden, right of possession in said property shall be terminated.

9. That the Defendant, Harold Wayne Carden, shall pay to the Complainant's solicitor, James C. Vance, reasonable attorney fees in the amount of Three Hundred Fifty ($350.00) Dollars.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Complainant, Shirley Annette Carden, be and the same hereby is awarded an absolute divorce from the Defendant, Harold Wayne Carden, on the grounds that he has been guilty of such cruel and inhuman treatment as renders further cohabitation unsafe and improper and that she is hereby restored to all the rights and privileges of an unmarried person.

It is further ORDERED, ADJUDGED and DECREED that the Complainant, Shirley Annette Carden, shall have the exclusive custody of the parties minor children, Patricia Dawn Carden, age ten (10) years and Linda Eve Carden, age seven (7) years, subject to reasonable visitation rights of the Defendant, Harold Wayne Carden.

It is further ORDERED, ADJUDGED and DECREED that the Defendant, Harold Wayne Carden, shall pay into the Clerk of this Court the sum of One Hundred Ten ($110.00) Dollars every other calander week, with the administrative costs of the Court being deducted from the payments made by the Defendant, for the support of the parties minor children, Patricia Dawn Carden and Linda Eve Carden, until said children reach the age of majority or become emancipated.

It is further ORDERED, ADJUDGED and DECREED that the Defendant, Harold Wayne Carden, shall maintain and pay the premiums on a

health and accident insurance policy for the parties minor children, Patricia Dawn Carden and Linda Eve Carden, until said children reach the age of majority or become emancipated.

It is further ORDERED, ADJUDGED and DECREED that the Complainant, Shirley Annette Carden, be and the same hereby is awarded all household furniture, personal property, clothing, and jewelry currently in her possession.

It is further ORDERED, ADJUDGED and DECREED that the Defendant, Harold Wayne Carden, be and the same hereby is awarded all personal property, household belongings, clothing, and jewelry currently in his possession.

It is further ORDERED, ADJUDGED and DECREED that the Complainant, Shirley Annette Carden, be and the same hereby is awarded title to the 1969 Volvo automobile which is currently in her possession and that the Defendant, Harold Wayne Carden, shall be divested of any title or interest that he may have in said 1969 Volvo automobile and that the Defendant, Harold Wayne Carden, shall transfer the unimcumbered title to the 1969 Volvo automobile out of his name and into the name of the Complainant, Shirley Annette Carden.

It is further ORDERED, ADJUDGED and DECREED that the said Defendant, Harold Wayne Carden, shall continue to pay the monthly mortgage, including principle, interest, insurance, and taxes on the property owned by the parties, located at 3202 Overlook Drive, Nashville, Tennessee.

It is further ORDERED, ADJUDGED and DECREED that the title to the property located at 3202 Overlook Drive, Nashville, Tennessee shall be divested out of the name of the Complainant, Shirley Annette Carden, and vested into the name of the Defendant, Harold Wayne Carden, subject to the following provisions:

A) The Complainant, Shirley Annette Carden, and the parties minor children, Patricia Dawn Carden and Linda Eve Carden, shall be permitted to live on and have the right of possession of the property located at 3202 Overlook Drive, Nashville, Tennessee for a period of five (5) years from the date of this Final Decree of Divorce.

B) In the event that the Complainant, Shirley Annette Carden, chooses to remarry within four (4) years from the date of this Final Decree of Divorce, then the property located at

3202 Overlook Drive shall be sold and the payments made on the monthly mortgage, including principle, interest, taxes and insurance by the Defendant, Harold Wayne Carden, shall be deducted from the proceeds of the sale. Then the remaining proceeds of the sale shall be divided equally between the Complainant, Shirley Annette Carden, and the Defendant, Harold Wayne Carden.

C) If the Complainant, Shirley Annette Carden, remarries four (4) years after the date of this Final Decree of Divorce, then the Complainant, Shirley Annette Carden and her spouse shall be permitted to continue living in and having possession of the property, located at 3202 Overlook Drive, for a period of time not exceeding five (5) years from the date of this decree.

D) At the end of five (5) years from the date of this Final Decree of Divorce, the Defendant, Harold Wayne Carden, shall have the right of possession or the right to sell or dispose of the property, located at 3202 Overlook Drive, as he deems appropriate and the Complainant, Shirley Annette Carden and her minor children, Patricia Dawn Carden and Linda Eve Carden, right of possession in said property shall be terminated.

It is further ORDERED, ADJUDGED and DECREED that the Defendant, Harold Wayne Carden, shall pay to the Complainant's solicitor, James C. Vance, reasonable attorney fees in the amount of Three Hundred Fifty ($350.00) Dollars.

It is further ORDERED, ADJUDGED and DECREED that the Defendant shall be taxed with the costs in this cause for all of which execution shall issue if necessary.

Enter This 2 Day of March, 1976

Steven North, Judge

APPROVED FOR ENTRY:

Shirley Annette Carden
Shirley Annette Carden

Harold Wayne Carden
Harold Wayne Carden

James C. Vance,
Attorney for Complainant

Frank E. Ratner,
Attorney for Defendant

D 7 3 9 5 3

BOOK 5081 PAGE 302

IDENTIFICATION REFERENCE

OCT 26 9 05 AM '76

REGISTER
DAVIDSON COUNTY, TENN.

MB 32A/660 80824 3-2-76

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* Shirley Annette Carden *Plaintiff, and* Harold Wayne Carden *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* 26 *day of* October *in the year one thousand nine hundred and* 76 *and in the* 201st *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By [illegible], *D. C.*