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1976 DEC 14 PM 3:30

GEORGE L. ROOKER, C.C.

BOOK 5105 PAGE 725

IN THE FOURTH CIRCUIT COURT
FOR DAVIDSON COUNTY, TENNESSEE

104-15
362 PW

CAROL JEAN BIRD,

Complainant,

VS.

ERNEST J. BIRD,

Defendant.

NO. 83781

JAN 13 MISC 8* 8.00 * 8.00

FINAL DECREE

This cause came on for hearing on the 13th day of December, 1976 before the Honorable Benson Trimble, Judge of the Fourth Circuit Court upon the complaint heretofore filed on July 13, 1976 and thereafter personally served on the defendant, the default judgment thereafter entered on September 27, 1976, the testimony of the complainant and her two (2) corroborating witnesses, and the entire record. From all of which the court is of the opinion that the complainant has sustained her burden of proof for an absolute divorce based on the statutory grounds of cruel and inhuman treatment and is entitled to the relief hereinafter set forth. It is therefore:

ORDERED, ADJUDGED AND DECREED that the complainant, Carol Jean Bird, is hereby awarded an absolute divorce based on the statutory grounds of cruel and inhuman treatment and is hereby restored to all the rights and privileges of an unmarried person.

It is further ORDERED that the complainant shall be awarded permanent custody of the parties' minor children, Vincent Alan Bird, Katheleen Grace Bird, Thomas Edward Bird and Melissa Jean Bird with reasonable visitation rights to the defendant. It is further ORDERED that the defendant pay to the complainant the sum of One Hundred Fifteen ($115)

Dollars per week as child support for the parties' minor children, to be paid on or before Monday of each week.

It is further ORDERED that the complainant, Carol Jean Bird, is hereby granted title and ownership of the residential real estate, heretofore owned jointly by the parties, and that any interest by the defendant Ernest J. Bird, in said real property, is hereby divested out of him, and invested in the complainant, Carol Jean Bird. It is further ORDERED that said real property is described as follows, and that this final decree may be recorded as evidence of ownership:

> Land in Davidson County, Tennessee, being the west 50 feet of the East 100 feet of the South one-half of Lot No. 20 on the Plan of Belair, as of record in Book 332, page 6, said Register's Office.
>
> Said part of Lot No. 20 fronts 50 feet on the northerly side of Woodlawn Avenue (formerly Belair Avenue) and runs back between parallel lines 192 feet to a dead line.
>
> Being the same property conveyed to Ernest J. Bird and wife, Carol J. Bird, by deed from Mrs. Annabelle Pewett Queen, of record in Book 4799, page 638, said Register's Office.

It is further ORDERED that the complainant Carol Jean Bird shall be entitled to the personal property heretofore owned by the parties, including household furnishings, and appliances. It is further ORDERED that the complainant shall be entitled to one (1) 1970 Chevrolet Kingswood station wagon, heretofore jointly owned by the parties, but titled to Ernest J. Bird individually, by certificate of title # 19946933, being manufacturer's identification # 164460T223 172. It is hereby ORDERED that any interest of the defendant in said automobile is hereby divested out of him and vested in the complainant Carol Jean Bird.

It is further ORDERED that the complainant shall be entitled to all right, title and interest in a certain cemetary lot, purchased by the parties hereto from Jefferson Memorial

Company of Birmingham, Alabama by installment sales contract dated August 12, 1972. It is further ORDERED that the defendant is divested of any right, title or interest in said lot, or said installment sales contract and the same is hereby vested in the complainant.

It is further ORDERED that the complainant's solicitor, James N. Bryan, Jr., shall be entitled to a judgment in the amount of Three Hundred ($300) Dollars for services rendered to the complainant in this proceeding, for which execution may issue if necessary.

It is further ORDERED that the cost of this cause shall be taxed against the defendant, for which execution may issue if necessary.

ENTERED this _____ day of December, 1976.

/s/
BENSON TRIMBLE, JUDGE,
FOURTH CIRCUIT COURT

APPROVED FOR ENTRY:

James N. Bryan, Jr.
Attorney for Complainant

BOOK 5105 PAGE 728

CERTIFICATE OF SERVICE

I hereby certify that I have placed a copy of the foregoing Final Decree in the United States mail, postage prepaid addressed to the defendant Ernest J. Bird, 926 Ray Wood Road, Birmingham, Alabama 35201 on this 13th day of December, 1976.

James N Bryan

INDEXING REFERENCE

JAN 13 3 28 PM '77

REGISTER
DAVIDSON COUNTY, TENN.

D 8 5 1 4 5

Min Book 102B/ 1443

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* Carol Jean Bird *Plaintiff, and* Ernest J. Bird *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* 13 *day of* Jan. *in the year one thousand nine hundred and* seventy-six *and in the* 201st. *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Frank Neal, D. C.

Form #GR-117