Map 90-16
Par. 238

BOOK 5126 PAGE 481

2-16-77
141c/1852

IN THE FIRST CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

D 94738

IDENTIF. REFERENCE

FELIX DINKINS REGISTER
DAVIDSON COUNTY, TENN.
MAR 21 2 40 PM '77

BRENDA ANN WEATHERBY]

-vs-] NO. 81681

JAMES WILLIAM WEATHERBY]

MAR21'77 MISC B* 10.00 * 10.00

FINAL DECREE

This cause came on to be heard on the 15th day of February, 1977 before the Honorable J. William Rutherford, Judge, upon the original petition for divorce filed by complainant, personal service of process upon the defendant, default judgment being duly entered, testimony of complainant and her two corroborative witnesses, submission to the Court of property settlement agreement for approval, statement of counsel in open court and from the entire record in this cause. From all of which it appears to the Court that the defendant has abandoned complainant, or turned her out of doors and refused or neglected to provide for her. It is therefore

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

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

Filed 2-15-77

PROPERTY SETTLEMENT AGREEMENT

WHEREAS, there is presently pending in the First Circuit Court of Davidson County, Tennessee a petition for absolute divorce filed by BRENDA ANN WEATHERBY, hereinafter referred to as Wife, against JAMES WILLIAM WEATHERBY, hereinafter referred to as Husband, under Docket No. 85681, and

WHEREAS, these parties are presently living separate and apart and desire to enter into a property settlement agreement and submit same to the Court for approval in the event a decree of divorce is granted in this cause, and

WHEREAS, these parties are aware of their rights and responsibilities, one to the other.

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. That Wife will proceed to trial to obtain an absolute divorce on a non-contested basis.

2. That the absolute care, custody and control of the minor child of the parties, to-wit: Kevin Ray Weatherby, will be awarded to the Wife with the right of reasonable visitation reserved to the Husband.

3. Husband agrees to pay $225.00 per month as child support, said payments to be made directly to the Wife, the first payment being due in January 1977.

4. All right, title and interest which the Husband has in and to the real property located at 505 American Road, Nashville, Davidson County, Tennessee, shall be divested out of him and the sole and exclusive ownership of said property is vested in the Wife, in fee simple ownership, it being her responsibility to pay the balance of mortgage indebtedness thereon.

5. The 1975 Granada automobile shall be awarded to the Wife and the 1974 Ford LTD shall be awarded to the Husband, and each party shall be responsible for any mortgage indebtedness existing on their individual automobile.

6. All the furniture and furnishings of the parties will be awarded as the exclusive property of the Wife.

7. If this matter is tried as a non-contested divorce, then all attorney fees have been paid as of the signing of this Agreement.

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

WITNESS OUR HANDS, this 14th day of January, 1977 as to Wife, and the 14th day of January, 1977, as to Husband.

Brenda Weatherby
WIFE

James Weatherby
HUSBAND

Robert L. Jackson
SOL. FOR WIFE

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named Brenda Ann Weatherby, with whom I am personally acquainted, and who made oath that she executed the foregoing instrument for the purposes therein contained.

WITNESS MY HAND and official seal at Nashville, Tennessee, this 14 day of January, 1976.

Helen McGhee
NOTARY PUBLIC

My C. E. 2/14/79

* * *

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named James William Weatherby, with whom I am personally acquainted, and who made oath that he executed the foregoing instrument for the purposes therein contained.

WITNESS MY HAND and official seal at Nashville, Tennessee, this 14 day of January, 1976.

Helen McGhee
NOTARY PUBLIC

My C. E. 2/14/79

It is further ORDERED AND ADJUDGED that all right, title and interest which the defendant has in and to the real property of the parties located at 505 American Road, Nashville, Davidson County, Tennessee, and more particularly described as follows:

> Being Lot No. 22 on the Plan of Charlotte Park, Section 1, of record in Book 2663, Page 4, Register's Office for Davidson County, Tennessee.
>
> Being the same property conveyed to James W. Weatherby and wife, Brenda Weatherby, by deed from Jimmy D. Strickland and wife, Glenna Duff Strickland, of record in Book 4755, page 335, Register's Office for Davidson County, Tennessee.

is divested out of him and the sole and exclusive ownership of said real property is vested in the complainant, Brenda Ann Weatherby, it being her responsibility to pay the balance of mortgage indebtedness thereon.

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

H. J. William Ridley
JUDGE

2-16-77

APPROVED:

A. Robert Jackson
Attorney for Complainant

85681 141C/1852

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* Brenda Ann Weatherby *Plaintiff, and* James William Weatherby *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* 21st *day of* March *in the year one thousand nine hundred and* Seventy Seventh *and in the* 201st *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Barbara Eidswick, D. C.