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3-16-77
33B/958

CLARA MAE SULLIVAN RAINEY	]	IN THE FIFTH CIRCUIT COURT
	]	OF
-vs-	]	DAVIDSON COUNTY, TENNESSEE
WILL ALLISON RAINEY, SR. MISC	]	B* 8.00 NO. *83446 8.00

O R D E R

This cause came on to be heard on the 15th day of March, 1977 before the Honorable Stephen North, Judge, upon the petition for separate maintenance filed by complainant, answer and cross-complaint filed by defendant, amended and supplemental petition requesting an absolute divorce filed by complainant, statement in open court of the terms of a property settlement agreement, 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 adultery. 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, Clara Mae Sullivan Rainey, 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 absolute care, custody and control of the minor child of the parties, to-wit: Will Allison Rainey, Jr., is awarded to the complainant, with the right of reasonable visitation reserved to the defendant.

It is further ORDERED AND ADJUDGED that the defendant will pay the sum of $200.00 per month as child support, said payments to be made directly to the complainant, each payment due on the first day of each month.

It is further ORDERED AND ADJUDGED that the defendant will maintain in full force and effect the life insurance policy presently in effect on his life with National Service Life, being policy No. W 17722019, and shall designate the complainant as the irrevocable beneficiary on said policy until such time as the minor child of the parties attains the age of eighteen (18) years.

It is further ORDERED AND ADJUDGED that the 1973 Mercury automobile and the 1968 Camero automobile is awarded as the exclusive property of the complainant. The 1972 Pontiac automobile is awarded as the exclusive property of the defendant.

It is further ORDERED AND ADJUDGED that all of the household furniture, furnishings, appliances, and goods shall be awarded as the exclusive property of the complainant, with the exception of the defendant's clothes, jewelry, tools, guns and his desk, which shall be awarded exclusively to the defendant.

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 3812 East Ridge Drive, Nashville, Davidson County, Tennessee, and more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 46 on the Plan of Murray Heights, as of record in Book 2663, page 37, Register's Office for said County.
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> Said Lot No. 46 fronts 79.3 ft. on the east side of East Ridge Drive and runs back between lines, 232.6 ft. on the north line and 266.95 ft. on the south line to a dead line in the rear on which it measures 115 ft.
>
> Being the same property conveyed to Will A. Rainey and wife, Clara S. Rainey, by deed from Cecil A. Young and wife, Mary E. Young, of record in Book 4575, page 630, RODC, Tennessee.
>
> Being Map 148-6, Parcel 42

shall be divested out of him and the sole and exclusively ownership in said real property is awarded to the complainant, Clara Sullivan Rainey, in fee simple, absolute ownership, it being her reasonsibility to pay the balance of mortgage indebtedness thereon.

It is further ORDERED AND ADJUDGED that these parties presently own a one-half undivided interest in a certain tract of land located on Bell Road, Nashville, Davidson County, Tennessee, more particularly described as follows:

> Land in the 2nd Civil District of Davidson County, Tennessee, described according to a survey made by George W. Watkins, Surveyor, October 20, 1959, as follows:
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> Beginning at a stake at the southeast corner of the property conveyed to Joseph Milton Waldron and wife, by deed from Mary Jane B. Cashion, of record in Book 2650, page 437, Register's Office for said County, being in the northern boundary line of the property conveyed to James Davis Gregg and wife, by deed from Maggie Lou Cameron Byrd, of record in Book 2240, page 391, said Register's Office; thence N 1° 55' W, passing said Waldron's northeast corner 195 ft., more or less, and continuing with Gregg's eastern boundary line, in all 802 ft. to a post in Dixon's southern boundary line; thence with said Dixon's line S 86° 49' E 502 ft. to an iron pin on the westerly margin of Old Hickory Boulevard; thence with the margin of said Boulevard S 5° 30' W 361.6 ft., S 84° 30' E 15 ft., S 5° 30' W 364.6 ft. to the beginning of a curve; thence around said curve having a radius of 1382.4 ft., southwestwardly 679.4 ft. to an iron pin in Gregg's eastern boundary line; thence with same N 3° 01' E 581 ft. to an iron pin, Gregg's northeast corner; thence with Gregg's northern boundary line N 86° 59' W 232.7 ft. to the beginning, containing 10.09 acres, more or less.
>
> Being the same property conveyed to Will A. Rainey and wife, Clara S. Rainey, by deed from Mary Jane B. Cashion, of record in Book 2993, page 571, RODC, Tennessee.
>
> Being Map 163, Parcel 100

and that after the granting of this divorce, the described property on Bell Road, Nashville, Davidson County, Tennessee, will be awarded one-fourth to the complainant, Clara Mae Sullivan Rainey, and one-fourth to the defendant, Will Allison Rainey, Sr., with the condition that the defendant, Will Allison Rainey, Sr., will forego all rights to force a sale of the property through court or otherwise until the expiration of two (2) years after the recording of this decree upon the minutes of the Fifth Circuit Court.

It is further ORDERED AND ADJUDGED that the defendant shall pay directly to the complainant the sum of $50.00 per month as alimony for a period of twenty-four (24) months, the first payment to be due April 1, 1977, and a like payment on the first day of each month thereafter until he has made twenty-four (24) payments.

It is further ORDERED AND ADJUDGED that the defendant's interest in a second mortgage note secured by property located on Wallace Road, and being paid by Neal Sullivan, and wife, shall be divested out of him and the sole and exclusive ownership in said second mortgage note shall be awarded to the complainant, Clara Mae Sullivan Rainey, and she shall be entitled to receive any and all payments or inurements as a result of said second mortgage note.

It is further ORDERED AND ADJUDGED that the parties had a joint savings account at the time of the separation, and thereafter the funds were transferred into an account in the name of the complainant, Clara Mae Sullivan Rainey, and it is the order of this Court that all of these funds shall remain and become the absolute and exclusive property of Clara Mae Sullivan Rainey.

It is further ORDERED AND ADJUDGED by the Court that all right, title and interest which the complainant may have in and to the cemetery lots of the parties shall be divested out of her and the defendant shall own these cemetery lots exclusively.

It is further ORDERED AND ADJUDGED that the cross-complaint for absolute divorce filed by Will Allison Rainey, Sr. is hereby dismissed.

It is further ORDERED AND ADJUDGED that complainant's solicitor of record, Robert L. Jackson, shall have and recover of the defendant a judgment for attorney fees, in addition to any and all fees previously paid in this cause, in the amount of $750.00, said fee to be payable $250.00 upon the date of this Order and the balance of $500.00 shall become a judgment lien against the defendant's, Will Allison Rainey, Sr., one-fourth undivided interest in the real property located on Bell Road, as hereinbefore described. Should the defendant

chose to pay the fee prior to the sale of said property, then complainant's solicitor will tender a release of said judgment lien.

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

JUDGE

APPROVED:

Sol. for Complainant

Sol. for Defendant

IDENTIF. REFERENCE

MAR 24 2 51 PM '77

FELIX E. ... 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* Clara Mae Sullivan Rainey *Plaintiff, and* Will Allison Rainey, Jr. *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* 24th *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 Eddings, *D. C.*

Form #GR-117