19a 4-317

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IN THE PROBATE COURT OF DAVIDSON COUNTY, TENNESSEE

GENEVA RUTH MIDDENDORF)
)
)
VS.) No. 61527
)
)
ROBERT RAY MIDDENDORF) 147-14-171

FINAL DECREE

This cause came on to be heard on this July 13, 1971, before the Honorable Don R. Binkley, sitting as Special Judge of the Probate Court of Davidson County, Tennessee, upon the complaint, order of pro confesso, the testimony of the plaintiff and her corroborating witnesses examined in open Court, statements of counsel, and the entire record in this cause; from all of which the Court is of the opinion that the allegations contained in the complaint are fully sustained, that is, that the defendant has been convicted of a crime which by the laws of the State of Tennessee renders the said defendant infamous; that he has been convicted of a crime which by the laws of the State of Tennessee is declared to be a felony and he has been sentenced to confinement in the penitentiary; that the defendant has been guilty of adultery with one Patricia Anne Wyatt; and, that the defendant has been guilty of cruel and inhuman treatment or conduct so as to render co-habitation unsafe and improper for her to continue under his dominion and control.

Furthermore, the Court is of the opinion that the plaintiff is entitled to the exclusive custody and control of the four minor children of the parties and that the defendant should be enjoined from taking said children outside of Davidson County,

Tennessee without the prior consent of this Court; that the plaintiff is entitled to an award of installment and in solido alimony; and, that the plaintiff is entitled to a reasonable award for the support and maintenance of the minor children of the parties.

IT IS ACCORDINGLY ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, Geneva Ruth Middendorf, be and she is hereby granted an absolute divorce from the defendant, Robert Ray Middendorf, that the bonds of matrimony heretofore existing between the parties be and same are hereby absolutely and forever dissolved and that the plaintiff be and she is hereby restored to all of the rights and privileges of an unmarried person.

IT IS FURTHER ORDERED BY THE COURT that the plaintiff be and she is hereby awarded the exclusive custody and control of the four minor children of the parties, David Allen Middendorf, Deborah Kay Middendorf, Byron Scott Middendorf and Kevin Ray Middendorf, and that a permanent injunction is hereby entered against the defendant, Robert Ray Middendorf, enjoining him from removing or taking said minor children outside of Davidson County, Tennessee, without the prior consent of this Court.

IT IS FURTHER ORDERED by the Court that the defendant shall pay into the Registry of the Circuit Court Clerk the sum of $50.00 per month as installment alimony to the plaintiff beginning with the month of July, 1971 and each month thereafter with said payments not to be made later than the 10th day of each month.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendant shall pay into the registry of the Circuit

Court Clerk the sum of $200.00 each and every month for the support and maintenance of the minor children of the parties with first such payment to be made in the month of July, 1971 and all such future payments thereafter each month to be made no later than the 10th day of said months.

IT IS FURTHER ORDERED by the Court that as alimony in solido to the plaintiff herein, all of the defendant's right, title and interest in the following described real estate be and the same is hereby divested and all of his said interest vested in the plaintiff herein in fee simple, said property being described as follows; to wit:

> Land in Davidson County, Tennessee, being Lot No. 450 on the plan of Candlestick Farms, Section four as of Record in Book 3600, page 71, Register's Office for Davidson County, Tennessee.
>
> Said Lot No. 450 front 92 feet on the westerly side of Candlestick Drive and runs back between lines 150.9 feet on the southerly side and 172.2 feet on the northerly side to a line in the rear measuring 77.2 feet thereon.
>
> Being the same property conveyed to Robert R. Middendorf and wife, Geneva R. Middendorf, by deed from Hallmark Construction Company of record in Book 3901, page 861, Register's Office for said county.

IT IS FURTHER ORDERED by the Court that as alimony in solido to the plaintiff, all of the defendant's right, title and interest in and to the household furnishings, fixtures and appliances be and the same are hereby divested and all of his said interest is hereby vested absolutely in the plaintiff herein, all of said household furnishings, appliances and fixtures being located in the premises of their residence at 683 Candlestick Road in Davidson County, Tennessee

IT IS FURTHER ORDERED by the Court that as alimony in solido to the plaintiff herein, all of the defendant's right, title and interest in and to a 1968 Pontiac automobile having manufacturer's identification No. 256458P289431 be and the same is hereby divested

and all of his said interest in said automobile is vested in the plaintiff herein to be hers absolutely.

IT IS FURTHER ORDERED by the Court that as alimony in solido to the wife all of the defendant's right, title and interest in and to a 1967 Triumph automobile having manufacturer's identification No. PC84478L be and the same is hereby divested and all of his said interest in said automobile is vested in the plaintiff herein to be hers absolutely.

IT IS FURTHER ORDERED by the Court that as additional alimony in solido to the plaintiff herein, all of the defendant's right, title and interest in and to the following described shares of stock are hereby divested and all of his said interest in said shares of stock are hereby vested in the plaintiff herein, said stocks being described as follows, to wit:

(a) 100 shares of stock of Applied Lasers, Inc., being Certificate No. 1102 of said corporation.

(b) 200 shares of stock of Convenience Foods of America, Inc., being certificate No. 186 of said corporation.

(c) 1000 shares of stock of United Service Systems, Inc., being Certificate No. 143 of said corporation.

(d) 4 shares of stock of Cumis Insurance Society, Inc., being Certificate No. 2541 of said corporation.

IT IS FURTHER ORDERED by the Court as additional alimony in solido to the wife all of the defendant's right, title, interest and ownership in and to certain life insurance policies on the defendant's said life, being Phoenix Mutual Life Insurance Company policy No. 1,331,617 in the face amount of $5,000.00, and Phoenix Mutual Life Insurance Company policy No. 1,621,807 in the face amount of $10,000.00, be and the same are hereby divested and

OF JULY, 1971.

all of the defendant's said right, title, interest and ownership of said policies are hereby vested in the plaintiff herein.

IT IS FURTHER ORDERED by the Court that all of the defendant's right, title and interest in and to certain Series E United States Savings bonds, each having a maturity value of $25.00, be and the same are hereby divested and all of his said interest therein is vested in the plaintiff, said savings bonds having the following described serial numbers, to wit: Q2269890969E, Q2302085892E, Q2175722710E, Q2224902605E, Q2335488166E, Q2423426271E, Q2460559109E, Q2441131548E, Q2390057746E, Q2356569516E, Q2490639407E, Q2124791658E and Q2158659170E.

IT IS FURTHER ORDERED by the Court that the defendant shall pay all the costs of this cause for which amount execution process may issue, if necessary.

APPROVED FOR ENTRY: July 16, 1971

ORTALE, KELLEY, HERBERT & CRAWFORD

BY: John W. Kelley
Attorneys for plaintiff

Special Donald Bailey
SPECIAL JUDGE

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and exact copy of the foregoing decree has been placed in the United States mail to Mr. Robert Ray Middendorf, the defendant named herein this 15th day of July, 1971.

John W. Kelley

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IDENTIF. REFERENCE

APR 26 3 19 PM '77

FEE REGISTER
DAVIDSON COUNTY, TENN.

APR26F MISC B* 12.00 * 12.00

19A/312 Docket No. 61527

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* true copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Geneva Ruth Middendorf *Plaintiff, and* Robert Ray Middendorf *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* 25th *day of* April *in the year one thousand nine hundred and* seventy seven *and in the* 201st *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By L. Rutherford, *D. C.*

Form #GR-117