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IN THE THIRD CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

AT NASHVILLE

M. 32
P. 34
PW

JOSEPH CECIL MARKHAM, SR.,
Petitioner,
-VS-
INIS LORENA SHARPLING MARKHAM,
Defendant.

DOCKET NO. 77858

FINAL DIVORCE DECREE

This cause was finally heard on March 29, 1977 before the Honorable Joe C. Loser, Jr., Circuit Judge, on the entire record in the cause, including pleadings, stipulations, depositions and exhibits, and Briefs and arguments of attorneys for the parties, from consideration of all of which the Court does FIND, ORDER, ADJUDGE and DECREE as follows:

1. The Cross-Defendant, Joseph Cecil Markham, Sr., has been guilty of such cruel and inhuman treatment or conduct towards the Cross-Petitioner, Inis Lorena Sharpling Markham, as renders co-habitation with him unsafe and improper, and the bonds of matrimony subsisting between said Cross-Petitioner and Cross-Defendant are forever dissolved, and Cross-Petitioner, Inis Lorena Sharpling Markham is vested with all the rights of an unmarried woman.

2. The following described properties owned by the parties as tenants by the entirety are hereby divested and re-invested so as to divide and vest said properties equally in the two parties, each owning an undivided one-half (1/2)interest or share therein as tenant in common:

Two tracts of land in the 10th, formerly the 22nd, Civil District of Davidson County, Tennessee, as follows:

TRACT NO. 1: Beginning at two elms, a corner in the West boundary line of the property, a corner in Bland's land; thence North 2 deg. East 119 poles

to a stake, the southeast corner of the Raymer tract; thence westwardly 56 poles to a stake, 8 poles East of the gate; thence North 31 deg. East 116 poles to an old post; thence North 60 deg. East 44 poles to a point; thence North 60-3/4 deg. East 25 poles to a point; thence North 69 deg. East 21 poles to a point; thence North 3 deg. East 38 poles to a stake; beech in the road; thence North 37 deg. East 5 poles to a stake; thence North 87 deg. East 48 poles to a stake; thence South 2-1/2 deg. West 154 poles to a point; thence South 88 deg. 40' East 83.60 poles to a stone; thence South 3 deg. west 30.8 poles to a point in the center of Dry Creek; thence with the center of said Dry Creek, South 81-1/2 deg. West 250-1/2 feet to a point; south 57 deg. W. 402 feet to a point, South 89 deg. West 400 feet to a point and South 66 deg. West 410 feet to a point; thence South 2-1/2 deg. West 1373 feet to a hickory; thence North 86-1/2 deg. West 56.28 poles; thence South 57 deg. West 25 poles; thence South 15 deg. West 6 poles to a stake in the branch; thence South 88-3/4 deg. West 21.5 poles to a point, two beeches; thence South 1-1/2 deg. West 29.4 poles to the center of the road; thence North 82-1/2 deg. West 25.1 poles to a point; thence North 23-3/4 deg. west 7.6 poles to a point; thence North 13-1/4 deg. East 41.32 poles to the beginning, containing 261 acres, more or less, including but excluding therefrom 16.06 acres, more or less, conveyed to Sallie F. Waker by deed from J. J. Hill and wife, of record in Book 387, Page 219, also including but excluding therefrom 20 acres, more or less, conveyed to Fred Brooks and wife, Ethel Brooks, by deed from J. J. Hill and wife, of record in Book 1085, Page 688, said Register's Office.

TRACT NO. 2: Beginning at a point in the center of Campbell Road the southwest corner of a 77.99 acre tract now owned by Minnie P. Jackson, et vir, and being the southeast corner of a tract of land owned by the said Zack Q. Myers; running thence with the center of said Campbell Road, South 71 deg. East, more or less, 219 feet to a point in the center of said Road; thence North 2 deg. West 576 feet to a point in the line between the said Jackson and Myers; thence with said line North 87 deg. West 164 feet to a beech corner; thence with said line South 1 deg. West 493 feet to the point of beginning, containing 2.35 acres, more or less.

Being the same real estate conveyed to Joseph Cecil Markham, Sr. and wife, Inis Lorena Markham from Ewell L. Pollard and wife, Elizabeth H. Pollard by Deed recorded in Deed Book 2862, Page 217 in the Register's Office for Davidson County, Tennessee.

Tract No. 1 is conveyed subject to a graveyard with right of ingress and egress mentioned in the deed from Lizzie Campbell, Executrix, to Wiley D. Parker and wife, of record in Book 512, Page 371, said Register's Office, and Tract No. 2 is conveyed subject to a graveyard with right of ingress and egress mentioned in the deed from Mrs. Elizabeth R. Eakin to G. M. Hill, of record in Book 327, Page 236, said Register's Office.

There is excluded from the properties described hereinabove three tracts sold therefrom by the parties to

Alvin Lyell Hunter and wife, Sandra Paris Hunter by the following deeds:

Five (5) acres by deed dated September 6, 1966 and recorded in Book 4053, Page 581, Register's Office for Davidson County, Tennessee;

3.2 acres more or less by deed recorded October 18, 1967 in Book 4181, Page 944, said Register's Office; and

14.15 acres more or less by deed recorded November 19, 1970 in Book 4461, Page 279, said Register's Office.

3. One-half (1/2) undivided interests or shares in the following described lands held in the name of Joseph C. Markham or J. C. Markham, only, are divested out of him and vested in Inis Lorena Sharpling Markham absolutely and in fee simple, as alimony, making the said Joseph C. Markham, Sr. and Inis Lorena Sharpling Markham equal tenants in common of undivided shares or interests in said properties:

A tract of land in the Fourth Civil District of Clay County, Tennessee described as follows:

Beginning on an ash stump, thence south 38 degrees 150 minutes west 700 feet, south 80 degrees 30 minutes west 300 feet, south 50 degrees 30 minutes west 1,080 feet to a beech and stone in Curtis Taylor's line at the forks of the hollow, thence up the hollow easterly to a dogwood and stone, thence eastward with said Taylor's line to a stone on bank of public road, thence northwardly with said road to a white oak, it being Molard Beason's and J. C. Markham land, thence with said Markham line to the beginning containing 23.3 acres.

Being the same property conveyed by deed of Garfield Melton to J. C. Markham dated July 28, 1965 and of record in Deed Book 17, Page 38, Register's Office for Clay County, Tennessee.

A tract of land in the Fourth Civil District of Clay County, Tennessee described as follows:

Beginning on a marked buckeye tree in the U. S. Government line, thence eastward with a hollow to a white oak stump and rock near the top of a hill, on back of the old road, thence with the old road and the Beason line to the S. C. Heard corner, now Edward Clark corner, thence northwardly with said Clark line to his corner and the U. S. Government line, thence southwardly with the Government line to the beginning, containing 10 acres more or less.

Being the same land conveyed to J. C. Markham by deed of Edward Clark and wife, dated July 10, 1964 and of record in Deed Book 16, Page 318, Register's Office for Clay County, Tennessee.

A tract of land in the Fourth District of Pickett County, Tennessee bounded and described as follows:

Bounded on the north by the U. S. Government and Harvey's; bounded on the south by Harvey and Beason; bounded on the east by Beason and U. S. Government; bounded on the west by Harvey, containing in the boundary 10 acres more or less.

Being the same property conveyed to Joseph Cecil Markham by deed of Edward Clark and wife dated October 26, 1961 and recorded August 28, 1967.

4. As prayed in the Cross-Complaint the Court appoints Oliver H. Dale and Frank R. Tinnon licensed real estate brokers and Paul Settle, a licensed surveyor as Commissioners to divide the Davidson County properties described hereinabove into two tracts of equal value and to establish a dividing line between said two tracts and to report their actions back to this Court. Said Commissioners before proceeding will be severally sworn by the Clerk of the Court to do justice between the parties to the best of their skill and abilities according to the directions of the Court. In making the partition the Commissioners will divide the premises, quality and quantity considered, as nearly equally in value as is possible, designating the dividing line or lines by posts, stones, marked trees or other permanent monuments as provided by law. If the Commissioners are satisfied that exact partition cannot be made, without injury to one of the parties or both, they may make their partition as nearly equal as they can and charge the larger or more valuable share with the sum necessary to equalize the shares, and report the facts to the Court. The Commissioners will submit a plat of the survey of the dividing line established between the shares of the parties, suitable for recording.

5. The reasonable fee for the services of J. C. Dale, Jr., Attorney for the Defendant and Cross-Petitioner is fixed at $4,000.00, and said fee, the partition expenses and Commissioners' fees incident to partition of the Davidson County properties, and the costs of this cause are ordered to be paid three-fourths (3/4ths)

by Petitioner and Cross-Defendant, Joseph Cecil Markham, Sr. and one-fourth (1/4th) by Defendant and Cross-Petitioner, Mrs. Markham, and a lien is hereby declared upon the properties of the parties hereinbefore described for the payment of said fee, expenses and costs until the same are paid in full.

6. Until the coming in of the Report of the Commissioners all other matters including the partition of the Clay and Pickett County lands are reserved.

7. Certified copies of this Decree may be recorded in Davidson, Clay and Pickett Counties as evidence of title to the properties involved, the costs of the certified copies and the recording thereof to be paid as a part of the costs of this cause.

8. This cause is retained in Court for further Orders.

O.K. FOR ENTRY:

J. C. DALE, JR.
Attorney for Defendant
and Cross-Petitioner

APPROVED FOR ENTRY

THIS 1st DAY OF April, 1977.

CIRCUIT JUDGE

Enter This 1 Day of April, 1977

CERTIFICATE

I certify that I have mailed a true copy of the foregoing Decree to Mr. Aubrey B. Harwell, Jr., Attorney for the Petitioner and Cross-Defendant, this 30th day of March, 1977.

J. C. DALE, JR., Attorney

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IDENTIF. REFERENCE

MAY 4 9 06 AM '77

REGISTER
DAVIDSON COUNTY, TENN.

MAY-4F MISC 8* 12.00 * 12.00

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* JOSEPH CECIL MARKHAM, SR. *Plaintiff, and* INIS LORENA SHARPLING MARKHAM *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* 4th. *day of* MAY *in the year one thousand nine hundred and* SEVENTY-SEVEN *and in the* 201st. *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Jane Smith, *D. C.*

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