BOOK 5151 PAGE 978

EVELYN BURR BUTLER	)	IN THE FOURTH CIRCUIT COURT
	)	
	)	OF DAVIDSON COUNTY,
VS.	)	
	)	TENNESSEE
	)	
JOHN TAYLOR BUTLER	)	NO. 43576

46-6
17

FINAL DECREE

This cause came on to be heard the 5th day of January, 1968 before the Honorable John William Nolan, III, Special Judge, holding the Fourth Circuit Court for Davidson County, Tennessee at Nashville, upon the original bill of the complainant, as amended, answers of the defendant to the original and amended bills, the same having been placed on the uncontested docket by a consent order heretofore entered in this cause, the testimony of witnesses heard in open Court, statement of counsel and the entire record, from all of which the Court is of the opinion that the defendant, John Taylor Butler, is guilty of such cruel and inhuman treatment or conduct towards the complainant as renders further cohabitation unsafe and improper for her to be under his cominion and control.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the bonds of matrimony subsisting between complainant and the defendant be and they hereby are absolutely and perpetually dissolved and the complainant, Evelyn Burr Butler, be and she hereby is granted an absolute divorce from the defendant and restored to all the rights and privileges of an unmarried person.

It further appearing to the Court that the complainant and defendant have previously executed a property settlement agreement which document has been filed and made a part of the record in this cause and approved by the Court, and which is in words and figures as follows:

PROPERTY SETTLEMENT AGREEMENT

This agreement made and entered into this 29th day of December, 1967 by and between Evelyn Burr Butler and John Taylor Butler, both of Nashville, Davidson County, Tennessee.

WHEREAS, the parties are presently man and wife, and Evelyn Burr Butler has filed a bill for divorce from her husband, John Taylor Butler, and he has filed an answer denying the allegations of said bill, and

WHEREAS, the parties are entering into this agreement for the sole purpose of assisting the Court in making a distribution of the jointly owned property;

NOW, THEREFORE, it is mutually agreed as follows:

1. Evelyn Burr Butler will retain possession of all the household furnishings in the house of the parties located at 2821 Blue Brick Drive, Donelson, Tennessee.

2. It is understood and agreed that title to the real property located at 2821 Blue Brick Drive, Donelson, Tennessee, now held by the parties as an estate by the entirety, will be divested out of John Taylor Butler and vested into Evelyn Burr Butler, free of any claims by the said John Taylor Butler and he will sign any and all papers necessary to convey his interest in said property to his wife, Evelyn Burr Butler.

3. It is understood and agreed that from and after the entry of a decree in this cause he will pay to Evelyn Burr Butler the sum of $200.00 each month beginning on the first day of the month following the entry of a final decree in this cause and a like sum on the first day of each month thereafter for the support, maintenance and education of the minor children of the parties.

4. All decrees entered prior to the entry of the final decree in this cause are recognized by John Taylor Butler as an obligation of his that must be complied with.

5. Specifically John Taylor Butler agrees to see that all payments as ordered by the Fourth Circuit Court in an order of June 29, 1967 are current and are a valid obligation of his until such entry of a final decree in this cause.

IN WITNESS WHEREOF, we have hereunto set our hands this 27th day of December, 1967.

It is understood and agreed that this instrument is not an agreement to obtain or not to obtain a divorce nor does it effect in any way the rights of the parties to prosecute his or their suits in the Fourth Circuit Court or the right of the other party to defend same, but is simply and solely a property settlement

agreement.

Evelyn Burr Butler
EVELYN BURR BUTLER

John Taylor Butler
JOHN TAYLOR BUTLER

WITNESSES:

Carol G. Simmons

_____

It further appearing to the Court that the complainant, Evelyn Burr Butler, is a fit and proper person to have the care, custody and control of the minor children of the parties, namely, Michael Lee, John Woody and Ben Burr, it is therefore ordered, adjudged and decreed that the care, custody and control of said minor children is hereby awarded to the complainant with the right to see and be with them at reasonable times and places.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that all right, title and interest that the defendant, John Taylor Butler has in the property owned by the parties at 2821 Blue Brick Drive, Donelson, Tennessee, be and the same hereby is divested out of him and divested in the complainant to her sole and separate use. Said property is more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 16 on the Map of Section One, Clover Bottom Subdivision, of record in Book 1424, page 50, Register's Office for Davidson County, Tennessee
>
> Said Lot 16 fronts 97.8 feet on the southerly side of Blue Brick Drive and extends back 178.5 feet on the easterly line and 183.6 feet on the westerly line to a line in the rear that measures 168 feet thereon.
>
> Being the same property conveyed to Howard W. Walding and wife, Wilma F. Duke Walding, by deed from Ira C. Duncal and wife, Pauline T. Duncan, of record in Book 1780, page 585, Register's Office for Davidson County, Tennessee. The said Howard W. Walding and wife, Wilma F. Duke Walding are now deceased, having died intestate. Howard Stephen Walding is the only heir-at-law of the said Howard W. Walding and wife, Wilma F. Duke Walding and by a decree of the County Court of Davidson County, Tennessee, the Co-Guardians of Howard Stephen Walding, namely, J. E. Walding and A. D. Duke were authorized to sell the above described property. Said decree being of record in Minute Book 186, Page 122, County Court Clerk's Office for Davidson County, Tennessee.

It further appearing to the Court that J. C. Summers, attorney for the complainant, has rendered valuable services to her

and the minor children, the Court does hereby award him a fee of $150.00 for his services in addition to any awards heretofore granted.

The defendant, John Taylor Butler, will pay the costs in this cause for which execution may issue if necessary.

Jno. W. Nolan, III
SPECIAL JUDGE

APPROVED FOR ENTRY:

MAY26 MISC 8* 10.00 * 10.00
MAY26 MISC 8* 2.00 * 2.00

J. C. Simmons
SOLICITOR FOR COMPLAINANT

SOLICITOR FOR DEFENDANT

I hereby certify that this is a true copy of original instrument filed in my office this 26th day of May 1971
GEORGE L. COOKER Clerk
By J. Murray
Deputy Clerk

E 05840

IDENTIF. REFERENCE

MAY 26 2 46 PM '71
FELIX [illegible] REGISTER
DAVIDSON COUNTY, TENN.