Filed 28 Apr 76

BOOK 5169 PAGE 893 cc's to/Atty's + c : 27 Apr 76 by U.S. mail

MARY KATHERINE JENNINGS	)	IN THE FIRST CIRCUIT COURT
VS. FILE NO. 80108	)	AT NASHVILLE, TENNESSEE
WILLIAM THOMAS JENNINGS	)	Entered 28 April 76 M.B. 140 A, Pg 330

FINAL DECREE OF ABSOLUTE DIVORCE

Map. 146 - 11 Par. 117

This cause came on to be heard on April 26, 1976, before the Honorable J. William Rutherford, Judge, holding the First Circuit Court of Davidson County, Tennessee, at Nashville, upon the Petition for Absolute Divorce, filed by Mary Katherine Jennings, plaintiff and cross-defendant, answer and Cross-Complaint for Absolute Divorce, filed by William Thomas Jennings, defendant and cross-plaintiff, answer of said cross-defendant, testimony of the parties and their witnesses who were heard in open court, depositions of the parties, documentary evidence which was admitted by stipulation of counsel for the parties, photographs which were exhibited to the testimony of cross-plaintiff, statements and arguments of counsel, and the entire record; on the basis of the foregoing, the Court finds that the parties had a satisfactory marriage until approximately one year ago when they separated; that, based on the proof adduced, it was the involvement of the wife with another man which caused the destruction of the marriage; that cross-defendant has been guilty of such cruel and inhuman treatment or conduct towards cross-plaintiff as renders further cohabitation unsafe and improper; that the Petition of plaintiff and cross-defendant for Absolute Divorce should be dismissed; and that an Absolute Divorce should be awarded to cross-plaintiff; wherefore,

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It is therefore ORDERED, ADJUDGED and DECREED that the bonds of matrimony heretofore subsisting between the parties be, and they are hereby, forever and perpetually dissolved; that William Thomas Jennings, cross-plaintiff, be, and he hereby is, awarded an Absolute Divorce from Mary Katherine Jennings, cross-defendant; and that cross-plaintiff be, and he is hereby, restored to all of the rights and privileges of an unmarried person.

It is further ORDERED, ADJUDGED and DECREED that the allegations and averments of the Cross-Complaint for Absolute Divorce are fully

sustained by the proof; and that the Petition for Absolute Divorce, filed by plaintiff and cross-defendant, be, and the same is hereby, dismissed and for nothing held.

It appearing further to the Court that an appropriate division of property should be made in this case; that no award of custody of the parties' children should be made in view of the fact that both of said children born during the marriage have attained their majority; that this is not a proper case for the award of any alimony; and that the award of any joint property has been carefully considered by the Court on the basis of what it feels to be just and reasonable under the facts and circumstances of this case; wherefore,

It is accordingly ORDERED, ADJUDGED and DECREED as follows:

1. That the 1974 Pinto station wagon, which is titled in the name of plaintiff and cross-defendant, be, and the same is hereby, awarded to her as her sole and separate property, free from any claim thereon by cross-plaintiff;

2. That the 1974 Buick LeSabre automobile which is jointly titled in the names of both parties, be, and the same is hereby, awarded to cross-plaintiff as his sole and separate property, free from any claim thereon by cross-defendant, who is hereby directed to do any and all acts necessary to effectuate the transfer of said automobile to cross-plaintiff within a reasonable time after the entry hereof;

3. That cross-plaintiff shall have the right to decide which of two bedroom suites he would like to retain as his sole and separate property with cross-defendant to be the recipient of the second of such suites, and both parties are heroby directed to do any and all reasonable acts to effectuate the division of said two bedroom suites;

4. That cross-defendant be, and she hereby is, awarded a cedar chest, which is presently in the possession of cross-plaintiff, who is hereby directed to turn same over to cross-defendant who will be responsible for transporting said item from cross-plaintiff's residence to the place of her choice;

5. That cross-plaintiff is hereby awarded the right to retain a certain piano for the use of his child or children or, in the alternativ

to give same to cross-defendant if he so desires;

6. That all other household goods, furnishings and other furniture which the parties have had in their respective possessions are hereby awarded to them as their sole and separate property, free from any claim thereon by the other;

7. That cross-defendant be, and she is hereby, awarded the proceeds of a certain savings account which was, until February, 1975, in the names of both parties, in the amount of $2,865.00, which award is made pursuant to T.C.A. 36-825 and also in lieu of her homestead interest in certain improved real property, the title to which with a complete description thereof is hereinafter adjudicated;

8. That all right, title and interest which cross-defendant, Mary Katherine Jennings, has in and to the following described improved real estate in Davidson County, Tennessee:

> Being Lot No. 202 on the Map of Grieve Hall Estates, Section Two, as of record in Book 2133, page 45, Register's Office for said County.
> Said Lot No. 202 fronts 95 feet on the westerly side of Brevity Lane, and runs back 304.6 feet on the northerly line and 313.4 feet on the southerly line, to a dead line, which is a broken line on which it measures 162 feet.
> Being property conveyed to Jane C. Dowden, or Jane Elizabeth Clabough Dowden, by deed from Grieve Hall Estates, Inc., as of record in Book 2148, page 105, Register's Office for said County, and by decree of record in Minute Book 46, page 459, of the 4th Circuit Court of said Davidson County, Tennessee.

be, and the same is, divested out of her to the end that all right, title and interest in and to the above described property be, and the same is hereby, vested absolutely and in fee simple absolute in cross-plaintiff, William Thomas Jennings, also known as William T. Jennings, subject to any indebtedness thereon which shall be the sole responsibility of said cross-plaintiff; and,

9. That the costs of this cause are taxed against cross-defendant and an execution may issue therefor if necessary.

To the awards which are made hereinabove in Paragraphs 7 and 8, the cross-defendant respectfully excepts and prays an appeal to the next term of the Court of Appeals, State of Tennessee (Middle Division), sitting at Nashville, which appeal is hereby granted, conditioned upon the execution and filing of an appropriate appeal bond within thirty days from the entry hereof and said cross-defendant is granted an additional sixty days from and after the filing of said appeal bond within which

to perfect and file her narrative bill of exceptions, all in accordance with law.

s/ J. Wilkes Rutherford
JUDGE
4-28-76

APPROVED FOR ENTRY:

Tom H. Proctor, Jr.
TOM H. PROCTOR, JR.
ATTORNEY FOR CROSS-PLAINTIFF
1133 Stahlman Building
Nashville, Tennessee 37201

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DAVIDSON COUNTY, TENN.
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CERTIFICATE

I, Tom H. Proctor, Jr., do hereby certify that a copy of the foregoing Final Decree of Absolute Divorce has been forwarded by U.S. Mail, postage prepaid, on April 27, 1976 to Mr. James C. Summers, Attorney for cross-defendant, 300 James Robertson Parkway, Nashville, Tennessee, 37201.

Tom H. Proctor, Jr.
TOM H. PROCTOR, JR., ATTORNEY

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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 of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Mary Katherine Jennings *Plaintiff, and* William Thomas Jennings *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* 12 *day of* July *in the year one thousand nine hundred and* seventy- seven *and in the* 201st. *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By _____, *D. C.*