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BOOK 5185 PAGE 958

IN THE CHANCERY COURT OF SUMNER COUNTY, TENNESSEE

FILED

JAN 13 1977

William F. Durham, C & M
D.C. & M.

HARLAN PERRY HOWARD]

VS.] NO. 35-238-1

DONNA GAIL TAYLOR HOWARD]

D E C R E E

This cause came on to be heard on this the 8th day of December, 1976, before the Honorable Edward Turner, Chancellor of the Chancery Court of Sumner County, Tennessee, upon the original petition filed by the plaintiff, Harlan Perry Howard, the answer and cross-bill of the defendant and cross-plaintiff, Donna Gail Taylor Howard, and the answer to the cross-bill. Following the testimony of the parties, their corroborating witnesses, statement of counsel, and a review of the entire record in this cause, the Court is of the opinion that the original plaintiff failed to sustain his grounds for divorce, but that the cross-plaintiff did sustain her grounds for divorce, to wit, that the cross-defendant has been guilty of such cruel and inhuman treatment towards her as renders further cohabitation unsafe and improper.

It is, therefore, ORDERED, ADJUDGED and DECREED that the cross-plaintiff, Donna Gail Taylor Howard, be and is awarded an absolute divorce from the cross-defendant, Harlan Perry Howard, and is restored to all the rights and privileges of an unmarried person. The bonds of matrimony heretofore existing between the parties are forever and perpetually dissolved. The original petition filed by the original plaintiff is dismissed.

It is further ORDERED, ADJUDGED and DECREED that the absolute care, custody and control of the minor child of the

parties, to wit, Harlan P. Howard, Jr., is vested in the cross-plaintiff, Donna Gail Taylor Howard, with the right and privilege of the cross-defendant to see and visit said aforementioned child at reasonable times and places. Both parties are restrained from doing anything in the presence of the minor child that would be detrimental to the health and well being of said child. As support for said child, the cross-defendant shall pay to the cross-plaintiff the sum of $750.00 per month. Said payments shall be made directly to the cross-plaintiff by appropriate check or money order, and shall be paid on or before the 5th day of each month subsequent to the entry of this decree. In the event that the cross-defendant has not paid the cross-plaintiff for the month of December, 1976, in accordance with the pendente order previously entered in this cause, then and in that event the cross-defendant shall pay the child support award for the month of December in accordance with the terms of this decree.

As alimony in solido, all of cross-defendant's right, title and interest in and to certain real property located on Latimer Lane in Hendersonville, Sumner County, Tennessee, as is now vested in cross-defendant is divested out of cross-defendant, and said property is awarded absolutely to cross-plaintiff. In addition thereto, the cross-defendant shall be responsible for the payment of the existing mortgage on said property, and in favor of the Security Federal Savings and Loan Association, said mortgage being in the original amount of $35,022.78. Cross-plaintiff is awarded judgment against cross-defendant for the said aforementioned existing mortgage, it being the intention of the Court to award the property hereinabove set forth, and hereafter described absolutely to the cross-plaintiff, free and

clear from any encumbrance, or to in effect award cross-plaintiff judgment for the balance owing on said property as heretofore set forth. The cross-defendant, at his discretion, may pay said award either to the Security Federal Savings and Loan Association, or to the cross-plaintiff at the rate of $350.00 per month, which represents the amount of the monthly house note. Said payments, if paid monthly, shall be paid by appropriate check or money order, on a monthly basis until said judgment is eradicated. Said real property is more particularly described as follows:

A tract or parcel of land in the 7th Civil District of Sumner County, Tennessee, described according to a survey of Wayne S. Cooper, Sr., Surveyor dated March 1, 1969, described as follows:

BEGINNING at an iron pin in the southerly margin of Lattimer Lane, same being the Northeast corner of the Rice property; thence South 5 degrees 54' West 1,233.41 feet to an iron pin; thence North 82 degrees 24' East 605.95 feet to an iron pin; thence North 6 degrees 28' East 1,047.92 feet to an iron pin in the southerly margin of Lattimer Lane; thence North 79 degrees 39' West 601.68 feet along Lattimer Lane to the point of beginning containing 15.57 acres, more or less.

BEING the same property conveyed to John Wesley Wilburn and wife, Nancy Ruth Wilburn by Deed from Bill Breedlove and wife, Mary Ann Breedlove as of record in Deed Book 289, Page 253, Register's Office for Sumner County, Tennessee.

INCLUDED HEREIN BUT EXPRESSLY EXCLUDED HEREFROM IS THE FOLLOWING TRACT OF LAND, TO WIT:

A tract or parcel of land lying and being situated in the 7th Civil District of Sumner County, Tennessee, described as follows:

BEGINNING at an iron pin in the southerly margin of Lattimer Lane; thence with said margin 200 feet to a point; thence S. 6 degrees 28' W. 1,122.92 feet to a point; thence N. 82 degrees 24' E. 200 feet to an iron pin; thence N. 6 degrees 28' E. 1,047.92 feet to the point of beginning.

BEING the same property conveyed to Harold B. Hix and wife, Edith P. Hix by Deed from John Wesley Wilburn and wife, Nancy Ruth Wilburn as of record in Deed Book 328, Page 550, Register's Office for Sumner County, Tennessee.

All being the same property conveyed to Harlan P. Howard and Donna Gail Howard, by deed from John W. Wilburn and wife, Nancy R. Wilburn, as recorded in Book 362, page 306, Register's Office for Sumner County, Tennessee.

In addition thereto, all of the household furnishings located at said aforementioned described real property are awarded absolutely to the cross-plaintiff, free and clear from any claim of the cross-defendant.

The 1975 Ford Granada automobile now in the possession of the cross-plaintiff will be awarded absolutely to the cross-plaintiff, free and clear of any claim by the cross-defendant. If necessary, the cross-defendant shall execute such documents as may be necessary for the transfer of title to said automobile into the name of the cross-plaintiff.

It is further ORDERED, ADJUDGED and DECREED that all of cross-plaintiff's right, title and interest in and to certain real property located at 2026 Priest Road in Davidson County, Tennessee, as is now vested in the cross-plaintiff shall be divested out of cross-plaintiff and awarded absolutely to the cross-defendant. Said property is more particularly described as follows:

Land in Davidson County, Tennessee, being Lot No. 34 on the Plan of Otter Creek Hills, as of record in book 2900, pages 110 and 111, Register's Office for said County, described as follows:

Beginning at the common corner of lots Nos. 34, 37 and 38; thence with the line between lots Nos. 34, 38 and 39 northwesterly 605 feet to the southern boundary line of the Rowland property;

thence with said Rowland's property north 86° east 261 feet; thence north 38° 346.5 feet to the corner of lots Nos. 28 and 34; thence with the line between said two lots southerly 450 feet to the corner of lots Nos. 28, 29 and 34; thence with the line between lots Nos. 29, 30 and 34 southwesterly 269.3 feet to the corner of lots Nos. 30, 32, and 34; thence with the line between lots Nos. 32 and 34 southwesterly 118 feet to the corner of lots Nos. 33 and 34; thence with the line between lots Nos. 33, 34 and 37 westerly 218 feet to the beginning.

Being the same property conveyed to Harlan P. Howard and wife, Donna G. Howard, by deed from Everett E. Kelley and wife, Eleanor Clark Kelley, of record in Book _____, page _____, Register's Office, Davidson County, Tennessee.

In addition thereto, all of cross-plaintiff's right, title and interest in and to certain property located at Holmes Beach, Florida, shall be divested from cross-plaintiff, and said property shall be awarded absolutely to cross-defendant. Said property is more particularly described as being in Manatee County, Florida, consisting of a two bedroom house on Lot 5, Block 46, Ilexhurst Subdivision, as recorded in Plat Book 1, page 154, of the Public Records of Manatee County. The cross-plaintiff shall execute such documents as may be necessary for the transfer of said aforementioned properties to cross-defendant. The cross-defendant shall be responsible for the payment of any existing indebtedness on said properties, and shall hold cross-plaintiff harmless therefor.

As additional alimony, for services rendered cross-plaintiff in this cause, the cross-defendant shall pay to Jack Norman, Jr., solicitor for the cross-plaintiff, the sum

of $3,000.00. Further, the cross-defendant shall pay the costs of this cause, all for which execution may issue, if necessary.

Entered this 10th day of January, 1977, and entered of record this 13th day of January, 1977, now for the 8th day of Decembe 1976 and the 10th day of January, 1977, by order of this Court.

CHANCELLOR

APPROVED FOR ENTRY:

Jack Norman, Jr., Attorney for Cross-Plaintiff

James W. Rutherford, Attorney for Cross-Defendant

I certify that I have mailed a copy of this Decree to Mr. James W. Rutherford, attorney for cross-defendant, Nashville Bank & Trust Building, Nashville, Tennessee 37201, this 30th day of December, 1976.

Attorney

STATE OF TENNESSEE

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COUNTY OF SUMNER

I, WILLIAM F. DURHAM, Clerk and Master of the Chancery Court of Sumner County, Tennessee do hereby certify that the attached is a true, correct and complete copy of the Decree in the case of

Harlan Perry Howard

VS. Donna Gail Taylor Howard

as the same appears of record in Minute Book 67, Page 309 of the Chancery Court of Sumner County, Tennessee.

WITNESS my hand and the seal of the said Chancery Court for Sumner County, at Gallatin, Tennessee, on this the 12th day of August, 1977.

CHANCERY COURT GALLATIN, TENN. (SEAL)

(William F Durham)
WILLIAM F. DURHAM, CLERK & MASTER

BY: (Betty Poston)
DEPUTY CLERK & MASTER

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IDENTIF. REFERENCE

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FELIX Z. [illegible] REGISTER
DAVIDSON COUNTY, TENN.

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