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IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

JOANNE S. HAYES)
)
VS.) NO. 72857
)
ROY THOMAS HAYES)

Mag. 97-9
Par 15

FINAL DECREE

This cause came on to be heard this 12th day of December, 1974, before the Honorable Stephen North, Judge of the Fifth Circuit Court of Davidson County, Tennessee upon the original bill of Complaint, Answer and Cross-Bill with amendments, testimony of Plaintiff and her witnesses heard in open Court, from all of which the Court finds that the bill of the Plaintiff is sustained by the proof in that the Defendant has been guilty of such cruel and inhuman treatment as renders further cohabitation unsafe and improper and unsafe and improper for her to remain under the dominion and control of the Defendant. Attorneys for both the Plaintiff and the Defendant announced at the end of the Plaintiff's proof that a property settlement between the parties had been reached and then stated said settlement to the Court which is hereinafter set out and approved by the Court.

The Court finds that the Plaintiff is entitled to the home of the parties located at 637 Larchwood Drive, Nashville, Tennessee, a proper description of which is set out herein. The Plaintiff will assume the mortgage on said property. The Court further finds that the Plaintiff is entitled to all of the household furniture, equipment, and personal property of all kinds located on the property and in the home at the address above-mentioned except an old churn, an antique stove, and several guns which the Court decrees to be the Defendant's. The guns do not include a shotgun which is the personal property of Plaintiff and two (2) rifles which belong to Plaintiff's children.

The Court further finds that the Volkswagon which the Plaintiff drives shall be the sole property of Plaintiff and the Court specifically orders the Defendant to sign a title and bill of sale to Plaintiff.

The Court further finds that the Plaintiff owns property on Vivelle Avenue, Nashville, Tennessee in her name and that the Defendant has no interest in said property, there being no child born alive to the parties. The Plaintiff will assume the payment of the existing mortgage on said property.

The Court further finds that the Defendant owns a camping bus, a pickup truck, and a Pontiac automobile, all of which remain his sole and separate property. The Defendant shall have until February 1, 1975 to remove the camper bus from the Larchwood property.

The Court further finds that the Defendant will pay to the Plaintiff the sum of Four Thousand One Hundred Seventy-Five ($4,175) Dollars in thirty-six (36) equal installments beginning January 2, 1975 and a like payment shall be due on the 2nd of each consecutive month thereafter until the total sum is paid in full.

The Court further finds that the Defendant is entitled to all the equity in a farm located in Wilson County, Tennessee a correct description of which is hereinafter set out together with the herd of goats located thereon and all the cattle and equipment on said farm.

It is, therefore, ORDERED, ADJUDGED and DECREED that the bonds of matrimony existing between the Plaintiff and the Defendant are absolutely and perpetually dissolved and the Plaintiff is restored to all the rights and privileges of an unmarried person.

It is, further, ORDERED, ADJUDGED and DECREED that the real property owned by the parties at 637 Larchwood Drive, Nashville, Tennessee, hereinafter described is divested out of the Defendant and vested solely in the Plaintiff, and Plaintiff is to assume and pay the mortgage now existing on said property, being more particularly described as follows:

> BEING Lot No. 27 on the Plan of Hickory Bend, section 7, of record in Book 3600, page 29, Register's Office for Davidson County, Tennessee, as follows:
>
> SAID Lot No. 27 fronts 78 feet on the curving easterly side of Larchwood Drive and runs back 152.6 feet on its northeasterly line and 140.5 feet on its southwesterly line to a line at the rear measuring 49.4 feet.
>
> BEING the same property conveyed to Roy T. Hayes

and wife, Joanne S. Hayes from Benson K. Merritt and wife, Bonnie R. Merritt by Deed of record in Book 4412, page 911, Register's Office for Davidson County, Tennessee.

The Plaintiff may register this decree as muniment of title to the above-described property.

The Defendant is hereby ordered to sign the Tennessee title and a bill of sale to the Volkswagon and place same in the hands of the Plaintiff immediately within forty-eight (48) hours of the entry of this Decree.

It is, further, ORDERED, ADJUDGED and DECREED that the Defendant shall remove his personal items and his guns from the home on Larchwood Drive, Nashville, Tennessee together with the churn and antique stove which are hereby decreed to him no later than December 31, 1974. The Defendant is ordered not to remove the Plaintiff's shotgun or the children's rifles from the home.

It is, further, ORDERED, ADJUDGED and DECREED that the Defendant shall pay to the Plaintiff the sum of Four Thousand One Hundred Seventy-Five ($4,175) Dollars in thirty-six (36) equal installments beginning January 2, 1975 and continuing monthly until said sum is paid in full. The Defendant will have the right of pre-payment of any or all of said sum above-stated.

It is, further, ORDERED, ADJUDGED and DECREED that the Plaintiff shall have all of the furniture, appliances, household furnishings and all other personal property located at 637 Larchwood Drive, Nashville, Tennessee as her sole and separate property.

It is, further, ORDERED, ADJUDGED and DECREED that the real property owned by the parties being a tract of land lying in the 17th Civil District of Wilson County, Tennessee hereinafter described is divested out of the Plaintiff and vested solely in the Defendant and the Defendant is to assume any and all loans or taxes on said property. Said property being more particularly described as follows:

A tract of land situated and lying in the 17th Civil District of Wilson County, Tennessee,

bounded on the North by Cordell Harris; on the West by Mrs. Effie Hayes; on the South by St. John public road and on the East by Cordell Harris; formerly Jennings, and described by metes and bounds as follows:

Beginning at the well southeast of the barn, thence south 14 degrees west 10 chains to a cedar stob; thence north 87 degrees west 8.62 chains to a stob; thence South 14 degrees West 2411 feet to a stob on the north side of the road; thence with the meanderings of the road 35.2 chains to a point in the center of the road; thence North 8 1/4 degrees East 33.37 chains to a stob in Presley Lester's line; thence North 87 degrees West 18.35 chains to the beginning, containing 96.05 acres, more or less.

Being the same property conveyed to Roy T. Hayes and wife, Joanne S. Hayes by Lawrence Hayes and wife, Ina Frances Higgins Hayes, recorded in Book 241, page 117, in the Register's Office for Wilson County, Tennessee.

It is, further, ORDERED, ADJUDGED and DECREED that all of the goats and the cattle, equipment and tools located on the above described farm shall be and become the sole and separate property of the Defendant. It is, further, ORDERED that the camper bus, pick-up truck and the Pontiac automobile now in the possession of the Defendant shall become his sole and separate property, but the Defendant must remove the camper bus from the Larchwood property by February 1, 1975.

It is, further, ORDERED, ADJUDGED and DECREED that the Defendant will pay to Wilson N. West, Solicitor for Plaintiff, the sum of Seven Hundred Fifty ($750) Dollars attorney's fee.

This cause will be retained in Court for the purpose of carrying out the orders listed herein. The costs of this cause, including Attorney's fees shall be paid by the Defendant for which execution may issue, if necessary.

JUDGE

APPROVED FOR ENTRY:

WEST, JENNINGS AND ALLEN

BY: Wilson West
WILSON N. WEST
Attorney for Plaintiff

Enter This 23rd Day of December, 1974

DONALD ARKOVITZ
Attorney for Defendant

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IDENTIF. REFERENCE

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DEC 5 4 16 PM '77

FELIX Z. [illegible] REGISTER
DAVIDSON CO. [illegible] TN.

DEC-5- MISC B* 10.00 * 10.00

File Bk N

MB, 28A/1525

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~~ true copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Joanne S. Hayes *Plaintiff, and* Roy Thomas Hayes *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* 22nd *day of* Nov. *in the year one thousand nine hundred and* 77 *and in the* 201st *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By L. Bates, *D. C.*