7-14-77
20C/2106

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IN THE SIXTH CIRCUIT COURT OF DAVIDSON COUNTY,

TENNESSEE, AT NASHVILLE

JOHN E. MERCER,)
Plaintiff and Cross-Defendant)
)
VS.) NO. 83324
)
LINDA GAY ALLEY MERCER,)
Defendant and Cross-Plaintiff)

D E C R E E

This cause came on to be heard on the 14th day of July, 1977, upon the original complaint, the answer and cross-complaint and the answer thereto; before the Honorable James Swiggart, Judge of the Sixth Circuit Court of Davidson County, Tennessee.

It appeared to the Court that the original bill was filed June 8th 1976 and that personal service was held on the defendant. The answer was filed on June 18th 1976. The amended answer and cross-complaint were filed on June 3rd 1977, having been delayed by the birth of a child to the parties. There was personal service of the cross-complaint.

At the hearing counsel for the plaintiff and cross-defendant, announced that the plaintiff did not wish to proceed on the original bill and the same is hereby dismissed.

From the pleadings in the cause, the statement of counsel, the evidence offered by the cross-plaintiff and her supporting witnesses, and from the entire record in the cause, the Court was of the opinion that the allegations of the cross-complaint were fully sustained by the evidence, that is, that the cross-defendant, John E. Mercer, has been guilty of such cruel and

inhuman treatment towards the cross-plaintiff, Linda Gay Alley Mercer, as to render further cohabitation improper.

It is therefore ORDERED, ADJUDGED and DECREED, that the bonds of marriage heretofore existing between the parties is hereby, forever and perpetually dissolved; the cross-plaintiff, Linda Gay Alley Mercer, is hereby decreed an absolute divorce from the cross-defendant, John E. Mercer, and she is further restored to all the privileges of an unmarried person.

It further appearing to the Court, and by the agreement of the parties, that the cross-plaintiff and mother is the fit and proper person to have the custody of the three minor children of the parties, namely; Lori Renee Mercer, age 10, Lisa Michelle Mercer, age 11 and Michael Damion Mercer, age 2 months.

It is further ORDERED that their custody be with the said Linda Gay Alley Mercer with the right to the defendant father to have reasonable visitation rights with the children.

It is further ORDERED, ADJUDGED and DECREED that the cross-defendant pay to the said Linda Gay Alley Mercer the sum of Three Hundred Fifty ($350.00) Dollars per month as alimony and support for the cross-plaintiff and the three minor children.

It is further ORDERED, ADJUDGED and DECREED that all of the right, title and interest in and to the real estate located at 1029 Edwin Warner Drive, in Nashville, Davidson County, Tennessee, formerly the home of the parties and now occupied by the cross-plaintiff and the minor children, which is now owned by the parties as tenants by the entirety, and more particularly described as follows:

> "Being Lot No. 29 on the Plan of Warner Park Valley, Section 1, as of record in Book 3600, Pages 12, 13 and 14, R.O.D.C. Said Lot No. 29 fronts 98.66 feet on the northwesterly side of Edwin Warner Drive, and extends back, 201.9 feet on the southwesterly line and 200 feet on the northwesterly line to a dead line, measuring 109 feet thereon."

Being the same property conveyed by deed from Murphree Realty Company to John E. Mercer and wife, Linda Gay Mercer, as of record in Book 3931 Page 872, Register's Office for Davidson County, Tennessee.

Now vested in the cross-defendant, John E. Mercer, be and the same is hereby divested out of the said John E. Mercer, and the title to said real estate is vested in Linda Gay Alley Mercer, in fee simple, subject to the remaining encumbrance on the same which will be assumed by the said Linda Gay Alley Mercer.

This further ORDERED, ADJUDGED and DECREED that the absolute title to all the personal property and household goods now located in the home of the cross-plaintiff at 1029 Edwin Warner Drive is hereby vested in Linda Gay Alley Mercer, together with the 1969 Oldsmobile automobile now in her possession.

It is further ORDERED that the said John E. Mercer pay to Jack Norman the sum of 400.00 Dollars, as a reasonable fee for professional service rendered the cross-plaintiff and the minor children in this cause for which execution may issue.

The said John E. Mercer will pay the costs of this cause, for which execution may issue.

This 14th day of July, 1977.

Enter This 14th Day of July, 1977

Judge, Sixth Circuit Court

APPROVED FOR ENTRY:

Linda Gay Alley Mercer
Linda Gay Alley Mercer

John E. Mercer
John E. Mercer

Jack Norman, Sr.
Attorney for Mrs. Mercer

William Underhill
Attorney for Mr. Mercer

Mrs. Linda Mercer
1024 Eden Manor

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IDENTIF. REFERENCE

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FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

FEB 17 '78 MISC B* 8.00 * 8.00

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* John E. Mercer *Plaintiff, and* Linda Gay Alley Mercer *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* 17th. *day of* February *in the year one thousand nine hundred and* seventy-seven *and in the* 202nd. *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By June Smith, *D. C.*

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