12-9-76
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BOOK 5262 PAGE 106

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4th

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

BARBARA ANN GERALD,
Plaintiff

VS.

JOE O. GERALD,
Defendant

CIVIL ACTION NO. 83944

FILED AND REGISTERED
DAVIDSON COUNTY, TENN.
MAR 14 11 59 AM '78

IDENTIF. REFERENCE

E 54625

DECREE FOR ABSOLUTE DIVORCE

This case came on to be heard on this the 29th day of November, 1976, before the Honorable Steve North, Circuit Judge, sitting by interchange upon the complaint of the Plaintiff Barbara Ann Gerald, judgment by default heretofore taken and entered against the Defendant Joe O. Gerald, the oral testimony of witnesses examined in open Court, statements of counsel and the entire record in the case.

MAR 14 MISC B* 8.00 * 8.00

And it satisfactorily appeared to the Court from the evidence, that the grounds charged in the complaint are true; that the Defendant is guilty of such cruel and inhuman treatment or conduct towards the Plaintiff as renders co-habitation unsafe and improper and that the Defendant has offered such indignities to the Plaintiff's person as to render her condition intolerable and the Defendant has abandoned the Plaintiff and refused and neglected to provide for her and for the minor child of the parties.

It further appeared to the Court that the Defendant has heretofore been enjoined by a previous restraining order from coming about the person of the Plaintiff for the purpose of threatening and assaulting her; and from the evidence, the Court finds that the Defendant has assaulted the Plaintiff with the barrel of a firearm causing bodily injury to the Plaintiff after the issuance and service of said restraining order.

The parties jointly own a 1974 Ford truck which the Plaintiff acknowledges she has no interest.

The Court further finds that the parties are the equitable owners of certain real property in Davidson County, Tennessee, described as follows, to-wit:

> Being Lot No. 74 on the Plan of Dodson Heights, as of record in Book 2900, page 113, Register's Office for said County, described as follows:
> BEGINNING at a point in the westerly margin of Lopez Lane at the corner of Lots 73 and 74; thence with the line between said lots, southwesterly 114.85 feet to a corner of Lot 75; thence with the line between Lots 74 and 75, northerly 133.1 feet to the south margin of Dodson Chapel Road; thence with the margin of the same, easterly 79.8 feet to the beginning of a curve; thence around said curve, southeasterly 39.27 feet to the west margin of Lopez Lane; thence with the margin of the same, southerly 80.55 feet to the point of beginning.
>
> Being the same property conveyed to Joseph Oliver Gerald and wife, Barbara Ann Gerald, by deed of record in Book 3314, page 479, Register's Office of Davidson County, Tennessee from S & F Inc.

Of the three children born to the parties as the result of their marriage, Mark Christopher Gerald, born April 6, 1967 is a minor in the temporary custody of the Plaintiff and the Court finds it to be in the best interest of said minor child to remain in the custody of the Plaintiff.

It is therefore ORDERED, ADJUDGED AND DECREED by the Court that:

1. The Plaintiff should be and is granted from and against the Defendant an absolute divorce and the bonds of matrimony subsisting between the Plaintiff and Defendant are absolutely and forever dissolved.

2. All right, title and interest of the Defendant in the real property hereinabove described, which, during the marriage of the parties was owned as tenants by the entireties is divested from the Defendant and vested in the Plaintiff as an unmarried woman to be hers solely and absolutely.

3. All right, title and interest of the Plaintiff in the 1974 Ford Truck which was jointly owned by the parties during their marriage is divested from the Plaintiff and vested in the Defendant to be his solely and absolutely.

4. The Defendant shall pay to the Circuit Court Clerk, on or before the 1st day of each and every month, the sum of

Three Hundred and Fifteen ($315.00) Dollars which represents the amount of Two Hundred ($200.00) Dollars per month as child support and the amount of One Hundred ($100.00) Dollars per month as alimony and a commission of Five (5%) percent for the Clerk.

5. The custody of the minor child, Mark Christopher Gerald, of the parties shall remain in the Plaintiff, subject to reasonable visitation by the Defendant.

6. The Defendant shall pay to Clark H. Tidwell, attorney for the Plaintiff, the sum of Three Hundred ($300.00) Dollars for his services to date in this case, for which execution shall issue if necessary.

7. The restraining order heretofore entered against the Defendant to enjoin him from coming about the Plaintiff or from telephoning, writing or communicating with her by any means for the purpose of threatening and assaulting her has been violated by the Defendant ~~who is adjudged in contempt thereof but his punishment is reserved pending his conduct under the same restrictions which are perpetuated as a~~ and a permanent injunction shall issue which shall direct the Defendant to remove immediately, himself and his personal property from the residence of the Plaintiff at 222 Old Lebanon Dirt Road, Hermitage, Tennessee.

8. Costs of the cause are assessed against the Defendant for which execution shall issue if necessary.

9. This case will be retained in Court for the enforcement of this decree if necessary.

Enter this ____ day of _____ 1976.

CIRCUIT JUDGE

APPROVED FOR ENTRY:

12-9-76

TAYLOR, SCHLATER, LASSITER & TIDWELL

BY: _____
Attorneys for the Plaintiff

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing final decree has been mailed to the Defendant, Joe O. Gerald, 222 Old Lebanon Dirt Road, Hermitage, Tennessee, this the 30th day of November, 1976.

Clark H. Tidwell

Clark H. Tidwell

102-B/1200

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* BARBARA ANN GERALD *Plaintiff, and* JOE O. GERALD *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* 14th *day of* March *in the year one thousand nine hundred and* Seventy-eight *and in the* 202nd *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By _____, *D. C.*

Form #GR-117