115-13-33 KS

IN THE FIRST CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

4-7-78
144 B 1463

JEAN BELL WALTHER)
)
)
VS.) No. 88155
)
)
RUSSELL WILLIAM WALTHER)

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FINAL DECREE

This cause came on to be heard before the Honorable J. William Rutherford, Judge, First Circuit Court for Davidson County, Tennessee, on the 23rd day of January, 1978, and the 24th day of January, 1978, upon the petition of the plaintiff, Jean Bell Walther, for divorce, and upon the petition of Russell William Walther for divorce, and upon all the pleadings and upon the testimony of the witnesses in open court, and upon the argument of the attorneys.

From all of which, the Court finds that the defendant, Russell William Walther, has been guilty of such cruel and inhuman treatment or conduct towards the plaintiff, Jean Bell Walther, as renders cohabitation unsafe and improper, and accordingly, a divorce should be granted to the plaintiff, Jean Bell Walther.

It is therefore, ORDERED that an absolute divorce be, and the same is hereby, awarded to Jean Bell Walther, and she is hereby restored to all the rights and privileges of an unmarried person, and the bonds of matrimony heretofore subsisting between the parties are dissolved.

It is further ORDERED that the petition for divorce filed by the defendant, Russell William Walther, be, and the same is hereby, dismissed.

It is further ORDERED that the plaintiff's name be changed, and hereafter she will legally be known as Mrs. Jean Bell.

It is further ORDERED that the plaintiff, Jean Bell Walther, shall have as her sole and separate property all of the items shown on plaintiff's exhibit number 16, which are shown in the column under

the name of Jean Bell Walther, with the exception of the mirrors that are attached to the wall at the homeplace. It is further Ordered that the defendant, Russell William Walther, will have as his sole and separate property all items on plaintiff's exhibit number 16, which are listed in the column under the name of Russell Walther, and he will also have the mirrors that are attached to the wall at the house.

The plaintiff, Jean Bell Walther, will retain as her sole and separate property, the Skylark automobile.

It is further ORDERED that the defendant, Russell William Walther, will retain, as his sole and separate property, the Toyota truck and the Winnebago camper, and the two sailboats.

It is further ORDERED that the plaintiff, Jean Bell Walther, will retain the stocks that are in her name, and the defendant, Russell William Walther, will retain the stocks which are in his name.

It is further ORDERED that the savings accounts will be retained as the sole and separate property of the particular party in whose name such savings account is styled at the present time.

It is further ORDERED that the home place of the parties, located at 798 Rodney Drive, Nashville, Davidson County, Tennessee, will become the sole and separate property of the defendant, Russell William Walther. Any and all interest the plaintiff, Jean Bell Walther has in and to the above described property is hereby divested out of the said Jean Bell Walther, and vested in the said Russell William Walther, in fee.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, Jean Bell Walther, is granted a lien upon said property located at 798 Rodney Drive, to secure the payment of alimony in solido. However, it is further Ordered that the plaintiff will in no way be allowed to execute on the property of the defendant as set out above, nor will she in any way have a right for partition of the same, without permission of the Court.

It is further ORDERED by the Court that the defendant, Russell William Walther, will pay to the plaintiff, Jean Bell Walther, as alimony in solido the sum of Ten Thousand Dollars ($10,000) but the date of said payment is to be reserved. If the parties cannot agree as to when such payment is due, the Court shall have a hearing to determine the said date.

It is further ORDERED that the defendant, Russell William Walther, will pay to plaintiff, Jean Bell Walther, as alimony in futuro, the sum of Five Hundred Dollars ($500) per month for a period of one year, such payments to begin on February 1, 1978, and thereafter on the first day of each succeeding month, for a total period of twelve months.

It is further ORDERED that a fee of Three Thousand Dollars ($3,000) be allowed to the firm of Farris, Evans & Warfield to be paid as follows: the sum of One Thousand, Two Hundred Dollars ($1,200) will be credited as the amount already paid. The Clerk of the Circuit Court will pay over to Farris, Evans & Warfield the sum of One Thousand, Two Hundred Dollars ($1,200) from money held by the Clerk on the tax refund check. The remaining amount of the fee, namely, Six Hundred Dollars ($600), will be paid by the defendant, Russell William Walther.

It is further ORDERED that an injunction is hereby issued against both the plaintiff and the defendant, restraining both of the parties from destroying or disposing of any property belonging to the other party, or from in any way interfering with the divisions of properties set forth in this Order.

It is further ORDERED that the Roach note will be the sole property of Russell William Walther.

It is further ORDERED that the proposition of any

arrearage in payment of pendente lite alimony is reserved.

It is further ORDERED that the exhibits will be retained by the attorney representing the party that placed each exhibit into evidence, and such attorney will hold such exhibits until the matter has either been appealed or the time for appeal has expired, at which time the exhibits may be returned to the client of the lawyer holding such exhibit.

It is further ORDERED that the costs of this cause be adjudged against Russell William Walther.

It is further ORDERED that the IRA accounts be retained by the defendant, Russell William Walther.

This 1th day of April, 1978.

Robert E. Gillard
SUCCESSOR JUDGE

APPROVED FOR ENTRY:

Charles H. Warfield

James G. Martin, III

Seth Norman

CERTIFICATE

I hereby certify that a copy of this decree has been mailed to Mr. Charles H. Warfield, attorney for the complainant 18th Floor, Third National Bank Building, Nashville, Tennessee 37219, this 1st day of March, 1978.

Seth Norman
Attorney for Defendant

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APR 19 87 MISC B* 10.00 * 10.00

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IDENTIF. REFERENCE

APR 19 2 28 PM '78

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

4-7-78 144 B/146 3

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~~ Xerox Copies *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Jean Bell Walther *Plaintiff, and* Russell William Walther *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* 19th *day of* Apr. *in the year one thousand nine hundred and* 78 *and in the* 202nd *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By L Dryer, *D. C.*

Form #GR-117