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BOOK 5276 PAGE 420 Par No. 2

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BARBARA FAY ESTES	)	TRANSFERRED FROM FIRST CIRCUIT COURT
	)	TO THIRD CIRCUIT COURT OF DAVIDSON
	)	COUNTY, TENNESSEE
VS.	)	NO. 84469 Consolidated with
	)	
	)	
DONALD RAY ESTES	)	

FINAL DECREE

APR 21 PM MISC B* 8.00 * 8.00

This cause came on for hearing on this the 8th day of March, 1978, before the Honorable Joe C. Loser, Jr., Judge of the Third Circuit Court of Davidson County, Tennessee, upon the original pleadings filed by Barbara Fay Estes, Answer and Counter-complaint filed by Donald Ray Estes, and Answer, with the cause proceeding to trial as an uncontested matter, testimony of witnesses heard in open Court, submission of a property settlement agreement by and between the parties, statement of counsel and upon the entire record herein. From all of which the Court finds as follows:

That the counter-complaint filed by Donald Ray Estes should be and is hereby dismissed.

Further, the allegations of complainant's, Barbara Fay Estes, complaint have been fully sustained, that is that the defendant, Donald Ray Estes has been guilty of such cruel and inhuman treatment and conduct towards her as renders further cohabitation unsafe and improper for her to remain under his dominion and control;

It is, therefore, ORDERED, ADJUDGED and DECREED that the complainant, Barbara Fay Estes, is hereby awarded an absolute divorce from the defendant, Donald Ray Estes, and she is hereby restored to all the rights and privileges of an unmarried person.

I further appears the parties have entered into the following property settlement agreement:

AGREEMENT

This Agreement made and entered into at Nashville, Tennessee, on this the 30th day of January, 1978, by and between Barbara Fay Estes, hereinafter called the "Wife" and Donald Ray Estes, hereinafter called the "Husband."

WITNESSETH:

That whereas the parties are man and wife and serious marital problems have arisen and the differences are such between the parties as a reconciliation is impossible and desiring to settle their property rights subject to the approval of the Court, they agree as follows:

1. The wife shall obtain a divorce in the First Circuit Court of Davidson County, Tennessee, under docket no. 84469.

2. The wife shall be vested with the custody of the minor child of the parties; to wit: Cassandra Dawn Estes, Age 7, and the husband shall be awarded reasonable visitation privileges.

3. The husband will pay to the wife as child support $40.00 per week with said payments made directly to the wife.

4. The wife shall receive the homeplace of the parties absolute and in fee simple and will pay the mortgage thereon and the husband shall be held harmless. The wife agrees, however, that when she elects to sell said homeplace, if in fact she does, she will pay to the husband the sum of $3,000.00.

5. The wife shall receive the household furniture and furnishings located in the homeplace to be hers absolute.

6. The husband shall receive the 1976 Nova, which is now titled in his name and the wife shall receive the 1965 Oldsmobile, which is now titled in her name. The wife shall be held harmless if there be any mortgage due and owing on the 1976 Nova.

7. Each party shall retain their own personal property consisting of jewelry and other similar personal items.

Both parties understand that this agreement is subject to the approval of the Court in the event a divorce is granted to either party or the parties reconcile, this agreement shall be of no force and effect. If approved by the Court, the said agreement is a full, final and complete settlement of the property rights as between the parties and the same is entered into without any collusion between the parties, but solely of their own free will and accord.

/s/ Barbara Fay Estes
WIFE

/s/ Joni S. Holt
WITNESS

/s/ Don R. Estes
HUSBAND

/s/ Vera Estes Aaron
WITNESS

It is, therefore, ORDERED and DECREED the custody of the minor child of the parties; to wit: Cassandra Dawn Estes, Age 7, is hereby committed to the complainant, Barbara Fay Estes, with

reasonable visitation privileges awarded the husband and natural father, Donald Ray Estes.

It is further ORDERED and DECREED that the complainant, Barbara Fay Estes, is awarded the homeplace of the parties to be hers absolutely and in fee simple and any right, title or interest the defendant has therein is hereby divested from him and reinvested in the complainant, Barbara Fay Estes.

Said real property is more particularly described as follows:

> A tract of land in the 14th Civil District of Davidson County, Tennessee, being part of the Hampton-Tobin 620 acre tract, and being the Northwest part of Tract No. 2, as set out and described in the deed from Nashville Trust Company to G. A. Cornwell, et al., of record in Book 1006, Page 314, Register's Office for said County, and described according to a copy of a survey thereof by John Setters, Surveyor, in July, 1946, as follows:
>
> Beginning at a stake in the center line of Cotton Patch Road, at the Northwest corner of the property of Leon Gilbert, et al., in the South line of the land of Rose Meadows; thence with the West line of the Gilbert Land, as follows: South 35° East 223 feet to a hickory, South 23° East 140 feet to a spring, South 34° East 234 feet to a stake in a branch in the line of the lands of Cornwell and Higdon; thence with the line of the same as follows: South 86-1/2° West 300 feet to a stake on a hillside; North 36-1/4° West 234 feet to a stake, North 4-1/2° East 130 feet to a persimmon North 64-1/2° West 135 feet to a stake, formerly hickory tree, in the center line of said Cotton Patch Road; thence with the line of the same as follows: North 12° East 12 feet; North 24° East 181 feet, North 53° East 149 feet to the beginning, containing 4 acres, more or less, including but excluding therefrom a strip of land from Station 45 - 38 to Station 49 - 25, extending a minimum distance of 25 feet on the right of the center line, having a width sufficient on which to build a 30 feet flat section road with 15 feet on each side of the center line and provide for drainage and standard slopes in cut and fill, and a strip of land from Station 47 - 00 to Station 49 - 25 extending a minimum distance of 25 feet on the left of the center line, having a width sufficient on which to build a 30 foot flat section road with 15 feet on each side of the center line and provide for drainage and standard slopes in cut and fill.
>
> Being the same property conveyed to Don R. Estes and wife, Barbara Fay Estes, of record in Book 4801, page 280, Register's Office for Davidson County, Tennessee.

It is further ORDERED and DECREED that whenever the complainant sells said real property, she shall pay the defendant the sum of $3,000.00 from the proceeds of sale as set forth in the Agreement incorporated herein.

It is further ORDERED and DECREED the complainant, Barbara Fay Estes, is awarded the household furniture and furnishings to be hers absolutely and her 1965 Oldsmobile automobile.

The defendant, Donald Ray Estes shall pay the costs of this cause for all of which let execution issue if necessary.

s/ Joe C. Loser, Jr.
JUDGE
3/14/78

APPROVED FOR ENTRY:

s/ Muriel Robinson
Attorney for Complainant

Attorney for Defendant

IDENTIF. REFERENCE
APR 21 2 29 PM '78
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

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I certify that a copy of this Final Decree has been mailed to the Honorable Alex Meacham, Attorney for Defendant, this the 8 day of March, 1978.

s/ Muriel Robinson
Attorney for Complainant

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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* Barbara Fay Estes *Plaintiff, and* Donald Ray Estes *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* 20th *day of* April *in the year one thousand nine hundred and* seventy-eight *and in the* 202nd *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Sue Woods, *D. C.*