3-3-78
107B/1472A

BOOK 5283 PAGE 138

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

MAP- 90-16
PAR- 157
91-5-141

EDDIE G. FOX
Plaintiff

VS.

JOHN FOX, SR.
Defendant

NO. 88981 - 91-5-143
71-11-102
71-11-103
91-7-287

FINAL DECREE

This cause came on to be heard on the 6th day of February, 1978, before the Honorable Dan L. Joslin, Special Judge, upon the original complaint for absolute divorce, answer of defendant, testimony of witnesses heard in open Court, statements of counsel and the entire record in this cause; from all of which the Court finds that the plaintiff is entitled to an absolute divorce from the defendant upon the statutory ground of cruel and inhuman treatment, and that the property settlement agreed to by the parties which was announced in open Court was approved by the Court.

After taking under advisement the matter of the disposition of a stereo set, indebtedness against a second bedroom suite and payment of attorney's fees, the Court finds that the stereo set should be awarded to plaintiff, that the defendant shall be responsible for the remaining indebtedness on the second bedroom suite, and that Robert M. Garfinkle, attorney for the plaintiff, should be awarded a $1,000.00 attorney fee to be paid by defendant.

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the plaintiff, Eddie G. Fox, is hereby granted an absolute divorce from the defendant, John Fox, Sr., and she is restored to all the rights and privileges of an unmarried person.

It is further ORDERED, ADJUDGED and DECREED by the Court that the defendant, John Fox, Sr., shall pay to Robert M. Garfinkle, attorney for plaintiff, the sumof $1,000.00 as his reasonable fee in this cause.

It is further ORDERED, ADJUDGED and DECREED by the Court that all right, title and interest of the defendant, John Fox, Sr., in the home of the parties located at 520 River Rouge Drive, Nashville, Tn is divested out of him and vested solely in plaintiff in fee simple

absolute and plaintiff shall assume and pay the remaining indebtedness on said home in the approximate amount of $5,394.09. Said property is described as follows:

> Land in the 8th Civil District of Davidson County, Tennessee, being Lot No. 671 on the Map of Charlotte Park, Section Eleven, as of record in Book 2900, pages 79 and 80; and Lot No. 1028 on the Map of Charlotte Park, Section Thirteen, as of record in Book 2900, pages 142 and 143, Register's Office for Davidson County, more particularly described as follows:
>
> Said Lot No. 671 fronts 77.0 feet on the northeasterly side of River Rouge Drive, and extends back 193.9 feet on the northwesterly line and 190.3 feet on the southeasterly line, to a line in the rear on which it measures 77.0 feet.
>
> Being the same property conveyed to John Fox and wife, Eddie G. Fox by deed from George Gianikas and wife, Mary Ellen Gianikas as of record in Book 3932, Page 89, R.O.D.C. Tennessee.

It is further ORDERED, ADJUDGED and DECREED by the Court that all right, title and interest of the defendant in the household furniture and furnishings, including the stereo set and jewelry, is divested out of the defendant and vested solely in plaintiff, with the exception of the 19 inch television set, the white second bedroom suite, the old den outfit, the statue of a bull, three antique bottles of whiskey (Crown Royal, President's Choice, and George Dickel Powder Horn), one new large Bible given to defendant by Jack Hudson, and the clothing and personal mementos of the defendant, all of which shall become the defendant property alone in fee simple absolute. The defendant, John Fox, Sr., shall assume the remaining indebtedness on the second bedroom suite.

It is further ORDERED, ADJUDGED and DECREED by the Court that all right, title and interest of the plaintiff in the property located at 646 Vernon Avenue, Nashville, Tennessee, is divested out of her and vested solely in defendant in fee simple absolute, and further that all right, title and interest of the plaintiff in the property located at 648 Vernon Avenue, Nashville, Tennessee, is divested out of her and vested solely in defendant in fee simple absolute. Said properties, 646 Vernon Avenue and 648 Vernon Avenue, Nashville, Tennessee, are collectively described as follows:

> Land in the 8th Civil District of Davidson County, Tennessee, and being Lot No. 15 on the plan of Westover as of record in Book 421, Page 25, R.O.D.C., Tennessee, at Nashville. Said Lot No. 15 fronts 100 feet on the Easterly side of Vernon Avenue and

runs back between parallel lines 175 feet to a dead line.

Being the same property conveyed to John Fox and wife, Eddie G. Fox, by deed from Victor Foukus, Jr. and wife, Jean D. Foukus as of record in Book 2104, Page 181, Register's Office for Davidson County, Tennessee.

It is further ORDERED, ADJUDGED and DECREED by the Court that all right, title and interest of the plaintiff in the property located at 654 Vernon Avenue, Nashville, Tennessee, is divested out of her and vested solely in defendant in fee simple absolute. Said property is described as follows:

Lot No. 1 being the south 1/2 of Lot 17 on the Map showing Subdivision of Westover Sub. of Lot 37, Cockrill Plan, of record in Book 421, page 25, Register's Office for Davidson County, Tennessee. Said Lot No. 1 fronts 50 feet on Vernon Avenue and Runs back between parallel lines 175 feet to a dead line.

Being the same property conveyed to John Fox and wife, Eddie G. Fox, by deed from L. S. Daniels and wife, Mable Daniels, of record in Book 4462, Page 653, Register's Office for Davidson County, Tennessee.

It is further ORDERED, ADJUDGED and DECREED by the Court that all right, title and interest of the plaintiff in the property located at 335 Edith Avenue, Nashville, Tennessee, is divested out of her and vested solely in defendant in fee simple absolute. Said property is described as follows:

Land in Davidson County, Tennessee, being the easterly half of Lot No. 22 on the Map of Trinity Heights Addition, of record in Book 161, page 38, Register's Office for said County.

Said part of/lot fronts 50 feet on the southerly side of Edith Avenue and runs back between lines 150 feet, more or less, to an alley and measures 50 feet thereon.

Being the same property conveyed to John Fox by deed from Raymond L. Barrett, Clerk and Master, as of record in Book 4970, Page 393, et seq., R.O.D.C. Tennessee.

It is further ORDERED, ADJUDGED and DECREED by the Court that all right, title and interest of the plaintiff in the property located at 339 Edith Avenue, Nashville, Tennessee, is divested out of her and vested solely in defendant in fee simple absolute. Said property is described as follows:

Land in Davidson County, Tennessee, being the easterly half of Lot No. 21 on the Map of Trinity Heights Addition, of record in Book 161, page 38, Register's Office for said County.

Said part of said lot fronts 50 feet on the southerly

side of Edith Avenue and runs back between lines 150 feet, more or less, to an alley and measures 50 feet thereon.

Being the same property conveyed to John Fox by deed from Raymond L. Barrett, Clerk and Master, as of record in Book 4867, page 767, et seq., R.O.D.C. Tennessee.

It is further ORDERED, ADJUDGED and DECREED by the Court that all right, title and interest of the plaintiff in the property located at 5200 Michigan Avenue, Nashville, Tennessee, is divested out of her and vested solely in defendant in fee simple absolute. Said property is described as follows:

Being lots nos. 1101 and 1103 of Block 168, Plan No. 1 West Nashville, as of record in book 57, pages 74 and 75, Register's Office for said county.

Said lots nos. 1101 and 1103 front together 60 feet on the northerly side of Michigan Avenue and run back between parallel lines with the westerly margin of 52nd Avenue, North, formerly 11th Street, 150 feet to an alley.

Being the same property conveyed to John Fox, Sr. and wife, Eddie G. Fox, by deed from Albert Larry Fendley and wife, Patricia Ann Fendley, as of record in Book 5129, page 417, R.O.D.C. Tennessee.

It is further ORDERED, ADJUDGED and DECREED by the Court that all right, title and interest of the defendant in the 1971 Cadillac automobile is divested out of him and vested solely in plaintiff in fee simple absolute.

It is further ORDERED, ADJUDGED and DECREED by the Court that all right, title and interest of the plaintiff in the 1977 Cadillac automobile is divested out of her and vested solely in defendant in fee simple absolute, and defendant shall assume responsibility for the indebtedness owing on said automobile.

It is further ORDERED, ADJUDGED and DECREED by the Court that all right, title and interest of the plaintiff in the Ford LTD automobile is divested out of her and vested solely in the defendant in fee simple absolute.

It is further ORDERED, ADJUDGED and DECREED by the Court that all right, title and interest of the plaintiff in the 1977 Chevrolet Pickup Camper is divested out of her and vested solely in the defendant in fee simple absolute, and the defendant shall assume the remaining indebtedness on said 1977 Chev. Pickup Camper.

It is further ORDERED, ADJUDGED and DECREED by the Court that the defendant is responsible for all 1977 property taxes on the real estate properties located at 646, 648 and 654 Vernon Avenue, 335 and 339 Edith Street, and 5200 Michigan Avenue, all located in Nashville, Tennessee.

It is further ORDERED, ADJUDGED and DECREED by the Court that the defendant is responsible for all back property taxes on the property located at 654 Vernon Avenue, Nashville, Tennessee.

It is further ORDERED, ADJUDGED and DECREED by the Court that the defendant is responsible for paying the Federal Income Tax currently claimed by the Internal Revenue Service as being owed by the parties for the tax year 1974.

It is further ORDERED, ADJUDGED and DECREED by the Court that the plaintiff shall be responsible for the charge accounts with Visa (BankAmericard), Master Charge, and Harveys, in the total amount of $707.60, provided, however, that there is included in that amount the balance owing on the white, second bedroom suite and this balance on the second bedroom suite is to be assumed and paid by the defendant as set forth in the first and second pages of this decree.

It is further ORDERED, ADJUDGED and DECREED by the Court that the plaintiff shall be responsible for the approximately $2,300.00 balance owed by her to the credit union of the telephone company where she is employed.

It is further ORDERED, ADJUDGED and DECREED by the Court that the defendant shall be responsible for the $4,090.00 note to the Commerce Union Bank, which note provided the capital for the purchase of the property located at 5200 Michigan Avenue, Nashville, Tennessee.

It is further ORDERED, ADJUDGED and DECREED by the Court that the defendant shall be responsible for the note to Life & Casualty Life Insurance Company in the amount of $4,067.52 which is secured by a life insurance policy on defendant and another policy on the life of the son of the parties.

It is further ORDERED, ADJUDGED and DECREED by the Court that the $12,000.00 promissory note owed by the parties to the Third National Bank in Nashville shall be split up equally between the parties, with the defendant alone assuming and being responsible

for $6,000.00 of this $12,000.00 promissory note and plaintiff alone assuming and being responsible for the other $6,000.00 of this $12,000.00 promissory note. Included in the $6,000.00 portion of this $12,000.00 note which the defendant is to be responsible for is $5,500.00 which was originally borrowed from the Third National Bank and secured by a Deed of Trust on the property located at 646 Vernon Avenue, Nashville, Tennessee. It is ORDERED, ADJUDGED and DECREED that the parties refinance this $12,000.00 promissory note so as to split it up equally between them as set out above. This will facilitate the separateness of those two obligations.

It is further ORDERED, ADJUDGED and DECREED by the Court that the defendant shall pay all of the court costs of this cause, for which execution may issue if necessary.

Enter on this the 3rd day of ~~February~~ March, 1978.

MAY-9 MISC 8* 12.00 * 12.00

Dan L. Joslin
DAN L. JOSLIN, SPECIAL JUDGE

APPROVED FOR ENTRY:

GARFINKLE, FARISS, TOMLIN & GOBER

BY: Robert M. Garfinkle
Robert M. Garfinkle
Attorney for Plaintiff

RUTHERFORD, CROCKETT & GUENTHER

BY: David C. Rutherford
David C. Rutherford

FELIX Z. WILSON II REGISTER DAVIDSON COUNTY, TENN.
MAY 9 9 53 AM '78
IDENTIF. REFERENCE
E 6 4 2 9 3

Docket No. 88981 Minute Book 107B Page 142A

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* true copy ~~correct transcript~~ *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Eddie G. Fox *Plaintiff, and* John Fox, Jr. *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* 9th *day of* May *in the year one thousand nine hundred and* Seventy-Eighth *and in the* 202nd *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Barbara Eddings, *D. C.*

Form #GR-117