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Par 143

BOOK 5365 PAGE 326

IN THE FIRST CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

8-31-78
145B/1197

WINDEL AVERY BURTON	)	
	)	
	)	
vs.	)	NO. 92790
	)	
	)	
CAROLYN JEANENE ANDERSON BURTON	)	

NOV 17 78 MISC B* 12.00 * 12.00

JUDGMENT FOR ABSOLUTE DIVORCE

This cause came on to be further and finally heard before the Honorable Robert E. Lillard, Circuit Judge, on the 29th day of August, 1978 upon the judgment by default heretofore entered in this cause and proof introduced in open Court by the plaintiff and two witnesses. After hearing the proof and reviewing the entire record, the Court finds that the Complaint heretofore filed in this cause should be sustained in all respects and that the Property Settlement and Child Custody Agreement, which is embodied herein, attached hereto as Exhibit "A" and incorporated herein by reference as if the same had been copied herein verbatim, be approved.

It is therefore ORDERED, ADJUDGED and DECREED that the plaintiff, WINDEL AVERY BURTON,be and is granted an Absolute Divorce from the defendant, CAROLYN JEANENE ANDERSON BURTON on the grounds that the defendant has been guilty of such cruel and inhuman treatment or conduct as renders cohabitation unsafe and improper.

It is further ORDERED, ADJUDGED and DECREED that the Property Settlement and Child Custody Agreement heretofore referred to be approved and is binding upon the parties in all respects.

It is further ORDERED, ADJUDGED and DECREED that the plaintiff be and is hereby restored to all the rights and privileges of an unmarried person.

Plaintiff will pay the costs in this cause.

IN THE CIRCUIT COURTS FOR DAVIDSON COUNTY, TENNESSEE

AT NASHVILLE

BOOK 5365 PAGE 327

WINDEL AVERY BURTON

vs.

CAROLYN JEANNINE ANDERSON BURTON

NO. 92790

PROPERTY SETTLEMENT AND
CHILD CUSTODY AGREEMENT

WHEREAS, this agreement entered into by and between the plaintiff, Windel Avery Burton, and the defendant, Carolyn Jeannine Burton, in that the parties hereto recognize that certain difficulties have arisen in their marriage which necessitated the husband to file an action for an absolute divorce, under the above styled caption, bearing docket No. 92790 and that the parties hereby agree to enter into the following property settlement and child custody agreement subject to the approval of the Court and subject to Windel Avery Burton obtaining an absolute divorce.

W I T N E S S E T H

1. That the parties own certain real estate commonly known as Rt. 6, Earhart Road, Mt. Juliet, Davidson County, Tennessee, as tenants by the entireties. That the defendant, Carolyn Jeannine Anderson Burton, is to be divested of all her right, title and interest therein and the plaintiff, Windel Avery Burton, is to be vested with all right, title and interest therein as sole owner. Plaintiff, Windel Avery Burton, is to assume and be responsible for all indebtedness owing thereon and will hold the defendant, Carolyn Jeannine Anderson Burton, harmless therefrom and expressly agrees to indemnify her for any responsibility which she may incur on said indebtedness.

2. It is hereby agreed between the parties that the plaintiff, Windel Avery Burton, will be responsible for all indebtedness of the laundry heretofore operated by the parties and plaintiff will hold the defendant harmless therefrom and expressly agrees to indemnify her for any responsibility which she may incur on said indebtedness.

3. That the plaintiff, Windel Avery Burton will assume and be responsible for all household indebtedness of the parties through

July 5, 1978 and will hold the defendant harmless therefrom and hereby expressly agrees to indemnify her from any responsibility which she may incur on said indebtedness.

4. That the plaintiff, Windel Avery Burton, shall be vested with all right, title and interest in and to the 1965 Ford automobile and that the defendant, Carolyn Jeannine Anderson Burton, shall be divested of all right, title and interest in and to said automobile.

5. That the defendant, Carolyn Jeannine Anderson Burton, shall be vested with all right, title and interest in and to the 1974 Ford automobile and that the plaintiff, Windel Avery Burton, shall be divested of all right, title and interest in and to said automobile.

6. Plaintiff, Windel Avery Burton, is to be vested with all right, title and interest in and to the household furniture, furnishings, effects and his personal effects and those items owned personally by him and that the defendant, Carolyn Jeannine Anderson Burton, shall be divested of all right, title and interest in and to such items.

7. That the defendant, Carolyn Jeannine Anderson Burton,is to be vested with all right, title and interest in and to her personal belongings and those other items which she personally owns and that the plaintiff, Windel Avery Burton, is to be divested of all right, title and interest in and to such items.

8. That the plaintiff, Windel Avery Burton, shall have the care custody and control of the parties minor child, Windel Alan Burton. The defendant, Carolyn Jeannine Anderson Burton, shall have reasonable and seasonable visitation rights with said minor child.

9. That the parties hereto specifically agree to sign all documents, titles and deeds, which are necessary to the fulfillment of this agreement and they further agree that this agreement embodies all of the terms and conditions between them and there are no other representations outside of the terms and conditions of this agreement.

II.

Plaintiff, Windel Avery Burton, alleges that the defendant, Carolyn Jeannine Anderson Burton, is guilty of such cruel and inhuman treatment or conduct towards him as would render cohabitation unsafe and improper, and that he is entitled to a divorce on these grounds.

III.

Plaintiff alleges that there are such irreconcilable differences between the parties that he is entitled to an absolute divorce from the defendant.

IV.

Plaintiff alleges that the parties have been married for 13 years and that, during that period of time, he has been a good husband and father. Plaintiff further alleges that he is a fit and proper person to have custody of the minor child of the parties, and he will hereinafter pray for custody of the child, but with reasonable rights of visitation granted to the defendant.

V.

Plaintiff alleges that the parties have accumulated certain real and personal properties during the course of their marriage, and he will pray hereinafter that the residence at Rt. 6, Earhart Road, Mt. Juliet, Tennessee, 37122, as well as the household furniture, furnishings, effects and those items personally owned by him be awarded to him. The parties also own one 1974 Ford automobile and one 1965 Ford automobile and Plaintiff will pray hereinafter that the 1965 Ford automobile be awarded to him. Defendant may have the 1974 Ford automobile, her personal belongings and any other items personally owned by her. (See Back for details of personal Belongings)

PREMISES CONSIDERED, PLAINTIFF PRAYS:

1. That proper process issue and be served upon the defendant requiring her to appear and answer this Complaint, but her oath to her answer is hereby waived.

2. That at the hearing of this cause, Plaintiff be awarded custody of the minor child of the parties, with reasonable visitaion rights granted to the defendant.

IN WITNESS WHEREOF, I have hereunto set my hand this the 12 day of July, 1978.

Windel Avery Burton

Sworn to and subscribed before me this the 12th day of July, 1978.

NOTARY PUBLIC AT LARGE

My Commission Expires: 1-21-80

IN WITNESS WHEREOF, I have hereunto set my hand this the 12th day of July, 1978.

Carolyn Jeannine Anderson Burton

Sworn to and subscribed before me this the 12th day of July, 1978

~~NOTARY PUBLIC~~ WITNESS

My Commission Expires:_____

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Enter this 31 day of Aug, 1978.

Juliette Fillaud
CIRCUIT JUDGE

APPROVED FOR ENTRY:

David Young Parker
DAVID YOUNG PARKER
THIRTEENTH FLOOR
FIRST AMERICAN CENTER
NASHVILLE, TENNESSEE 37238
242-5463

Attorney for Plaintiff

Mail

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FELIX Z. WILSON CLERK & REGISTER
DAVIDSON COUNTY, TENN.

IDENTIF. REFERENCE

0.7.8.8.

DOCKET NO. 92790 MINUTE BOOK 145B / PAGE 1197

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* ~~xxxxxxxxxxxxx~~ true copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* WINDEL AVERY BURTON *Plaintiff, and* CAROLYN JEANENE ANDERSON BURTON *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* November *in the year one thousand nine hundred and* seventy-eight *and in the* 203rd *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By J. Knight, *D. C.*

Form #GR-117