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116-11-0

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FAYE MAXINE ANTHONY SMITH] No. 61311

VS.] IN THE PROBATE COURT, DAVIDSON

BLANTON SMITH, JR.] COUNTY, TENNESSEE

- DECREE -

This cause came on to be heard before the Honorable William Underhill, Special Judge, holding the Probate Court of Davidson County, Tennessee, on April 11, 1972, upon the original bill filed by the complainant and the judgment pro confesso heretofore regularly entered against the defendant upon his failure to answer, plead or demur within the time required by law.

From the pleadings in the cause the evidence heard in open court, statement of counsel, and from the entire record in the cause, the Court was of the opinion that the allegations of the original bill were fully sustained by the proof, that is, that the defendant, Blanton Smith, Jr., has been guilty of such cruel and inhuman treatment and conduct towards the complainant, Faye Maxine Anthony Smith, as renders it unsafe and improper for her to further cohabit with him and remain under his dominion and control.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore subsisting between the complainant, Faye Maxine Anthony Smith, and the defendant, Blanton Smith, Jr., be and the same are hereby forever and perpetually dissolved the complainant is hereby decreed an absolute divorce from the defendant, and she is further restored to all the rights and privileges of an unmarried person.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that all right, title and interest in and to a certain piece of real estate formerly occupied by the parties as their home, and which is still occupied by the complainant as her home, at 4409 Honeywood Avenue in Davidson County, Tennessee, more particularly described as follows:

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Land in the 7th, formerly the 11th, Civil District of Davidson County, Tennessee, being Lot No. 6 of Block "C" in the Plan of Honeywood Subdivision of the Malone Estate, not of record, described according to a survey made by W. B. Southgate, Surveyor, July _____, 1931, as follows:

BEGINNING at a point on the southerly margin of Honeywood Avenue 1139 feet east of the easterly margin of Belle Meade Boulevard, said point being the corner of Lots Nos. 5 and 6; thence with the line between said two lots southwardly 265.6 feet to the northern boundary line of the Belle Meade Park property; thence with the northern boundary line of said Belle Meade Park property eastwardly 200 feet to the corners of Lots Nos. 6 and 7; thence with the line between said two lots northwardly 249 feet to the southerly margin of said Avenue; thence with the southerly margin of said Avenue westwardly 200 feet to the beginning.

Being the same property conveyed to Blanton Smith, Jr., and wife, Faye Smith, by deed from Freida J. Breeding, a widow, as of record in Book 4386, Page 740, Register's Office for Davidson County, Tennessee.

now vested in the defendant, Blanton Smith, Jr., be and such interest is hereby divested out of the said Bl nton Smith, Jr., and vested in the said Faye Maxine Anthony Smith in fee simple, subject to the balance of the original indebtedness of $30,200.00 secured by a deed of trust executed by Dillard Breeding and wife, Freida J. Breeding, to Albert Wm. Johnson, Trustee, of record in Book 3752, Page 559, R. O. D. C., Tennessee, which will be paid by the said Faye Maxine Anthony Smith.

The defendant, Blanton Smith, Jr., is ORDERED AND DIRECTED to pay and discharge the remaining and any balance of a second note of mortgage encumbrance of $20,481.08 due as of the date of this decree as the result of a note secured by deed of trust to William L. Underhill, Trustee, which instrument was recorded simultaneously with the deed which transferred this property from Freida J. Breeding, a widow, to Blanton Smith, Jr., and wife Faye Smith, recorded in Book 4386, Page 740.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that all right, title and interest in and to all of the household furniture, appliances, tools and items heretofore used in the maintenance of the home of these parties, and now located in the home, and in the possession of the complainant, now vested in the

defendant, Blanton Smith, Jr., be and the same is divested out of the said Blanton Smith, Jr., and title to same is vested in Faye Maxine Anthony Smith absolutely.

It appearing to the Court that the complainant and mother is the fit and proper person to have the custody and control of the two minor children, namely, Allison Smith, a girl, age 9, and Ellen Smith, a girl, age 7, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that the absolute custody of these minor children be and the same is hereby decreed to the complainant and mother, Faye Maxine Anthony Smith, with the right and privilege of reasonable visitations to the father and defendant, Blanton Smith, Jr.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendant, Blanton Smith, Jr., pay directly to the complainant and mother, Faye Maxine Anthony Smith, the sum of Four Hundred ($400.00) Dollars per month for the support and maintenance of the two minor children.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendant, Blanton Smith, Jr., pay the necessary cost for the education of the minor children, as well as any emergency medical or hospital expenses.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that in lieu of all future claims of any kind by the complainant against the defendant respecting any interest in their marital estate, and as alimony in full, the defendant, Blanton Smith, Jr., pay to the complainant, Faye Maxine Anthony Smith, the sum of Six Hundred ($600.00) Dollars per month.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendant, Blanton Smith, Jr., continue to furnish the complainant-mother and the minor children an automobile under the same conditions by which he is presently furnishing the same.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendant, Blanton Smith, Jr., pay to Jack Norman,

Solicitor for the complainant, the sum of Seven Hundred ($700.00) Dollars for professional services rendered the complainant in this cause, for which execution may issue, if necessary.

The defendant will pay the costs of this cause, for which execution may issue, if necessary.

FOR ENTRY:

Jack Norman, Solicitor for Complainant

Special Judge

26 April 1972

F. I. 24229

IDENTIF. REFERENCE

FEB 1 1 55 PM '79

REGISTER DAVIDSON COUNTY, TENN.

Docket No. 61311 Minute Book 22A/204

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* Faye Maxine Anthony Smith *Plaintiff, and* Blanton Smith *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* 1st *day of* February *in the year one thousand nine hundred and* Seventy Nine *and in the* 203RD *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By G. Hoots, *D. C.*