12-15-78
11DC/1899

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

WANDA SUE ELLINGBURG :

vs. : No. 91552

BILLY DAVIS ELLINGBURG :

FINAL DECREE

This cause came on to be heard this 28th day of November, 1978 before the Honorable Benson Trimble, Judge of the Fourth Circuit Court of Davidson County, Tennessee, upon testimony of the parties, their witnesses, argument of the solicitors and the entire record herein, after all of which the Court did take the matter under advisement and issued a Memorandum Opinion on the 5th day of December, 1978 wherein the Court found as follows:

The Court finds that there is absolutely no hope of a reconciliation by and between these parties and, therefore, feels that the said Wanda Sue Ellingburg should be awarded an absolute divorce on the grounds of statutorily alleged ground of cruel and inhuman treatment.

In addition, thereto, the Court is of the opinion that all right, title and interest there may be in the home owned by the parties should be and become her property and should be divested from the Defendant. Also, the Court is of the opinion that the furniture in the home should be and become the property of the Plaintiff and be divested from the Defendant with the exception of the deep freeze and of course, any personal property that he may have in the home place as of this date and these shall be and become his sole property. Further, the Court is of the opinion that the Plaintiff should be awarded the savings accounts now in the name of the parties jointly, with one exception, and that being the $5,000.00 that was inherited by the Defendant from his brother. The Court is of the opinion that this should be and become his sole property with no resulting claim thereto insofar as the Plaintiff is concerned. Insofar as the stocks and bonds are concerned, the Court is of the opinion that the equities

will be served by these being divided equally by and between the parties. Also, the Court is of the opinion that the 1975 Chevrolet that is now being driven by the Plaintiff shall be and become her sole property and the Defendant shall make whatever necessary arrangements that need to be made insofar as having this placed in her name solely. This will be done within fifteen days from the resulting final judgment that will follow this memorandum.

In addition thereto, and for a period of ten years the Court is of the opinion that the Defendant should pay to the Plaintiff the amount of $200.00 each month as alimony.

Insofar as the life insurance now owned by the Defendant, in which the Plaintiff is named therein, it shall remain in full force and effect and shall become payable to her in the event of the death of the Defendant. He shall continue to make all such payments that may be necessary to see to it that this is carried out.

Also, the restraining order should be issued and served upon the Defendant insofar as molesting or bothering in any manner whatsoever the Plaintiff and this shall be set forth in the resulting final judgment.

The Court further is of the opinion that the solicitor representing the Plaintiff should be awarded a fee in the amount of $2,500.00 and this should be assessed against the Defendant for which execution may issue if necessary. The costs in the cause also will be ordered to be paid by the Defendant.

It is therefore, ORDERED, ADJUDGED and DECREED by the Court that Plaintiff, Wanda Sue Ellingburg, be and she is hereby granted an absolute divorce and restored to all the rights and privileges of an unmarried person. It is further

ORDERED, ADJUDGED and DECREED by the Court that Plaintiff be awarded all right, title and interest to the home owned by the parties and become her sole and separate property. It is further

ORDERED, ADJUDGED and DECREED by the Court that all of the

household furniture, furnishings and fixtures be vested in Plaintiff and become her sole and separate property with the exception of the deep freeze shall be awarded to the Defendant with any personal property he may have in the homeplace. It is further

ORDERED, ADJUDGED and DECREED by the Court that Plaintiff shall be awarded all right, title and interest to the savings accounts now in the name of the parties jointly, with the exception of $5,000.00 that was inherited by the Defendant from his brother. It is further

ORDERED, ADJUDGED and DECREED by the Court that the stocks and bonds owned by the parties shall be divided equally between the Plaintiff and the Defendant. It is further

ORDERED, ADJUDGED and DECREED by the Court that the Chevrolet automobile now being driven by the Plaintiff shall be vested in her and become her sole and separate property and the Defendant will make whatever arrangements are necessary to have said automobile placed in her name solely. This will be done within fifteen days from the filing of this Decree. It is further

ORDERED, ADJUDGED and DECREED by the Court that the Defendant will pay to the Plaintiff the amount of $200.00 a month as alimony for a period of ten years. It is further

ORDERED, ADJUDGED and DECREED by the Court that the life insurance owned by the Defendant wherein Plaintiff is beneficiary shall remain in full force and effect and shall become payable to her in the event of the death of the Defendant and the Defendant shall continue to make all such payments that may be necessary to see that the policy remains in full force and effect. It is further

ORDERED, ADJUDGED and DECREED by the Court that the Defendant is restrained from molesting or bothering the Plaintiff in any manner whatsoever. It is further

ORDERED, ADJUDGED and DECREED by the Court that the Defendant

will pay a fee for Plaintiff's attorney in the amount of $2,500.00 together with the costs of this cause for which execution may issue if necessary. It is further

ORDERED, ADJUDGED and DECREED by the Court that the property heretofore owned by the parties as tenants by the entirety, now vested in Plaintiff to be hers absolutely, is described in words and figures as follows:

Being Lot No. 47 on the Plat of Castlegate, Section 1, of record in Plat Book 4460, page 115, Register's Office for said County.

Said Lot No. 47 fronts 90.39 feet on the easterly margin of Lake Terrace Drive and extends back between lines 165.0 feet on the northerly line and 210.0 feet on the southerly line, to a line on the rear on which it measures 98.92 feet.

Being part of the same property conveyed to Billy D. Ellingburg and wife, Wanda S. Ellingburg by deed from K & W, Inc. of record in Book 5149, page 718 said Register's Office.

ENTER this ____ day of _____, 1978.

S/ Benson Trimble
BENSON TRIMBLE, JUDGE

APPROVED FOR ENTRY: 12-15-78

S/ Jack A. Butler
JACK A. BUTLER
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have mailed an exact copy of the foregoing Final Decree to James R. Omer, Attorney, 421 Charlotte Avenue, Nashville, Tennessee this 12 day of December, 1978.

S/ Jack A. Butler
JACK A. BUTLER

1862 02/08 40.00 CHECK

Mail:
Jack Butler - Cashier Center
26th Floor - First American
Nashville Tn 37238

BOOK 5393 PAGE 440

F. I. 3 2 6 8.

IDENTIF. REFERENCE

FEB 8 9 12 AM '79

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

Docket No. 91552 Minute Book 110C Page 1899

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~~ true copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Wanda Sue Ellingburg *Plaintiff, and* Billy Davis Ellingburg *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* 7th *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 Barbara Eddings *D. C.*

Form #GR-117