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IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

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BETTY SUE BAKER LANDON	)	
	)	
v.	)	No. 82371
	)	
ERWIN JACOB LANDON	)	

ORDER

This cause came on to be heard the 11th day of July, 1978, before the Honorable Benson Trimble, Judge of the Fourth Circuit Court, Davidson County, Tennessee, upon a petition for an absolute divorce from the defendant upon the statutory ground of cruel and inhuman treatment, answer and counter-complaint filed by the defendant and after hearing the testimony of the respective parties and the testimony of witnesses in open court, and upon consideration of the report of the Special Master, filed on April 11, 1978; the defendant, Erwin Jacob Landon, moved the Court for permission to amend his counter-complaint for divorce so as to allege that the plaintiff was guilty of the statutory ground of adultery, which motion the Court was pleased to grant.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, that the counter-complaint filed by the defendant, Erwin Jacob Landon, be and the same is hereby amended so as to charge the plaintiff, Betty Sue Baker Landon, with having committed adultery.

THEREAFTER, the Court heard argument of counsel for the respective parties and the cause was taken under advisement; and by memorandum of the Court filed on the 12th day of July, 1978, which memorandum is in words and figures as follows:

MEMORANDUM

This cause came on to be heard upon the pleadings of the parties, upon the testimony of the principals, upon the testimony of one corroborative witness on behalf of the plaintiff, upon argument of the solicitors and the entire record herein. From all of which the Court is the opinion and finds as follows:

The action of the plaintiff will be dismissed at her costs.

The cross-complainant will be awarded an absolute divorce on the ground as amended charging adultery.

In considering the property rights of the parties, the Court feels that an award to the plaintiff in the amount of $15,000.00 would be a reasonable award and this will become a lien upon all of the properties owned by the cross-complainant until satisfied in toto. All other properties owned by the parties will be and become the sole property of the cross-complainant with the plaintiff having no resulting claim thereto.

In regard to the custody of the three minor children, it shall be awarded to the cross-complainant. In regard to the minor child, Henry, this award will remain in full force and effect for the remainder of the summer vacation period as trips have been planned by his father and the Court can see of no reason why these trips should not be carried out. The Special Master will have a discussion with this minor child one week prior to the beginning of the next school year, at which time the Court will make a final ruling insofar as principal custody of this minor child is concerned. The cross-defendant will have reasonable rights of visitation with the children. Further, and as child support, the cross-defendant will pay into the office of the Circuit Court Clerk on a weekly basis one third of all sums coming into her hands from any source whatsoeever. This, of course, will not include the award insofar as the division of the property is concerned as set forth above.

The division of the personalty as heretofore made by and between the parties will be approved in toto insofar as this Court is concerned.

The costs in the cause will be paid completely by the cross-defendant.

The solicitor representing the cross-complainant will prepare a final judgment accordingly.

Dated this 12th day of July, 1978.

/s/ Benson Trimble
Benson Trimble, Judge
Fourth Circuit Court of
Davidson County, Tennessee

Said memorandum is hereby made the judgment of this Court.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the bonds of matrimony subsisting between the plaintiff and the defendant be and they hereby are absolutely and perpetually dissolved, and the defendant and cross-complainant, Erwin Jacob Landon,

be and he hereby is awarded an absolute divorce from the plaintiff and cross-defendant, Betty Sue Baker Landon, and restored to all the rights and privileges of an unmarried person.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the care, custody and control of the three minor children of the parties is hereby awarded to the defendant with the right of the plaintiff to see and be with them at reasonable times and places. In regard to the minor child, Henry, this award will remain in full force and effect for the remainder of the summer vacation. And the Special Master will have a discussion with this minor child one week prior to the beginning of the next school year after which the Court will make a final ruling insofar as principal custody of this minor child is concerned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff and cross-defendant, Betty Sue Baker Landon, will pay into the office of the Circuit Court Clerk on a weekly basis one-third of all sums coming into her hands from any source whatsoever, as child support for the three minor children.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff and cross-defendant, Betty Sue Baker Landon, be and she hereby is awarded a judgment against the defendant and cross-defendant, Erwin Jacob Landon, in the amount of $15,000.00, which will become a lien upon all properties owned by the cross-complainant until such time as it is satisfied in toto. Said $15,000.00 is to represent plaintiff's interest in all property owned by the parties and in the opinion of the Court is a reasonable division thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff and cross-defendant, Betty Sue Baker Landon, will execute a quitclaim deed to the defendant and cross-complainant, Erwin Jacob Landon, to property which they own in the State of Maine, as the Court is of the opinion that the defendant, Erwin Jacob Landon,

should own this property to his sole and separate use with no claim to title thereto by the plaintiff.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, Erwin Jacob Landon, be and he hereby is awarded all right, title and interest that the plaintiff, Betty Sue Baker Landon, might have in and to property owned by the parties in Davidson County, Tennessee, and the Court does hereby divest any interest that Betty Sue Baker Landon might have in and to said property to the defendant, Erwin Jacob Landon, to his sole and separate use.

SAID REAL property is more particularly described in words and figures as follows:

> Land in the 7th Civil District of Davidson County, Tennessee, being Lot No. 23 on the Plan of Hycrest Acres, Section 3, as of record in Book 2331, page 75, Register's Office for said County.
>
> Said Lot No. 23 fronts 184.6 feet on the westerly side of Alcott Drive and runs back 227.7 feet on the northerly line and 241.9 feet on the southerly line to a dead line, measuring 184 feet thereon.
>
> Being the same property conveyed to Erwin J. Landon and wife, Betty Madden Landon, by deed from James W. Bilyeu and wife, Wadean Howard Bilyeu, of record in Book 3912, page 208, Register's Office for Davidson County, Tennessee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any division of personalty either made by order of this Court or by agreement of the parties be and the same hereby is approved the same as if made by order of this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petition for divorce filed by the plaintiff, Betty Sue Baker Landon, be and the same hereby is dismissed.

THE PLAINTIFF, and cross-defendant, Betty Sue Baker Landon, will pay the costs of this cause for which execution may issue if necessary.

JUDGE

APPROVED FOR ENTRY:

JAMES C. SUMMERS
Attorney for Defendant

8-1-78

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order has been mailed to Jack Norman, Jr., Attorney for the plaintiff, 213 Third Avenue, North, Nashville, Tennessee 37201, this 24th day of July, 1978.

JAMES C. SUMMERS

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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~~ true copy *transcript of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Betty Sue Baker Landon *Plaintiff, and* Erwin Jacob Landon *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* 12th *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 Sue Woods, *D. C.*

Form #GR-117

IDENTIF. REFERENCE

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FELIX Z. WILSON II REGISTER DAVIDSON COUNTY, TENN.

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