111B 1218

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

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PEGGY SUE LaFEVER)
)
VS.) Nos. 91994 and 92124
)
MITCHEL T. LaFEVER)

Map 107-14
Parcel 103

ORDER

These causes came on to be heard on the 20th day of February, 1979, before the Honorable Harold E. Collins, Special Judge of the Fourth Circuit Court of Davidson County, Tennessee, upon the complaints and answers heretofore filed, the testimony of the parties and witnesses who appeared in open court, statements of counsel, and the entire record in this cause, from all of which the Court is of the opinion that in case no. 91994, wherein Peggy Sue LaFever was the plaintiff, she should be granted an absolute divorce from the defendant Mitchel T. LaFever upon the grounds of cruel and inhuman treatment, and that in case no. 92124, wherein Mitchel T. LaFever was the plaintiff, the Court is of the opinion that the complaint should be dismissed. The Court further heard proof with reference to the division of property, child custody and visitation privileges, and the opinion of the Court regarding these matters is set forth hereinafter below, and accordingly

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. It is hereby ordered that in case no. 91994 wherein Peggy Sue LaFever is the complainant and Mitchel T. LaFever is the defendant, the plaintiff be and hereby is awarded an absolute divorce on the grounds of cruel and inhuman treatment, and that she shall be restored to all the rights and privileges of an unmarried person.

2. It is hereby ordered that in case no. 92124 wherein Mitchel T. LaFever was the plaintiff and Peggy Sue LaFever was the defendant, the complaint be dismissed.

3. It is hereby ordered that the plaintiff Peggy Sue LaFever is hereby awarded the exclusive custody of the minor children, Jonathan and Valerie LaFever. The defendant shall be

entitled to visitation privileges every other weekend with the eldest child, Jonathan, commencing on Saturday morning through Sunday afternoon, provided it is the child's desire to stay overnight with the defendant. In addition, the defendant is granted visitation privileges with the youngest child, Valerie, on the same Saturdays on which he has custody of the eldest child. Such visitation with the younger child shall commence on Saturday morning and end Saturday afternoon until the child reaches three years of age, at which time the visitation privileges with the younger child shall be the same as with the elder child. It is further ordered that during such visitation periods the defendant shall be enjoined from taking the children around and being in the presence of Susan Hornbeck.

4. It is hereby ordered that the defendant shall maintain the same or commensurate type coverage for the two minor children with respect to hospitalization and major medical insurance, as is presently in force. Any extraordinary medical expenses not covered under such policy shall be borne equally by the parties. Such extraordinary medical expenses shall include but not be limited to orthodontal work such as braces.

5. It is hereby ordered that the defendant shall be required to pay to the plaintiff each and every month $350.00 in child support payments, and in addition, he will be required to pay 1/4 of any sums earned as a result of overtime or additional work for which he is compensated.

6. It is hereby ordered that all of the defendant's right title and interest in and to a house and lot located at 922 Goodbar Drive, Nashville, Tennessee, shall be divested out of the defendant, Mitchel T. LaFever and vested in the plaintiff Peggy Sue LaFever. Said property is more particularly described as follows:

> Being lot no. 211 on the Map of Miro Meadows, as of record in Book 1424, pages 94 and 95, Register's office for said County.
>
> Said lot no. 211 fronts 70 feet on the east side of Goodbar Drive and runs back between lines 147.4 feet on the north line and 146.9 feet on the southerly line, to a dead line in the rear, on which it measures 70 feet.
>
> Being the same property conveyed to Robert Albert Jackson III and wife Mary Ellen Jackson,by deed from David K. Sparkman and wife, as of record in Book 4330, Page 51, said Register's Office.

The plaintiff shall be solely responsible for paying the remaining indebtedness on said property.

7. It is hereby ordered that all of the defendant's right title and interest in and to furniture, furnishings and personal property located at the parties' home shall be divested out of the defendant Mitchel T. LaFever and vested in the plaintiff Peggy Sue LaFever, and that any unpaid indebtedness on such property shall be paid in full by the defendant Mitchel T. LaFever.

8. It is hereby ordered that the defendant Mitchel T. LaFever shall be solely responsible for paying all outstanding debts of the parties that existed at the time of their separation, and more particularly described in Exhibits 3 and 4 entered into evidence at the trial of this cause.

9. It is hereby ordered that the plaintiff Peggy Sue LaFever shall reimburse the defendant Mitchel T. LaFever for a set of tires in the amount of $ 228.00 which were purchased by her subsequent to the separation of the parties.

10. It is hereby ordered that the defendant shall pay to the plaintiff all sums for child support previously ordered by the Court, however, in the absence of proof at the final hearing, the Court is at this time unable to specify the exact amount of the arrearage due.

11. It is hereby ordered that the plaintiff's attorney Michael J. Philbin be and hereby is awarded an attorney's fee of $1,000.00, for which the defendant shall pay $700.00 and the plaintiff $300.00. This amount shall be inclusive of the amounts heretofore awarded in this cause, and the defendant shall be given credits for the amounts paid to date.

12. It is hereby ordered that the defendant shall be responsible for the payment of the costs in both cases, being nos. 91994 and 92124.

13. It is hereby ordered that execution may issue with reference to the aforementioned amounts, if satisfactory arrangements for payment have not been made within thirty days of the entry of this order.

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Enter this 1st day of April, 1979.

Special Circuit Judge
JUDGE

Approved For Entry:

Michael J. Philbin

Michael J. Philbin
Attorney for Plaintiff
300 James Robertson Parkway
Nashville, Tn. 37201

cc: Sam Wallace, Jr.
Attorney for Defendant
Stahlman Building

F.2.2.1.0.4.

IDENTIF. REFERENCE

APR 4 1 52 PM '79

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

1118/1218

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* Peggy Sue LaFever *Plaintiff, and* Mitchell D. LaFever *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* 3rd *day of* apr. *in the year one thousand nine hundred and* 79 *and in the* 203rd *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By L. Dyer, *D. C.*