85A/267

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

Map 70-7
Par 16 Is

DOROTHY EVELYN JONES CARNEY )
)
VS. ) NO. 69136
)
REUBEN HILARY CARNEY )

BOOK 5438 PAGE 292

FINAL DECREE

This cause came on to be heard on this the 10th day of December, 1973 on the call of the uncontested docket, before the Honorable Benson Trimble, Judge of Part IV of the Circuit Court of Davidson County, Tennessee, upon the original petition filed by the complainant, the answer filed by the defendant, upon the testimony of the complainant and the witnesses of the complainant heard in open Court, upon statement of counsel for both parties and upon the entire record in this cause.

From all of which the Court is of the opinion that the allegations of the complainant are fully sustained by the proof, that is, that the defendant, Reuben Hilary Carney, has been guilty of such cruel and inhuman treatment and conduct towards the complainant as renders further cohabitation unsafe and improper for her to be under the dominion and control of the defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing and subsisting between the complainant, Dorothy Evelyn Jones Carney, and the defendant Reuben Hilary Carney, be and the same are hereby forever and perpetually dissolved; complainant is granted an absolute divorce from the defendant and restored to all the rights and privileges of an unmarried person.

It further appearing to the Court that one child of the parties has not yet attained his majority, namely, Mark Anthony Carney, age 16, and that the complainant is the fit and proper

person to have absolute custody and control of said child with reasonable rights of visitation vested in the defendant so long as he is in a sober condition when exercising said rights.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the care, custody and control of the minor child of the parties, namely, Mark Anthony Carney, be and the same is hereby committed to the complainant with reasonable right of visitation vested in the defendant so long as he is in a sober condition when exercising said rights.

It further appearing to the Court that the parties are the owners as tenants by the entirety of a certain improved tract of land in Davidson County, Tennessee described as follows:

> Land in the 13th, formerly the 23rd, Civil District of Davidson County, Tennessee, being parts of lots Nos. 17 and 18 on the map showing subdivision of J. S. Spurlock's Lands, made April 21, 1925, by Erle Drake, County Surveyor for said County, described as follows:
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> Beginning on the southerly margin of Young's Lane, at the northwest corner of the property conveyed to Douglas Edward Miles and wife, by deed from John Fernie Sesler and wife, of record in book 1715, page 553, Register's Office for said County; thence with Miles' west line, southwardly 311.4 feet, more or less, to a point; thence westwardly 140 feet to a point; thence northwardly 311.4 feet, more or less, to the southerly margin of Young's Lane; thence with the southerly margin of said Lane, eastwardly 140 feet to the beginning.
> Included in the above description but excluded therefrom a small strip of land from Station 74 + 32 to Station 75 + 72, average width 6 feet extending 25 feet, on the right of the center line, deeded to the County in book 1634, page 593, said Register's Office.
>
> Being the same real property conveyed to Reuben H. Carney and wife, Dorothy E. Carney, by deed from Leon C. Carney and wife, dated January 15, 1960, filed January 29, 1960, and recorded in book 3027, page 86, said Register's Office.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that all right, title and interest including the immediate sole possession and control of the above described real property, be and the same is hereby vested solely in the complainant for the remainder of her natural life with the sole and absolute power to sell, transfer, and convey same prior to her death. In the event, however, that

complainant deems it necessary or advisable that said property shall be sold, then the complainant and the defendant shall receive an equal one-half of the net proceeds derived from said sale. If the complainant dies prior to any sale of said property, then the entire net proceeds derived from the sale of said property shall be divided equally between the two children of the parties, namely, Mrs. Judy Carney Brewer and Mark Anthony Carney. Defendant is to surrender and vacate the premises to the complainant by no later than December 17, 1973.

It further appearing to the Court that the parties are the owners of certain household goods, fixtures, furniture and appliances located in the above premises at 1014 W. Trinity Lane, Nashville, Tennessee and that complainant is the proper person to have sole ownership and control of these items,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that any right, title and interest that the defendant has or may have in and to said household goods, furniture, fixtures and appliances be and the same is hereby divested out of the defendant and vested solely in the complainant.

It further appearing to the Court that the parties are the joint owners of a 1966 Chevrolet automobile and that complainant is in the process of purchasing a car in her name, that all right, title and interest that the complainant has in and to the said 1966 Chevrolet automobile be and the same is hereby divested out of the complainant and vested solely in the defendant. The defendant shall have no claim whatsoever against the 1972 Buick automobile currently being purchased by the complainant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that all right, title and interest that the complainant has in and to the 1966 Chevrolet automobile be and the same is hereby divested out of the complainant and vested solely in the defendant. The defendant shall have no claim whatsoever against the 1972 Buick

currently being purchased by the complainant.

It further appearing to the Court that the defendant is currently paying certain insurance premiums for hospitalization insurance wherein the minor child of the parties is covered and named as a beneficiary, and it further appearing that the defendant is agreeable to continuing the payment of said hospitalization premiums covering said child,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the defendant shall continue to pay the hospitalization insurance premiums necessary to cover Mark Anthony Carney and that the said Mark Anthony Carney shall remain as an insured and as a beneficiary on all hospitalization and medical insurance policies currently held by the defendant.

It appearing to the Court that the defendant has been paying to the complainant the sum of Thirty ($30.00) Dollars per week as support for complainant and the minor child of the parties,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the defendant continue to pay directly to the complainant, the sum of Thirty ($30.00) Dollars per week for the support and maintenance of the minor child of the parties, namely, Mark Anthony Carney.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendant, Reuben Hilary Carney, pay the sum of Three Hundred Fifty ($350.00) Dollars to Alfred E. Webby, attorney for the complainant for his services rendered the complainant in this cause for which execution may issue if necessary.

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

APPROVED FOR ENTRY:

Alfred E. Webby
Attorney for Complainant

JUDGE

12-12-73

Attorney for Defendant

cc: Mrs. Bobbie Jones, Attorney for Defendant

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BOOK 5438 PAGE 296

IDENTIF. REFERENCE

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FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

85A/267

# 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* Dorothy Evelyn Jones Carney *Plaintiff, and* Reuben Hilary Carney *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* 21st *day of* May *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.*

Form #GR-117