'Goodwin Road, Antioch.' The Sheriff's return recites that on March 29, 1973 the divorce papers were 'delivered to Mr. Harold Brown at Her residence Goodwin Road, Antioch, Tenn.'

6. Plaintiff was in Chicago during the entire month of March 1973 and had no notice of the divorce action.

7. On July 30, 1973 the wife filed a motion to attach the husband's interest in certain real property in Davidson County asserting his 'whereabouts being unknown and unascertainable after due and diligent search.' The wife's statement was false as she knew her husband's address in Chicago.

8. Plaintiff had no notice of the motion for attachment or the attachment itself.

9. On September 7, 1973, Special Judge Thomas O. H. Smith, Jr., entered a decree awarding defendant a divorce and divesting title to the real property out of the husband and into the wife.

10. On September 17, 1973 defendant executed a document called 'An Assignment' purporting to vest in Joe P. Binkley and Arnold Peebles, Jr., a security interest, for attorneys fees, in the real property in question.

11. Plaintiff first learned of the divorce suit on June 31, 1977 and filed this action July 14, 1977. Plaintiff first learned of the purported lien on the property for attorneys' fees after this action was filed, and he then filed an amended complaint.

ZD-14630

DECREE ENTERED APRIL 26, 1979-M.B. 109, PAGE 198.

HAROLD MASON BROWN, SR.	)	IN THE CHANCERY COURT,
VS. NO. 77-1095-II	)	PART II, BOOK 5440 PAGE 901
GOLDIE B. BROWN	)	AT NASHVILLE.

5273 ✓ 05/25 10 CC CASH

FINAL DECREE

This cause came on to be heard before the Honorable C. Allen High, Chancellor, on April 19, 1979, and a prior day, upon the original and amended and supplemental Complaints, the Answers of Defendants, oral testimony, Exhibits, deposition and the entire record in the cause, upon consideration of which the Court filed Findings of Fact and Conclusions of Law on April 20, 1979, as follows:

"FINDINGS OF FACT

1. In January 1973 plaintiff moved his residence from Nashville to Chicago, Illinois, and began employment with Lake Shore Management Company.

2. Plaintiff worked full time six days a week in Chicago as assistant engineer in maintenance and operation of apartment buildings.

3. Plaintiff sent regular money orders for support of his minor daughter who remained with defendant in Nashville.

4. On March 26, 1973 defendant wife filed divorce action No. 69238 in the Fourth Circuit Court of Davidson County and alleged the whereabouts of her husband were unknown. The wife's statement was false as she well knew her husband's address in Chicago.

5. The summons issued in the divorce action showed the husband's address as

F 3.1.27.8

IDENTIF. REFERENCE

MAY 25 2 37 PM '79

FELIX Z. WILSON REGISTER
DAVIDSON COUNTY, TENN.

CONCLUSIONS OF LAW

1. The Circuit Court was without jurisdiction in the divorce suit because plaintiff was not served with process and had no notice of the filing or any of the steps taken in the divorce action.

2. The Circuit Court had no jurisdiction over the plaintiff's interest in the real property because he had no notice of the suit or the attachment.

3. The divorce proceeding and the divesting of plaintiff's property interest violated the requirements of due process, notice, and opportunity to defend.

4. The decree entered in the Fourth Circuit Court of Davidson County in Minute Book 83A, page 204, in the case of Goldie Bee Brown vs. Harold Mason Brown,Sr., No. 69238, is void and will be set aside and declared of no effect.

5. The purported assignment is of no effect as to plaintiff's interest in the real property."

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED by the Court that the said Decree entered in the Fourth Circuit Court of Davidson County in Minute Book 83A, page 204, in the case of Goldie Bee Brown vs. Harold Mason Brown,Sr., No. 69238, is void and the same is set aside and declared of no effect.

IT IS, FURTHER, ORDERED, ADJUDGED and DECREED by the Court that the instrument bearing the title an "ASSIGNMENT" executed by Mrs. Goldie B. Brown dated September 17, 1973 and recorded in Book 4746, page 984, Register's Office for Davidson County, Tennessee, to Joe P. Binkley and Arnold Peebles, Jr. is of no force and ef-

fect, as to plaintiff's interest in the real property described in the Complaint and said Assignment is removed as a cloud on Plaintiff's right, title and interest to said tract of land, and all Defendants are perpetually enjoined from setting up any claim under said purported Assignment to Plaintiff's interest in said tract of land.

The said real property is more fully described as follows:

> A tract of land in the 2d, formerly 5th Civil District of Davidson County, Tennessee, described as follows:
>
> BEGINNING at the northeast corner of the property conveyed to Cora Lee Bowling Morgan by deed from Joseph R. West, Clerk and Master, of record in Book 981, page 496, Register's Office for said County, in W. W. Goodwin's northwesterly line; thence with Goodwin's northwesterly line North 47° East 189 feet to the southwesterly right-of-way line of the N.C. & St. L. Railroad; thence with said right-of-way line North 39° West 120 feet to J.T. Barrett's southeast corner; thence with Barrett's southeasterly line south 49 1/2° West 189 feet to Morgan's northwest corner; thence with Morgan's northeasterly line south 46° East 120 feet to the beginning, containing one-half acre, more or less.
>
> Being the same property conveyed to Harold Mason Brown, Sr. and wife, Goldie B. Brown by deed from Guy Wallace and wife, Dorris D. Wallace of record in Book 4483, page 178, Register's Office for said County.

Costs are adjudicated against the Defendant, Goldie B. Brown, for which let execution issue, if necessary.

Enter this 25 day of April, 1979.

C. Allen Hill
Chancellor

Approved for Entry:

J. Vaulx Crockett
J. Vaulx Crockett,
Attorney for Plaintiff

I certify that a copy of the foregoing Final Decree has been mailed to the following attorneys: Karl Bishop, Esq., Paul Holbrook, Esq., and O. B. Hofstetter, Jr., Esq., this 24th day of April, 1979.

J. Vaulx Crockett
J. Vaulx Crockett

CERTIFICATE OF THE CLERK AND MASTER

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

I, RAYMOND L. BARRETT, Clerk and Master of the Chancery Court of Davidson County, Tennessee, do hereby certify that the foregoing is a full, true and correct copy of the Decree entered the 26th day of April, 19 79, in Minute Book 109, Page 198, in the cause wherein Harold Mason Brown, Sr., Complainant and Goldee B. Brown, Defendant File No. 77-1095-II, as the same appears of record and now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of said Court at my office in the Courthouse at Nashville, Tennessee, this the 25th day of May, 19 79, and 203rd year of American Independance.

RAYMOND L. BARRETT,
CLERK AND MASTER

BY _____
DEPUTY CLERK AND MASTER