53 B/478

IN THE FOURTH CIRCUIT COURT

OF DAVIDSON COUNTY,

TENNESSEE

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ANNIE LORENE ELKINS)
)
VS.) No. 49235
)
JOHN THOMAS ELKINS)

JUL 19 12 12 PM '78
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

IDENTIF. REFERENCE

F. 409 59

DECREE FOR ABSOLUTE

DIVORCE

This cause came on to be heard on this the 13th day of March, 1967, before the Honorable Benson Trimble, Judge of the Fourth Circuit Court, upon the original petition and amended petition, the answer of the defendant to each of the said petitions, the oral testimony of witnesses heard and examined in open court, the exhibits introduced and the entire record in the case, and it satisfactorily appeared to the Court from the evidence that the facts charged in her(complainant's) bills are true, to-wit:

That the defendant, John Thomas Elkins, has been and was guilty of such cruel and inhuman treatment or conduct toward the complainant as renders cohabitation unsafe and improper for the complainant to be under the domicile and control of the defendant.

That he has abandoned her or turned her out of doors, and refused and neglected to provide for her as alleged in her bill, and therefore, she is entitled to be granted an absolute and final divorce from the defendant.

It further appearing to the Court that by a prior decree entered in this cause, pending the final litigation, the defendant was ordered to pay one-half (½) of his net income into the hands of the Clerk of this Court, and by the testimony of his employer, and the exhibits filed, he has failed to pay one-half (½) of the

same during the month of December, 1966, his net income then being $930.27, and therefore, he should have paid $465.13. The proof showed that during the month of December, 1966, he actually paid $150, leaving a balance to her for this month after crediting said $150, $315.13. The Court further finds that during the month of January, 1967, he made no payments to his wife under said former decree, but that his net earnings were $704.49, and therefore, complainant is entitled to a judgment against the defendant for one-half (½) the said amount or $352.24. It further appearing to the Court that during the month of February, 1967, the net earnings of the defendant was $864.76, and she should have received under the prior order of the Court, the sum of $432.38, she having received, however, only the sum of $150, and she would therefore, be entitled to a judgment of $238.38. The Court therefore finds that from the date of the entry of the pendente lite decree in this cause to date, not including the month of March, 1967, the defendant owes the complainant under said former decree an arrearage sum aggregating $905.75, and that a judgment in said total amount should now be entered against the defendant as a part of this decree. It further appearing to the Court that the parties heretofore owned as tenants by the entirety, the following real estate:

> Lot No. 262, Sec. Two on the Plan of Joywood Heights, a plan of which is of record in Book 1130, pages 92-93, as shown:
>
> Said Lot No. 262 on said plan fronts 60 ft. on the north side of Dellway Drive and measures 156.7 on the East line and 149.9 on the West line and measures 60.3 on the rear line.
>
> Being the same property conveyed to John Thomas Elkins and wife, Annie Lorene Elkins by deed of record in Book 2334, page 274.

and that all right, title, and interest to and in the same should be divested from the defendant, John Thomas Elkins, and the total fee and interest vested in complainant, Annie Lorene Elkins, as her sole and absolute property together with the automobile now in her possession, and all the household and kitchen furniture in their home, located above as her absolute property, any and all right, title, and interest that the defendant heretofore had in and to the same is hereby divested from him. It further appearing to the Court that the three children of the parties, namely, Michael Wayne Elkins, age 17 years, Aaron Reece Elkins, age 14 years, and Bonnie Darlene Elkins, age 5 years, are in the custody of the complainant in her home located as aforesaid, and the children should remain in the complainant's custody with the right given the defendant to see and visit the children at all reasonable times and places.

II

It is, therefore, ORDERED, ADJUDGED, AND DECREED, by the Court that the bonds of matrimony heretofore existing and subsisting between the petitioner and defendant, be and the same are hereby absolutely and forever dissolved, and that the petitioner, Annie Lorene Elkins, be and she is hereby vested with all the rights of an unmarried woman, and is therefore hereby granted an absolute and final divorce from the defendant, John Thomas Elkins.

III

It is further ORDERED, ADJUDGED, AND DECREED that the exclusive custody of the minor children of the petitioner and defendant hereinbefore named, be and they are hereby committed to the petitioner with the right hereby given the defendant to see and visit the children at all reasonable times and places.

It is furthermore ORDERED, ADJUDGED, AND DECREED that the Defendant pay into the hands of the Clerk of the Court one-half (½) of his net income monthly, but said amount not to exceed $300 per month. It is further ORDERED, ADJUDGED, AND DECREED by the Court that in addition thereto that a judgment is hereby entered against the defendant for the sum of $905.75, the same being an arrearage due and owing the petitioner under a former decree rendered in this cause. When said amounts are received by the Clerk of the Court, he shall pay the same over to Mrs. Annie L. Elkins, at her present address, 109 Dellway Drive, Nashville, Tennessee.

IV

It is further ORDERED, ADJUDGED, AND DECREED, by the Court that all the right, title, and interest, to and in the automobile, household and kitchen furniture, and to and in the real estate hereinbefore described in this decree be and the same is hereby vested as the sole and absolute property of the complainant and any and all right, title, and interest to and in said automobile, household and kitchen furniture and the real estate hereinbefore described is hereby divested from the defendant.

V

It is further ORDERED, ADJUDGED, AND DECREED by the Court that the defendant pay to Earl Thompson and E. C. Yokley, attorneys for the petitioner, the sum of $150, and in addition thereto, the sum of $75, making in all a total fee of $225 owed to petitionr's solicitors, which said sum shall be construed as further alimony.

This cause will be and is hereby retained in Court for the enforcement of this decree, with leave to either party to apply

whenever it shall be necessary. Execution will issue for the enforcement of this decree if need be or required, including all costs of the same, which is adjudged against the defendant.

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Approved for entry:

Solicitors for Petitioner

Solicitor for Defendant

ENTER:

JUDGE

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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 transcript of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Annie Lorene Elkins *Plaintiff, and* John Thomas Elkins *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* 19th *day of* July *in the year one thousand nine hundred and* Seventy-nine *and in the* 204th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By C. [illegible] *D. C.*