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RICHARD EDWARD KUCHINSKI	)	IN THE FOURTH CIRCUIT COURT OF
	)	
	)	DAVIDSON COUNTY, TENNESSEE
	)	
VS.	)	NO. 66043
	)	
	)	
	)	BOOK 5476 PAGE 448
DOROTHY ENSEY KUCHINSKI	)	

FINAL DECREE

This cause came on to be heard the 12th day of December, 1972 before the Honorable Benson Trimble, Judge of the Fourth Circuit Court of Davidson County, Tennessee at Nashville, upon the original bill of the complainant, answer and cross bill and amended cross bill filed by the defendant, the testimony of parties in open Court, statement of counsel for the complainant that they did not wish to proceed on their original bill nor to contest the cross bill as amended of the defendant, from all of which the Court is of the opinion that the plaintiff, Richard Edward Kuchinski, is guilty of such cruel and inhuman treatment or conduct toward the defendant as renders further cohabitation unsafe and improper for her to be under his dominion and control.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that the bonds of matrimony subsisting between the complainant and the defendant be and they hereby are absolutely and perpetually dissolved and the defendant, Dorothy Ensey Kuchinski, be and she hereby 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 the complainant and defendant have previously executed a property settlement agreement which document has been filed and made a part of the record in this cause and approved by the Court, and which is in words and figures as follows:

A G R E E M E N T

THIS AGREEMENT made and entered into on this 6th day of December, 1972, by and between DOROTHY ENSEL KUCHINSKI, hereinafter referred to as the "wife" and RICHARD EDWARD KUCHINSKI, hereinafter referred to as the "husband"; both citizens and residents of Davidson County, Tennessee.

W I T N E S S E T H :

WHEREAS, unhappy differences have arisen between the parties resulting in their separation; and

WHEREAS, there is now pending under Rule No. 66043 in the Fourth Circuit Court of Davidson County, Tennessee, a divorce action instituted by the husband; and,

WHEREAS, it is the mutual desire of the parties to this agreement to make a permanent, complete and final adjustment of all of their property rights and interests of any kind and nature whatsoever.

NOW, THEREFORE, in consideration of the premises and other mutual covenants contained herein, the parties do mutually agree as follows:

1. The husband agrees that the wife is entitled to full ownership of the homeplace owned jointly by the parties located at 222 Whorley Drive in Davidson County, Tennessee and if the wife is granted a final decree of divorce, the Court shall divest him of any interest in said property and vest the same in the wife or, if necessary, the husband shall execute the appropriate deed of conveyance to vest title to said property in the wife. The wife shall assume obligation for all mortgages and encumbrances against the property. A more complete and accurate description of said property will be provided at the trial of the pending cause.

2. The husband agrees that the wife shall be vested with all right, title and interest in and to the household furnishings and appliances belonging to the parties, excepting the husband's personal effects.

3. Subject to the approval of the Court in the pending cause, the parties agree that the wife is entitled to the custody and control of the three minor children of the parties, Karen Kimberly Kuchinski, Cynthia Marie Kuchinski, and Julie Ann Kuchinski with reasonable visitation privileges for the husband.

4. As support and maintenance for the minor children of the parties, the husband agrees to pay the sum of $75.00 each and every week for the support and maintenance of said minor children and such support payments shall be made immediately following the date of this agreement and become a part of the Court's decree at the time of the hearing of the pending divorce action and subject to

the Court's approval.

5. The wife does further agree that she will keep up hospitalization insurance on the minor children of the parties and the husband shall pay for any hospital or extraordinary medical bills or expenses over and above the amount covered by the hospitalization insurance policy.

6. The husband agrees to pay to the wife's solicitor of record in the pending divorce action an attorney's fee in the amount of $250.00 for services rendered to the wife in said cause.

7. It is understood and agreed that this is a full, final and complete settlement of the property rights and interests of the parties, made and entered into of their own free will, and other than as set forth in this agreement, the respective parties do waive any right or interest that they may have in any property belonging to the other party and the wife does hereby waive and dower, homestead or alimony rights other than as set forth herein. It is understood that this agreement is subject to the approval of the Court in the pending divorce action and in the event a divorce should be awarded to either party, this agreement shall be made a part of said final decree.

IN WITNESS WHEREOF, the parties have set their hands the day and date first above written.

Dorothy Ensey Kuchinski
Dorothy Ensey Kuchinski, Wife

Richard Edward Kuchinski
Richard Edward Kuchinski, Husband

J C Summers
Attorney for Wife

William Trolan
Attorney for Husband

It further appearing to the Court that the defendant, Dorothy Ensey Kuchinski, is a fit and proper person to have the care, custody and control of the minor children of the parties, namely, Karen Kimberly, Cynthia Marie and Julie Ann, it is therefore ordered, adjudged and decreed that the care, custody and control of said minor children is hereby awarded to the defendant with the right of the plaintiff to see and be with them at reasonable times and places.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that all right, title and interest that the plaintiff, Richard Edward Kuchinski, has in and to the property owned by the parties at 222 Whorley Drive, Nashville, Tennessee, be and the same hereby is divested out of him and vested in the defendant to her sole and separate use. Said property is more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 243 on the Plan of Edge-O-Lake Estates, Section 3, as of record in Book 3600, Page 82, Register's Office for Davidson County, Tennessee.
>
> Said Lot No. 243 fronts 80.54 feet on the southerly side of Whorley Drive and extends back 138.78 feet on the easterly side and 89.60 feet on the westerly side to a line on the rear measuring 101.03 feet thereon.
>
> Being the same property conveyed to Richard E. Kuchinski and wife, Dorothy E. Kuchinski, of record in Book 4504, Page 258, Register's Office for Davidson County, Tennessee.

It further appearing to the Court that the plaintiff, Richard Edward Kuchinski under prior orders of this Court owes two note payments on the second mortgage for the month of October and November in the amount of $104.00, that he owes

the December house payment on the house in the amount of $144.00, that he was in arrears on the date of the hearing on his support payments for two weeks for a total of $75.00 and further is in arrears $7.50 on a prior payment, making a total arrearage of $330.50 as of the 12th day of December, 1972. The defendant, Dorothy Ensey Kuchinski, is given a judgment against the defendant for the amount of $330.50 for which execution may issue if necessary.

The plaintiff, Richard Edward Kuchinski, will pay the costs in this cause for which execution may issue if necessary.

BENSON TRIMBLE, JUDGE

APPROVED FOR ENTRY:

SOLICITOR FOR COMPLAINANT

J. C. Summerlin

SOLICITOR FOR DEFENDANT

THIS 21st day Dec., 1972

HOWSER, THOMAS, SUMMERLIN & DANIELY

BY J. C. Summerlin

F. 44022

IDENTIF. REFERENCE

AUG 3 12 08 PM '79

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

File Bill

BOOK 5476 PAGE 453

Docket No. 66043 Minute Book 79-A Page No. 128

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* True Copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Richard Edward Kuchinski *Plaintiff, and* Dorothy Ensey Kuchinski *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* August *in the year one thousand nine hundred and* Seventy-Nine *and in the* 204th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Virginia Hutchison, *D. C.*

Form #GR-117