7-2-75
96A/35

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

Map 160-7
Par 31 Js

JOANNE PETERSON THAIN)
)
)
VS.) NO. 74496
)
)
JAMES F. THAIN, III)

BOOK 5504 PAGE 506

FINAL DECREE

This cause came on to be heard on this the 25th day of March, 1975, before the Honorable Joe M. Haynes, sitting as Special Judge for Judge Benson Trimble, upon the original Petition for Absolute Divorce filed by plaintiff, statement of the defendant in open court that he did not desire to make any defense or present any proof in the case, testimony of witnesses heard and examined; statement of counsel representing plaintiff, and upon the entire record, including motion made in open court to amend the original petition charging that the defendant has failed or neglected to provide for the plaintiff. The Court being of the opinion that said motion was well taken, ordered the petition so amended;

From all of which it appeared to the Court that the plaintiff is entitled to a final and absolute divorce from the defendant on the grounds of cruel and inhuman treatment and failure to provide.

It further appeared to the Court that the parties have entered into an Agreement for Support and Child Custody, to-wit:

"WHEREAS, there is now pending in the Fourth Circuit Court for Davidson County, Tennessee, a Complaint for absolute divorce wherein Joanne Peterson Thain, hereinafter referred to as "WIFE", is the plaintiff and James F. Thain, III, hereinafter referred to as "HUSBAND", is the defendant; and

WHEREAS, the said defendant has answered the Complaint filed against him in this cause but is now willing to allow the matter to be tried on its merits on an uncontested basis; and

WHEREAS, the parties have agreed with respect to a disposition of their property, for the payment of support by husband to wife for the use and benefit of the minor child of the parties, and concomitant with this agreement for support have agreed that wife shall have absolute custody of the said minor child of the parties, subject to visitation rights being reserved to husband as to be hereinafter reiterated; and

WHEREAS, the parties desire to reduce their said agreement to writing and to ask this Honorable Court to consider the same and allow it to be incorporated in any Final Decree granted pursuant to the hearing of this cause on its merits:

NOW, THEREFORE, the parties hereby undertake, agree and covenant as follows:

1. Wife shall have the contents of the home of the parties with the exception of those peculiarly personal items of husband which he has not yet removed from the said home, the exact identify and description of the said personal items being known to the parties, such that a complete recital of them here would be superflous;

2, Wife shall have the home of the parties and husband agrees to execute his quitclaim deed for all of his right, title and interest in the same to wife;

3. Husband shall pay to the wife the sum of $25.00 per week as child support;

4. Wife shall have the absolute custody of the minor child of the parties, Justin James Thain, now two years old, provided, however, that husband shall have visitation rights with the said minor child from 8:00 A.M. until 5:00 P.M. each Saturday and from 1:00 P.M. until 5:00 P.M. each Sunday, provided, further, that should wife, be away from the City of Nashville, then, in that event, said visitation privileges shall be suspended or hold in abeyance until such time as wife returns; and

5. Provided, finally, that husband shall have the minor child of the parties named as an insured on his policy of hospitalization or major medical insurance which is available to him through his employment or through his private or direct purchase of the same from an insurance company.

6. The parties jointly recognize and stipulate that the foregoing contains and reflects all of their agreements with respect to the subject matter herein, and each covenants with the other that neither will incur any charges upon the credit of the other from this time forward.

(Signed) Joanne Peterson Thain

(Signed) James F. Thain, III

(Signed) Tom B. Harris, Jr.
Attorney for Plaintiff"

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that the plaintiff, Joanne Peterson Thain, be and she is hereby granted an absolute and final divorce from the defendant, James F. Thain, III, and restored to all the rights and privileges of an unmarried person. That the plaintiff, Joanne Peterson Thain, is hereby awarded the absolute custody and control of the minor child of the parties; namely, Justin James Thain, with visitation rights as set forth in the agreement between the parties as hereinbefore set forth.

It is further ORDERED, ADJUDGED and DECREED by the Court that the property settlement and custody agreement entered into by the parties be incorporated in this decree and made the judgment of the Court. That title to the real property be, and is hereby divested out of the defendant and vested in plaintiff, Joanne Peterson Thain, as her sole and absolute property. Said real property is particularly described as follows:

A tract of land in the Sixth Civil District of Davidson County, Tennessee, and a part of Lot No. 1 on the Plan of the land of W. H. Broadwell, deceased, as of record in Book 475, Page 462, Register's Office for said County, described according to a survey made by H. B. Fowlkes, Surveyor, August 13, 1944, as follows:

Beginning at a point in the easterly margin of Overton, formerly Bell Road, said beginning point being the southwest corner of the property conveyed to P. C. Vietti and wife, Marie Vietti, by deed from William Ernest Broadwell and wife, of record in Book 1309, Page 26, said Register's Office, running thence with the easterly margin of said Road, north 2 deg. 0' east 165 feet; thence south 87 deg. 0' east 300 feet; thence south 3 deg. 30' west 165 feet to the southerly line of property conveyed to said Vietti; thence with said line, north 87 deg. 57' west 300 feet to the beginning.

Being the same property conveyed to James F. Thain and wife, Joanne V. Thain, by deed from S. Ralph Gordon, Substitute Trustee, of record in Book 4746, Page 541, Register's Office for Davidson County, Tennessee.

The costs of this cause are hereby adjudged against the defendant, for which execution may issue, if necessary.

Enter This 8 Day of APR 1975

Joe M. Haynes, Special Judge

CASTLEMAN & HARRIS, ATTORNEYS

By: William A. Castleman
Attorney for Plaintiff

SEP 25 11 22 AM '79
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

IDENTIFICATION REFERENCE

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I hereby certify that a copy of the foregoing Final Decree has been mailed to the defendant, James F. Thain, III, Executive House Apartments, Murfreesboro Road, Nashville, Tennessee, via certified mail, this the 26th day of March, 1975.

William A. Castleman

DOCKET NO. 74496 Minute Book 96A / 35

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* JOANNE PETERSON THAIN *Plaintiff, and* JAMES F. THAIN, III *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* 25th *day of* SEPTEMBER *in the year one thousand nine hundred and* seventy-nine *and in the* 204th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Jo Knight, *D. C.*