S-2247
113B/1031

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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

RAYMOND ROGER SMITH	)	
	)	
VS.	)	NO. 93550
	)	
PATRICIA MAY SMITH	)	

FINAL DECREE

This cause came on to be heard originally on May 15, 1979, before the Honorable Benson Trimble, Judge of the Fourth Circuit Court, statement of the solicitors in Chambers on the 12th day of June, 1979. The Court is of the opinion from all of the pleadings, arguments and statement of counsel, testimony of the parties and corroborative witnesses and the entire record herein as follows:

That the original plaintiff, Raymond Roger Smith, did not make out a cause of action for divorce and, therefore, his cause of action should be dismissed.

Further, the Court is of the opinion that the cross-complainant did prove her cause of action and the original plaintiff has been guilty of cruel and inhuman treatment as renders further cohabitation unsafe and improper.

In regard to the amount of alimony, the Court is of the opinion that this should be set forth in an amount of $40,000 with $10,000 to be paid immediately upon the filing of the final judgment and the remainder to be paid at a rate of $6,000 each year until paid in full.

Further, it is the agreement of the parties that all personal property including furniture and appliances will remain as presently divided.

It is further their agreement that all real estate owned by the parties will become the property of the husband, Raymond Roger Smith, and that the cross-plaintiff, Patricia May Smith,

will execute any and all necessary deeds to effectuate transfer of the real estate. It is further agreed between the parties that the cross-plaintiff will retain a third mortgage on the herein described real estate subordinate to the first mortgage with Collateral Investment Company and a second mortgage with Home Federal Company, and that this mortgage will stay in effect until the alimony set out in this order has been paid in its entirety.

> Land in Davidson County, Tennessee, being Lot No. 363, Section 9, on the Plan of Edge-o-Lake Estates, as of record in Book 3700, Page 131, Register's Office for Davidson County, Tennessee.
>
> Said Lot No. 363 fronts 80.00 feet on the southwesterly margin of Ravine Drive and extends back 147.50 feet on the northwesterly line and 158.02 feet on the southeasterly line, said line being a broken line, to a dead line in the rear, measuring 50 feet thereon.
>
> Being the same property conveyed to Raymond Roger Smith and wife, Patricia May Smith, by warranty deed from Houston T. Ezell and Charles D. Whorley, of record in Book 4247, Page 398, Register's Office for Davidson County, Tennessee.

The Court is of the opinion that the solicitor representing the cross-plaintiff should be awarded a fee in the amount of $2,000 and this should be assessed against the cross-defendant for which execution may issue, if necessary. The costs also will be assessed against the cross-defendant, for all which execution may issue, if necessary.

IT IS, ACCORDINGLY, THEREFORE, ORDERED, ADJUDGED AND DECREED by this Court.

This 22 day of August, 1979.

BENSON TRIMBLE, Judge

Approved for Entry:

HAYNES AND SMITH

BY: James L. Smith, Attorney for Original Defendant

WILLIAM E. PORTER, Attorney for Original Plaintiff

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Fld Home Federal

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IDENTIF. REFERENCE

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FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

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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* true copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* RAYMOND ROGER SMITH *Plaintiff, and* PATRICIA MAY SMITH *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* 29th *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 Sue Woods, *D. C.*

Form #GR-117