Map 147-5
Par. 80

JOHN WHITSON	]	IN THE FOURTH CIRCUIT COURT
	]	OF
-vs-	]	DAVIDSON COUNTY, TENNESSEE
MARY V. WHITSON	]	NO. 89305

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FINAL DECREE

This cause came on to be heard on the 3rd day of July, 1978 before the Honorable Benson Trimble, Judge, upon the pleadings, testimony of the principals, upon the matter being taken under advisement for an appraisal being made of the real property, upon the incoming of the appraisal, upon discussions with solicitors in chambers and the entire record herein. From all of which the Court handed down a memorandum opinion on August 16, 1978, which is in words and figures, as follows:

"This cause came on to be heard upon the pleadings, upon the testimony of the principals, upon the matter being taken under advisement for an appraisal being made of the real property, upon the incoming of the appraisal, upon the discussion with the solicitors in chambers and the entire record herein. From all of which the Court is of the opinion and finds as follows:

The Court is of the opinion that the plaintiff should be awarded an absolute divorce on the ground of cruel and inhuman treatment. The minor child of the parties that is now thirteen years of age, of course, will be placed with the natural mother with the father to have every right of visitation.

The home place of the parties will be vested in the plaintiff with no resulting claim thereto insofar as the defendant is concerned. Insofar as the household furnishings are concerned it will be recalled that there is some dispute between the mother and one of the children in regard to two items of furniture. The Court does not feel that it has the authority to make any award insofar as these two items are concerned and in the event agreement cannot be reached, then, of course, possibly an action in another Court would be forthcoming.

Insofar as child support is concerned, the Court is of the opinion that a reasonable and fair amount shall be in the amount of $350.00 each month. Also, it will be recalled that there were several obligations owed by the parties that were brought before the Court during the testimony and these should be and become the sole obligation of the defendant and this, of course, will include the bill to the Penny's department store in the amount of $750.00. There is some misunderstanding as to whether or not this amount has been paid.

Certainly if it has been paid then he will owe nothing as is certainly evident. If the bill has not been paid then this will be his obligation and he shall be ordered to pay same. The motor vehicles that each are now operating shall be and become their sole property with no resulting claim thereto insofar as the other party is concerned.

The fee as suggested by the solicitor representing the plaintiff in the amount of $750.00 is certainly reasonable and shall be awarded and, of course, will be assessed against the defendant for which execution may issue, if necessary.

Due to the fact that the Court appointed an appraiser insofar as the property is concerned and the statement for the appraiser has been furnished to the Court as well as the parties, this shall be ordered to be paid by the defendant for which execution may issue if necessary.

The final judgment will not be signed by the Court until the appraisal fee has been paid in toto.

The costs in the cause will be assessed against the defendant.

The solicitor representing the plaintiff will prepare an order accordingly.

Dated this 16th day of August, 1978.

/s/ Benson Trimble, Judge
Fourth Circuit Court of
Davidson County, Tennessee

It is therefore ORDERED, ADJUDGED AND DECREED that the bonds of matrimony heretofore subsisting between the parties be and the same are hereby forever and perpetually dissolved and the cross-plaintiff, Mary V. Whitson, is granted an absolute divorce and restored to all the rights and privileges of an unmarried person.

It is further ORDERED, ADJUDGED AND DECREED that the absolute care, custody and control of the minor child of the parties, to-wit: Constance Dawn Whitson, is awarded to her mother, Mary V. Whitson, with the father having every right of reasonable visitation.

It is further ORDERED, ADJUDGED AND DECREED by the Court that all right, title and interest which the cross-defendant, John Whitson, has in and to the real property of the parties located at 308 Wauford Drive, Nashville, Davidson County, Tennessee, and more specifically described as follows:

Land in Davidson County, Tennessee being Lot No. 128 on the Plan of Caldwell Hall, Section I Revised, as of record in Book 2900, Page 58, RODC, Tennessee.

Said Lot No. 128 fronts 80 ft. on the northerly side of Wauford Drive and runs back between lines 220 ft. on the easterly line and 158 ft. on the westerly line to a broken line on which it measures 128.1 ft.

Being the same property conveyed to John P. Whitson and wife, Virginia K. Whitson, by deed from Fred A. Miller and wife, Nancy E. Miller, of record in Book 4018, page 539, RODC, Tennessee.

is divested out of the cross-defendant and the sole and exclusive ownership in said property is vested in the cross-complainant, Mary V. Whitson, in fee simple, absolute ownership, it being her responsibility to pay the balance of mortgage indebtedness thereon.

It is further ORDERED, ADJUDGED AND DECREED that all the household furniture and furnishings will be awarded to the cross-complainant, Mary V. Whitson, however, the Court will not make a decision as to the two items of furniture in dispute between the mother and the children.

It is further ORDERED, ADJUDGED AND DECREED that the cross-defendant, John Whitson, shall pay the sum of $350.00 per month as child support, said sum to be paid into the office of the Circuit Court Clerk, the first payment being due on August 21, 1978 and a like sum each month thereafter until further orders of the Court. The Clerk's fee for handling the payment shall be withheld from the monthly amount paid by the cross-defendant.

It is further ORDERED, ADJUDGED AND DECREED that insofar as the Penney's department store debt, if this bill is still owing and unpaid, then it shall become the obligation of the cross-defendant, John Whitson.

It is further ORDERED, ADJUDGED AND DECREED that the motor vehicles that each party is now operating shall be and become their sole property with no resulting claim thereto insofar as the other party is concerned.

It is further ORDERED, ADJUDGED AND DECREED that the costs of the court appointed appraiser shall be paid by the cross-defendant, John Whitson, and said final judgment of divorce will not be signed by the Court until said fee is paid.

It is further ORDERED ADJUDGED AND DECREED by the Court that cross-complainant's solicitor of record, Robert L. Jackson, shall have and recover of the cross-defendant, John Whitson, an attorney fee in the amount of $750.00, which fee is deemed to be reasonable for the services rendered herein, along with the costs of this cause, for all of which execution may issue, if necessary.

Enter this ___ day of August, 1978.

JUDGE

9-18-78

APPROVED:

Robert L Jacks
Sol. for Cross-Complainant

Sol. for Cross-Defendant

I hereby certify that a copy of this decree was mailed to Alan Debauche atty this 22 Aug 1978
Robert L Jacks

IDENTIF. REFERENCE
Nov 13 2 53 PM '79
F. 631 36

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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~~ true copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* JOHN WHITSON *Plaintiff, and* MARY V. WHITSON *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* 2nd *day of* November *in the year one thousand nine hundred and* seventy-~~eight~~ *and in the* 203rd *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Sue Woods, *D. C.*

11-13-79 12.00

Form #CR-117