11-21-79
1148/1579

BOOK 5539 PAGE 707

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

AT NASHVILLE

RUSH

EVELYN JEAN (CARLILE) TOMLIN)
)
)
)
VS.) NO. 93525
)
)
)
WILLIAM CURTIS TOMLIN, SR.)

DEC 5 12 13 PM '79
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

IDENTIF. REFERENCE

F 66570

FINAL DECREE

This cause came on to be heard on the 13th. day of November, 1979, before the Honorable Benson Trimble, Judge of the Fourth Circuit Court of Davidson County, Tennessee, upon Plaintiff's Petition for Divorce, personal service of process, Judgment by Default being granted, testimony of Plaintiff in open Court, statement of counsel in open Court, and the entire record and it appeared to the Court that irreconcilable differences have arisen between the parties, thus rendering it impossible for the parties to live together as husband and wife, and the Plaintiff should be awarded an absolute divorce from the defendant;

It further appeared to the Court that the parties have executed a Property Settlement Agreement which is herein incorporated as part of the Final Decree, set out verbatim as follows, and which the Court hereby approves:

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PROPERTY SETTLEMENT AGREEMENT

THIS AGREEMENT, made and entered into on this 8th day of November, 1979, by and between EVELYN JEAN TOMLIN, hereinafter referred to as WIFE, and WILLIAM C. TOMLIN, hereinafter referred to as HUSBAND:

W I T N E S S E T H:

WHEREAS, the parties hereto have encountered marital difficulties which are apparently irreconcilable; and

WHEREAS, WIFE has filed a Petition for Divorce in the Circuit Courts of Davidson County, Tennessee, against HUSBAND; and

WHEREAS, the parties are mutually desirous of adjusting certain property rights between themselves;

NOW, THEREFORE, for good and sufficient consideration, the parties hereto agree as follows:

1. WIFE shall have absolute care, custody and control of the parties' minor child, with the right of reasonable visitation reserved to HUSBAND.

2. HUSBAND agrees to pay through the Clerk of the Court the sum on One hundred fifty ($150.00) per month child support for the minor child of the parties. Said support to be paid by the 5th. day of each month. WIFE agrees to pay the five (5%) percent fee to the Court for said child support, said support to be until child graduates from high school.

3. WIFE shall have all the household goods and furnishings, including all appliances and furniture of the parties.

4. HUSBAND shall have his tools at the homeplace of the parties, said tools to be picked up the day final decree is granted.

5. HUSBAND agrees to pay to Thomas D. Steele, the sum of $300.00 for his services in this cause. Said fee to be paid [redacted] $100.00 per mo. beginning Dec. 1st, 1979. — E.J.T. W.C.T

6. WIFE shall receive the automobile now in her possession and HUSBAND shall divest all right, title and interest in said automobile and vest same into WIFE.

7. HUSBAND shall have the automobile now in his possession and WIFE shall divest all right, title and interest in said and vest into HUSBAND. HUSBAND agrees to make all necessary payments and obligations on said automobile and shall hold WIFE harmless from any payments and obligations.

8. WIFE shall have the homeplace of the parties located at 2912 Edge-Moor Drive, Nashville, Davidson County, Tennessee, more fully described as follows:

150-5
par. 166

LAND in Davidson County, Tennessee, being Lot No. 645 on the Plan of Edge-O-Lake Estates, Section 17, as of record in Book 4460, Page 44, Register's Office for said County, and to which plan reference is made for a more complete description.

BEING the same property conveyed to WILLIAM C. TOMLIN and WIFE, EVELYN TOMLIN, by deed from JACK WILLIAMS and WIFE, FRANCES E. WILLIAMS, on the 16th. day of March, 1973, which is recorded in Book 4591, Page 375, said Register's Office.

9. WIFE agrees to be responsible for the house payments on the said property and a copy of the Final Decree shall be filed in the Register's Office for Nashville, Davidson County, Tennessee.

10. HUSBAND and WIFE agree that each shall retain their own personal effects such as clothing, jewelry and other personal property.

HUSBAND and WIFE agree that any indebtedness incurred on behalf of the parties individually shall remain the individual debts of the parties and shall hold the other harmless for such debts.

11. HUSBAND and WIFE agree to a equitable division of the four (4) remaining grave lots located at Woodlawn Memorial Gardens. HUSBAND and WIFE agree that the fifth grave lot located in the above Woodlawn Memorial Gardens shall be for the interment of the deceased child now temporarily interned in the mausoleum. HUSBAND agrees to bear all the expenses necessary for the burial of the child.

12. HUSBAND and WIFE agree to the equitable division of the property located on Hamilton Church Road, Antioch, Tennessee, more fully described as follows:

A. LAND in the 2nd. Civil District of Davidson County, Tennessee, described according to a survey made by Arbo Engineering Co., dated March 11, 1967, as follows: BEGINNING at a post in the north margin of Hamilton Church Road, the southwest corner of the property of Joe Fults, by deed of record in Book 2649, page 215; thence with said Road, south 88° 47' west 207.6 feet to a point and continuing with said Road, along a slight curve, 118.7 feet to an iron pin in the southline of the Olive H.. Dale property, as conveyed by deed of record in Book 1972, page 613; thence along a fence, south 88° 03' east 326.3 feet to a post, the northwest corner of the Herbert Gleaves Property, as conveyed by a deed of record in Book 3162, page 377, Register's Office for said County; thence with Gleaves and Fults west line, south 5° 41' west 704.4 feet to the beginning, containing 6 acres, more or less.

part of 164. par. 176

BEING part of the property conveyed to Fannie Mai Whaley, by deed from T. L. Felts and wife, as of record in Book 2031, page 151, said Register's Office.

This conveyance is made subject to easements of record and to the lien of taxes for the year 1967, which have been prorated and assumed by the Grantees herein. J. C. Whaley and Clarence Whaley being one and the same person.

BEING the same property conveyed to William C. Tomlin, and wife, Evelyn C. Tomlin, by deed from Fannie Mae Whaley and Clarence Whaley, April 5, 1967, which is recorded in Book 116, page 182, said Register's Office for Nashville, Davidson County, Tennessee.

B. LAND located north side of Hamilton Church Rd., West of Couchville Pike, Nashville, Tennessee, located on Map No. 164 and Parcel No. 54, Field Book No. 02D - 36110.

map 164. par. 54

13. HUSBAND shall have the house and three (3) acres of land on Hamilton Church Road, Antioch, Tennessee, more fully described in Item 12 of this Property Settlement Agreement. HUSBAND agrees to be responsible for the payments on the above property and agrees to hold WIFE harmless from any obligation thereon.

14. WIFE shall have the two (2) acre tract of land separated from but adjacent to the six (6) acres of land more fully described in Item 12 of this Property Settlement Agreement. This tract of land is free and clear from any incumbrances on it. WIFE shall also have three (3) acres of land in the above six (6) acre tract of land more fully described in Item 12 of this Property Settlement Agreement. HUSBAND agrees to be responsible for the payment of the mortgage on the six (6) acre tract of land located on Hamilton Church Road, more fully described in Item 12 of this Property Settlement Agreement. HUSBAND agrees to bear the expense for the subdividing of the said six (6) acre tract. WIFE will bear the expense for a survey of the above mention six (6) acre tract of land.

15. HUSBAND and WIFE agree that each shall have the right to use the well now existing on said property until such time as city water is available.

16. HUSBAND and WIFE agree that a survey will be made on the said property located on Hamilton Church Road, Antioch, Tennessee, at a future date. WIFE agrees to bear the expense of such a survey on the property.

17. HUSBAND and WIFE agree that a copy of the Final Decree shall be filed in the Register's Office for Nashville, Davidson County, Tennessee, concerning the equitable division of the above property. HUSBAND and WIFE agree to execute any and all papers necessary to effectuate the transfer of the real property of the parties.

18. HUSBAND agrees to transfer all right, title and interest on the family plan insurance policy with Metropolitan Life Insurance now being paid by WIFE. WIFE agrees to continue with the payment of the said property, policy shall be the sole property of WIFE.

19. WIFE agrees to pay the Court costs in this cause for which execution shall issue if necessary.

20. HUSBAND and WIFE agree that if a divorce is granted by the Circuit Court of Davidson County, Tennessee, the parties will request that this Agreement be established as the final settlement between the parties and be made a part of the divorce decree.

Evelyn Jean Tomlin
EVELYN JEAN TOMLIN

William C Tomlin
WILLIAM C. TOMLIN

It is, therefore, ORDERED, ADJUDGED AND DECREED that the bonds of matrimony heretofore subsisting between the parties be and the same are hereby dissolved, and the Plaintiff is awarded an absolute divorce from the defendant and restored to all the rights and privileges of an unmarried person.

It is, further, ORDERED, ADJUDGED AND DECREED that the Property Settlement Agreement entered into by the parties and set out verbatim above be and the same hereby incorporated as part of this Final Decree of Divorce.

The cost of this cause is taxed against the Plaintiff, for all of which execution shall issue if necessary.

JUDGE

11-21-79

APPROVED FOR ENTRY:

THOMAS D. STEELE

Attorney for Plaintiff

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing Final Decree was mailed or delivered to William Tomlin, Jr., 111 Whitsett Road, Apt. G9, Nashville, Tennessee, 37210, this the 20th. day of November, 1979.

THOMAS D. STEELE

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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 ~~correct transcript~~ *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Evelyn Jean Carlile Tomlin *Plaintiff, and* William Curtis Tomlin, Sr. *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* 5th *day of* December *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