C43-682

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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

Map 120-5
Par 165 15

LOIS CHRISTINE POTTS HAY, Complainant and Cross-Defendant	)	
VS.	)	NO. 58984
CHARLES EDWARD HAY, Defendant and Cross-Complainant.	)	

FINAL DECREE

This cause came on for hearing on the 8th day of December, 1970, before the Honorable Benson Trimble, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the Original Bill of the Complainant, testimony of witnesses in open court, the property settlement agreement entered into by the parties, the statement of counsel for both parties and the entire record;

And it appearing to the Court from a consideration of all the proof and the entire record that the facts charged in the Bill are true and that the Defendant has heretofore been guilty of such cruel and inhuman conduct to the Complainant as renders cohabitation unsafe and improper and for her to be under the dominion and control of the Defendant, after his marriage to Complainant and before the filing of the Bill, as charged, and that Complainant has given Defendant no reason or excuse and has not condoned the same;

It is therefore ORDERED, ADJUDGED and DECREED as follows:

1. That the bonds of matrimony uniting the Complainant and Defendant, be and they are hereafter, absolutely and permanently dissolved, and that Complainant is forever freed from the obligations thereof and she is hereby restored to all the rights and privileges of an unmarried woman.

It is further ORDERED, ADJUDGED and DECREED that, it appearing to the Court that the parties acting by and through counsel have entered into an agreement concerning the disposition of property and certain other matters which is in words and figures as follows:

SEPARATION AGREEMENT

Certain apparently irreconcilable differences having arisen between the undersigned Lois Christine Potts Hay (hereinafter called "Complainant") and Charles Edward Hay (hereinafter called "Defendant"), who are now living separate and apart, and a Divorce Bill having been heretofore filed and now being pending in the Fourth Circuit Court for Davidson County, Tennessee, bearing rule number 58984, and the parties hereto desiring to adjust and settle custody, support, visitation and property rights between themselves,

It is, therefore, agreed as follows:

(1) Custody of the minor children of the parties, Brenda Lee Hay and Linda Dee Hay, because of their tender years, shall be placed with the Complainant.

(2) Defendant shall have the right to see, visit and have with him the children of the parties at reasonable times and places, as the parties shall mutually agree. In the event the parties are unable to agree upon such matters, either party may apply to the Court for such other and further Orders as may be necessary to set such visitation rights.

(3) Defendant shall contribute as support and maintenance for the minor children of the parties, Brenda Lee Hay and Linda Dee Hay, the sum of Two hundred dollars ($200.00) per month, payable on or before the first day of each month, and commencing on the first day of January, 1971. The sum of One hundred, fifty dollars ($150.00) representing Defendant's pro rata payment for the month of December 1970, shall be payable on December 8, 1970. All payments hereunder shall be made to the Clerk of the Circuit Court for Davidson County, Tennessee, and shall be in such amount as to result in the receipt by Complainant of the above described amounts after the deduction of any fees or other charges by the Clerk.

(4) Defendant shall remain responsible for all extraordinary medical and dental bills incurred by the minor children of the parties, and shall specifically retain the children as insureds under any policy of hospitalization and medical expense insurance that he may carry on himself, through his employer, or otherwise.

(5) In lieu of all alimony, Defendant shall convey all his right, title and interest in and to the following described real property to Complainant, who agrees and assumes to pay according to its terms any indebtedness due against the said real property, described as follows, to wit:

> Land in Davidson County, Tennessee, being lot no. 5C-7 on the Map of Glengarry Park Subdivision Section 5C, as of record in book 3500, page 54, Register's Office, Davidson County, Tennessee.
>
> Said lot no. 5C7 fronts 80 feet on the westerly side of Glenpark Drive and runs back between parallel lines 185 feet to a line at the rear on which it measures 80 feet thereon.
>
> Being the same property conveyed from Cumberland Valley Builders Corporation to Charles Edward Hay and wife Lois Christine Hay, by warranty deed of record in Book 3840, Page 442, R.O.D.C. Tennessee.

(6) All household furnishings shall become the property of Complainant, except Defendant's upholstery tools and the old broken sewing machine in the basement.

(7) Defendant shall pay to Thomas E. Watts, Jr., Solicitor for Complainant, attorney's fees in the amount of $250.00, which amount, however, shall not necessarily represent the entire fee which said Solicitor shall require of Complainant.

The parties hereto intend that this Agreement shall settle all marital and property rights between the parties, and no party shall have any claim upon the other, except as herein set forth, and in the event that either party shall, subsequent to the execution of this Agreement, be deemed to be entitled to a divorce, this Agreement shall continue binding upon the parties.

The Court finds the Separation Agreement is proper, since the interests of both parties are adequately protected therein and the Complainant is a fit and proper person to have the care and custody of the said children; and that this Agreement be, and the same is hereby, made the judgment of this Court;

It is further ORDERED, ADJUDGED and DECREED that the Defendant pay the costs of this cause for which execution may issue if necessary.

BENSON TRIMBLE, JUDGE OF THE FOURTH
CIRCUIT COURT

FILED JAN 16 2 04 PM '80
DAVIDSON COUNTY, TENN.
WILSON II REGISTER

IDENTIF. REFERENCE

F 7247

APPROVED FOR ENTRY:

Thomas E. Watts, Jr.
THOMAS E. WATTS, JR.
Solicitor for Complainant and Cross-Defendant

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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 transcript of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Lois Christine Potts Hay *Plaintiff, and* Charles Edward Hay *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* 7th *day of* January *in the year one thousand nine hundred and* eighty *and in the* 204th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By _____, *D. C.*