1-29-80
148A/756

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

Map 104-1
Parcel 230

CHARLES E. McABEE)
)
VS.) NO. 75493
)
DOROTHY F. McABEE)

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FINAL DECREE

This cause came on to be heard on Monday, the 14th day of January, 1980, before the Honorable Hamilton Gayden, Judge of the First Circuit Court of Davidson County, Tennessee, upon the entire record, including the original bill and counter-claim in Case No. 75493, the original dismissal being set aside by this Court and Case No. 96641 dismissed and upon the counter-claim and testimony of the parties and witnesses examined in open Court, from all of which it appears to the satisfaction of the Court that the defendant/cross-complainant, Dorothy F. McAbee is entitled to the relief sought by her in her counter-claim and that the plaintiff/cross-defendant, Charles E. McAbee, has been guilty of such cruel and inhuman treatment and conduct towards the defendant/cross-complainant, as renders further cohabitation unsafe and improper.

Further, it appears to the satisfaction of the Court that the parties have settled all property rights concerning personal property between themselves, except the disputed issue of the interest that the husband, Charles E. McAbee has in the parties home which is owned by tenants by the entirety at 200 38th Avenue North, Nashville, Tennessee 37209.

Further, it appears to the satisfaction of the Court that Mr. Charles E. McAbee has an interest of approximately $3,000 plus possible medical expenses which he may have paid on behalf of the defendant/cross-complainant, Dorothy F. McAbee, and is entitled to receive said amounts. Therefore, this matter was referred to a Special Master, Ms. Carol Davenport, to determine any interest above or compromise with a figure of $3,000 which appeared in the original drafted property settlement agreement on the 12th day of March, 1975. It being the report of the Special Master that after the referral of said dispute to the

Special Master the parties entered into agreement that since the house located at 200 38th Avenue North, Nashville, Tennessee 37209, had been destroyed by fire and that insurance proceeds were forthcoming, the original plaintiff and cross-defendant has agreed that his interest as a compromise in this matter will be in the amount of $2,250. Said Special Master, Ms. Carol Davenport, concludes that such a compromise of $2,250 to be paid from immediate proceeds from insurance which has been secured through the McIntosh Agency is a just and equitable settlement in this matter.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the husband, Charles E. McAbee, is hereby divested of any and all interests in the property located at 200 38th Avenue North, Nashville, Tennessee 37209. Further, the husband shall have a lien in the amount of $2250 upon the proceeds of insurance from the McIntosh Agency for his complete and total interest in said property.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that defendant/cross-complainant, Dorothy F. McAbee be and is hereby awarded an absolute divorce from the plaintiff/cross-defendant, Charles E. McAbee, and is hereby restored to all the rights and privileges of an unmarried person.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the decision of compromise entered into with the Special Master granting a lien of $2250 on the insurance proceeds to be paid from the check secured from the McIntosh Agency is hereby approved. Said husband is to have a lien upon these insurance proceeds in the amount of $2250. Said compromise of $2250 liquidates all interests that the husband had in the property located at 200 38th Avenue North, Nashville, Tennessee 37209 and for any garnishments and payments which he has made concerning all medical bills which were disputed in this cause. Further, Dorothy F. McAbee is adjudged responsible for all pending and future medical bills to O. A. Couch, Jr.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the husband is divested of all interests in the property located at 200 38th Avenue North, Nashville, Tennessee 37209 with the description as follows:

Being Lot No. 125 on the Plan of West Grove Subdivision as of record in Book 421, page 109, Register's Office for said County.

Said lot fronts 35.7 feet on the east side of 38th Ave. North and runs back between lines, 160 feet on the north line and 164.5 feet on the south line along the north margin of Nebraska Avenue, to an alley in the rear, on which it measures 76.4 feet.

Being the same property conveyed to Clifton Wayne Waltman and wife, Helen Elizabeth Waltman by deed dated May 25, 1966, from James W. Morrow and wife, Peggy G. Morrow, which deed appears of record in Book 4019, page 968, RODCT.

Being the same property conveyed to Charles E. McAbee and wife, Dorothy McAbee by deed dated April 16, 1968, from Clifton Wayne Waltman and wife, Helen Elizabeth Waltman, which deed appears of record in Book 4232, page 325,RODCT.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that the costs of this cause are hereby taxed equally to Charles E. McAbee and Dorothy F. McAbee, for which judgment is given and for which execution may issue, if necessary.

Entered this 29th day of January, 1980.

JUDGE

APPROVED FOR ENTRY:

James L. Curtis
Attorney ofr Dorothy F. McAbee
Suite 1411 Parkway Towers
Nashville, TN 37219
(615) 256-4747

C E R T I F I C A T E

I certify that I have mailed a copy of the foregoing Final Decree to Paul Holbrook and Karl L. Bishop, Attorneys for Charles E. McAbee, this 25th day of January, 1980.

James L. Curtis

8031

mail to: 03/19 -05-
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IDENTIF. REFERENCE

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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~~ True Copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Charles E. McAbee *Plaintiff, and* Dorothy F. McAbee *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* 14th *day of* March *in the year one thousand nine hundred and* Eighty *and in the* 204th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Virginia Hutchison, *D. C.*

Form #GR-117