1-8-79
116C/2176

Map - 160
Par. 134

BOOK 5564 PAGE 177

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

LINDA PATTERSON RODRIGUEZ, )
)
Plaintiff, )
)
)
vs. ) NO. 91991
)
)
JOHN RAUL RODRIGUEZ, )
)
Defendant. )

FINAL ORDER

This cause came on to be heard the 13th day of November, 1978, before the Honorable Benson Trimble, Judge of the Fourth Circuit Court of Davidson County, Tennessee, upon the original complaint for absolute divorce, personal service on the defendant, the answer of the defendant, testimony of witnesses heard in open Court, exhibits and deposition tendered to the Court, statement and argument of counsel, and upon the entire record, from all of which the Court took said case under advisement and rendered an opinion by Memorandum dated December 18, 1978. The Memorandum Opinion of the Court stated verbatim as follows:

MEMORANDUM

This cause came on to be heard upon the pleadings, upon the testimony of the principals, upon the testimony of the corroborative witnesses, upon the filing of briefs, upon argument of the solicitors and the entire record herein. From all of which the Court is of the opinion and finds as follows:

This Court is satisfied that these parties will never become reconciled and further feels that an absolute divorce should be awarded the plaintiff on the statutorily alleged ground of cruel and inhuman treatment as filed by the amendment on July 27, 1978.

Further, the Court is of the opinion that the home place of the parties should be awarded to the plaintiff as well as the furnishings therein, further the motor vehicle she now drives shall be and become her sole property, further the defendant shall be responsible for a four year college education for the plaintiff if she so desires to attend college and if so this shall be done within one year following the resulting final judgment. His responsibility in this regard will be only for fees, tuition and necessary books that will be used by her in college. If she chooses not to partake of the college education within one year from the date above set forth then this phase of the judgment will terminate.

The Court does not feel that it would be equitable to order the defendant to pay the mortgage on the real property or to pay life insurance as prayed for by the plaintiff. These will be her sole responsibilities.

In regard to alimony, the Court is of the opinion that the defendant should pay the amount of $1,000.00 each month for a period of the length of the marriage of the parties which was approximately two years and it will be set that he will make such alimony payments for the exact amount of two years following the entrance of the final judgement.

Further, the Court is of the opinion that the costs in the cause will be assessed against the defendant.

Further, the Court is of the opinion that certainly the solicitor representing the plaintiff is entitled to a fee and if this can be agreed to by and between the solicitors it will be approved by the Court. If not, the Court would most respectfully ask that the solicitors meet with the Court to discuss the establishment of a fee.

This solicitor will prepare a final judgement accordingly.

Dated this 18th day of December, 1978.

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

It is therefore ORDERED, ADJUDGED AND DECREED that Linda Patterson Rodriguez have an absolute divorce from John Raul Rodriguez, the bonds of matrimony heretofore subsisting between the parties being now and forever dissolved.

It is further ORDERED, ADJUDGED AND DECREED that the house and lot located at 5633 South Hillview Drive in Davidson County, Tennessee be awarded to plaintiff, Linda Patterson Rodriguez, and that any right, title and interest which defendant may heretofore have had in said property is now divested from him, the same becoming plaintiff's property forever, said legal description of such property as follows:

> Being Lot No. 3 on the plan of the resubdivision of Lots No. 2 and 3 of Section 1, Bokor Heights, as of record in Book 4350, Page 48, Register's Office of Davidson County, Tennessee.
>
> Said Lot No. 3 fronts 272.25 feet on the westerly side of South Hillview Drive and extends back 320 feet on the northerly line and 320 feet on the southerly line to a dead line, measuring 272.25 feet thereon.
>
> Being the same property conveyed to Kenneth M. Johnson and wife Monique Johnson by deed from Ernest L. Wainscott and wife, Angeline M. Wainscott of record in Book 4576, Page 15, Register's Office of said county.

This conveyance is made subject to restrictions of record in Book 4330, Page 676.

It being the same property conveyed by Kenneth M. Johnson and wife, Monique Johnson, to John R. Davis Rodriguez, unmarried, being recorded as Book No. 4905 at Page 862, and filed April 21, 1975.

It is further ORDERED, ADJUDGED AND DECREED that any and all household goods, furniture and furnishings contained within said property shall become the property of plaintiff and any right, title and interest which defendant may heretofore have had in such personal property is divested from him.

It is further ORDERED, ADJUDGED AND DECREED that the 1977 Lincoln motor vehicle shall become the separate property of plaintiff and any right, title and interest which defendant may heretofore have had in such vehicle is divested from him.

It is further ORDERED, ADJUDGED AND DECREED that any necessary transfer papers in the nature of title to said vehicle shall be executed by defendant.

It is further ORDERED, ADJUDGED AND DECREED that the defendant shall pay to plaintiff the cost of any and all fees, tuition, and necessary books that shall be incurred by plaintiff in pursuing a four-year college education at a college of her choice and where she is able to matriculate and that it is further ORDERED that plaintiff begin the pursuit of such college education within one year from the date of this final judgment.

It is further ORDERED, ADJUDGED AND DECREED that the defendant shall pay as alimony directly to plaintiff the first of each and every month hereinafter the sum of $1,000.00 per month and that such alimony payments shall continue for two full years following the entrance of this final judgment.

It is further ORDERED, ADJUDGED AND DECREED that the costs in this cause will be assessed against the defendant, and that an execution will issue, if necessary, pursuant to this final judgment.

It is further ORDERED, ADJUDGED AND DECREED that all property of whatever nature which is not heretofore provided for in this final order shall be awarded to and become the exclusive property of the defendant, and any right, title and interest which plaintiff may have had in such property is divested from her.

It is further ORDERED, ADJUDGED AND DECREED that the solicitor of record for the plaintiff is entitled to an attorney fee for his representation of plaintiff in this entire cause and that if an agreement regarding an amount of attorney fee can be agreed to between the solicitors in this cause, the same will be approved by the Court. It is further ORDERED, however, that should the solicitors of record not agree upon a fee, then the same will be set by the Court.

ENTERED this _____day of December, 1978.

JUDGE

APPROVED FOR ENTRY:

1-8-79

DONALD D. HILDEBRAND
Attorney for Plaintiff

DDH. by consent

ROBERT ECHOLS
Attorney for Defendant

CERTIFICATE

I hereby certify that a true and correct copy of the foregoing Final Order has been mailed to Mr. Robert Echols, Attorney at Law, Suite 1200, One Commerce Place, Nashville, Tennessee 37219 this 26 day of December, 1978.

DONALD D. HILDEBRAND

532 03/28 15.00 CASH

F 82636

BOOK 5584 PAGE 181

IDENTIF. REFERENCE

MAR 28 2 16 PM '80

PEGGY J. HARRISON REGISTER
DAVIDSON COUNTY, TENN.

RUSH

Docket No. 91991 Minute Book 110C Page 2176

# 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* Linda Patterson Rodriguez *Plaintiff, and* John Raul Rodriguez *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* 28th *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* Barbara Eskridge, *D. C.*

Form #GR-117