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IN THE CIRCUIT COURT FOR DAVIDSON COUNTY,

TENNESSEE, SITTING AT NASHVILLE

Map 96-6
Par 55 Is

CHERYL LEE (GREGORY) BERRY

v.

No. 80D-423

ROBERT JULIAN BERRY

FINAL DECREE

This cause came on to be heard on the 5th. day of May, 1980, before the Honorable Benson Trimble, Judge of the Fourth Circuit Court of Davidson County, Tennessee. Now, based upon the petition, the signed and notarized property settlement agreement, the failure of the Defendant to file his answer within the time prescribed by law, and the testimony of the Complainant in open court, and the entire record in this cause,

IT IS ORDERED, ADJUDGED and DECREED that the Plaintiff, CHERYL LEE (GREGORY) BERRY, have an absolute divorce from the Defendant, ROBERT JULIAN BERRY, on the grounds of irreconcilable differences.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the property settlement agreement heretofore filed, and hereinafter reproduced in its entirety, be and hereby is approved and made a part of the final decree:

PROPERTY SETTLEMENT AGREEMENT

It appearing that a divorce has been filed in this cause, said divorce being styled the same as the above-referenced style, and it appearing that the parties desire to settle and adjudicate all matters existing between them as a result of the marriage, the parties agree as follows:

1. It is expressly understood that, as to the assets and liabilities of the parties, this agreement is a division of the assets and liabilities and is in no way an award of alimony or

a purchase and sale of marital rights. It is also expressly agreed and recognized that the parties have contributed equally to the accumulation of assets during the course of the marriage, and that all assets covered under this agreement are jointly owned. All of the following provisions of this agreement represent adjustments of assets and liabilities for the purpose of and having the effect of equally dividing the joint property.

2. The Plaintiff, CHERYL LEE (GREGORY) BERRY, shall be awarded all right, title and interest in the personal property presently in her possession. The Defendant, ROBERT JULIAN BERRY, shall be awarded all right, title and interest in the personal property presently in his possession. This represents an equal division of the personal property of the parties, which division has already taken place. Each party shall take whatever steps are deemed necessary by the other party to divest his or her name from any documents of title concerning any personalty in the other party's possession.

3. It is expressly agreed that the Plaintiff, CHERYL LEE (GREGORY) BERRY, shall be awarded all right, title and interest in a certain piece of real estate located at 2847 Colonial Circle, Nashville, Tennessee, more particularly described as follows:

> Land in Davidson County, Tennessee, being lot No. 34 on the plan of Colonial Village, as of record in Book 1424, Page 58, Register's Office for said county, described as follows:
>
> Said lot fronts 90 feet on the northerly side of Colonial Circle and runs back between lines measuring 305.2 feet on the westerly line and 278.94 feet on the easterly line to a dead line in the rear on which it measures 30 feet.
>
> Being the same property conveyed to Larry Gene Brown and Betty S. Brown, his wife, by deed from Aaron D. Stout and wife, Vivian S. Stout, of record in Book 4178, Page 636, Register's Office for Davidson County, Tennessee.

The Defendant, ROBERT JULIAN BERRY, agrees that the filing of the final decree in this cause in the Register's Office of the

county in which this real estate is located shall operate to divest him of all right, title, and interest in this real estate. The Plaintiff will indemnify and hold harmless the Defendant for all outstanding indebtedness on this parcel of real estate.

4. It is expressly agreed that the Defendant, ROBERT JULIAN BERRY, shall be awarded all right, title and interest in a certain piece of real estate located in Ashland City, Tennessee, more particularly described as follows:

> Being Lot No. 31 of Ashland Heights Subdivision, of record in Plat Book 1, page 60, Register's Office for Cheatham County, Tennessee, to which record reference is hereby expressly made.
>
> Being a part of the same property conveyed to Central Tennessee Land Development Co., a Tennessee corporation, by deed from D. G. McKnight, et al., of record in Book 140, page 334, Register's Office for Cheatham County, Tennessee.

The Plaintiff, CHERLY LEE (GREGORY) BERRY, agrees that the filing of the final decree in this cause in the Register's office of the county in which this real estate is located shall operate to divest her of all right, title and interest in said real estate. The Defendant will indemnify and hold harmless the Plaintiff for all outstanding indebtedness on this parcel of real estate.

5. It is expressly understood, recognized and agreed that the distributions of the above-referenced real estate presents a division of jointly-held assets.

6. The parties hereby agree that the costs of this cause shall be borne by the Plaintiff, and the Plaintiff shall be responsible for paying her attorney's fee.

7. It is understood and agreed by the parties that each of the parties has made known the full extent of the assets within his or her care and control, and that this agreement is intended to cover the distribution of these assets. In the event that any property, personal or real, retained by one of the parties but not

covered by this agreement should come to light, the parties hereto agree that the particular asset in question shall be divided equally between the parties.

8. In the event that a divorce is granted in this cause, the parties hereto agree that this property settlement agreement should be made a part of the final decree of divorce if so ordered by the judge.

THIS IS A FULL, COMPLETE AND FINAL SETTLEMENT ADJUDICATING ALL THE RIGHTS OF THE RESPECTIVE PARTIES HERETO. AND IT IS EXPRESSLY UNDERSTOOD THAT THIS AGREEMENT IS IN THE BEST INTEREST OF THE PARTIES.

ENTERED INTO THIS _____ day of _____, 1980, IN NASHVILLE, DAVIDSON COUNTY, TENNESSEE.

/s/
CHERLY LEE (GREGORY) BERRY

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Personally appeared before me the said, CHERLY LEE (GREGORY) BERRY, who, after first being duly sworn, did swear, state, or affirm that she has read the foregoing document and that it is true and accurate to the best of her knowledge, information and belief.

Sworn to and subscribed before me this _____ day of _____, 1980.

/s/
NOTARY PUBLIC

My commission expires: _____.

F94792

IDENTIF. REFERENCE

JUN 24 2 28 PM '80

FELIX Z. WILSON, REGISTER
DAVIDSON COUNTY, TENN.

/s/
ROBERT JULIAN BERRY

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Personally appeared before me the said, ROBERT JULIAN BERRY, who, after first being duly sworn, did swear, state, or affirm that he has read the foregoing document and that it is true and accurate to the best of his knowledge, information and belief.

Sworn to and subscribed before me this _____ day of _____, 1980.

/s/
NOTARY PUBLIC

My commission expires: _____.

Costs of this cause are assessed against the Plaintiff for which execution may issue if necessary.

ENTERED this _____ day of _____, 1980.

JUDGE

APPROVED FOR ENTRY:

HOLLAND, LYNN & SMITH

BY: _____
JOHN D. KITCH,
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document has been sent by postage prepaid mail to Mr. Robert Julian Berry, Defendant, 2131 Apartments, Apartment No. L-232, Nashville, Tennessee 37210, on the 6th. day of May, 1980.

JOHN D. KITCH

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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* Cheryl Lee (Gregory) Berry *Plaintiff, and* Robert Julian Britty *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* 11th *day of* June *in the year one thousand nine hundred and* Eighty *and in the* 204th *year of American Independence.*

GEORGE L. ROOKER. *Clerk.*

By Barbara Eddings, *D. C.*

Form #CR-117