5-2-80
14TC/1953

IN THE FIRST CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE,

AT NASHVILLE

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DORIS JEAN BROWN KIRBY	]	
	]	
VS.	]	NO. 93719
	]	
LEMON KIRBY	]	

AGREED ORDER

This cause came on to be heard by consent of the parties, as evidenced by their signatures or the signatures of respective counsel hereto, on the petition of the plaintiff, Doris Jean Brown Kirby, to sell certain real estate owned by the parties at public auction, the cross petition of the defendant, Lemon Kirby, to partition the property in kind, and the entire record in the cause, for all of which IT IS, ACCORDINGLY, ORDERED AND ADJUDGED by the Court as follows:

1. That the real property owned by the parties consisting of approximately ten (10) acres and situated at 6535 Clarksville Highway and 6537 Clarksville Highway, Joelton, Davidson County, Tennessee, be divided between the parties so that the plaintiff, Doris Jean Brown Kirby, have the residence house and five (5) acres, including one hundred sixty two (162) feet of road frontage on the said Clarksville Highway, and, further, so that the defendant, Lemon Kirby, have the remainder of the property, including the remaining road frontage, and including the gasoline station and market and the garage situated on the opposite side of the property along the road frontage from the side where the residence house is situated. That in order to effect a division of the property in kind as set forth herein, the property will be surveyed and divided, and the parties will equally share in the costs of such survey.

2. That the defendant's portion of the property will include the septic tank and water meter.

3. That the defendant will solely be responsible for and will pay after April 1, 1980, two (2) payments on the second mortgage indebdedness due Fidelity Federal Savings and Loan Association and

one (1) payment on the first mortgage indebtedness.

4. That the remainder of the first and second mortgage indebtedness will be shared equally between the parties, but the plaintiff shall be responsible for all previous payments on the first and second mortgage indebtedness except for the payments required of the defendant herein in accordance with the original decree of divorce entered in this cause. That the defendant is allowed thirty days from and after the entry of this order to obtain a full release of the plaintiff's property as security for the first mortgage indebtedness or to pay the plaintiff a sum equal to one-half of the first mortgage indebtedness then outstanding. That in the event the defendant fails to release the plaintiff's portion of the property as security for the first mortgage indebtedness within thirty days and in the further event that he fails to pay to the plaintiff one-half of the outstanding balance of that mortgage, the plaintiff is hereby granted a lien enforceable by motion in this Court requiring that the defendant's property be sold at any time sixty days after the entry of this Order in order to discharge the first mortgage indebtedness. In the event the plaintiff's property is sold by her and in the further event that the defendant has not secured a release of the first mortgage indebtedness on the plaintiff's property, the defendant will be liable to the plaintiff for one-half of that indebtedness and agrees to pay to the plaintiff interest at the rate of fifteen percent (15%) per annum for any period of time the plaintiff pays the first mortgage indebtedness and fails to be reimbursed by the defendant for one-half thereof.

5. That the remaining bills of the parties will be divided and paid in accordance with the requirements of the decree of divorce entered in this cause.

ALL FURTHER MATTERS ARE RESERVED UNTO THE COURT.

JUDGE

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APPROVED FOR ENTRY:

ROBERTS & McNUTT

BY _____
LARRY L. ROBERTS
Attorney for Plaintiff

_____
JACK NORMAN, JR.
Attorney for Defendant

_____
DORIS JEAN BROWN KIRBY
Plaintiff

_____
LEMON KIRBY
Defendant

RUSH

IDENTIF. REFERENCE

AUG 13, 3 18 PM '80

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

G.O. 2.284

93719 11/20/1933

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* DORIS JEAN BROWN KIRBY *Plaintiff, and* LEMON KIRBY *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* 13 *day of* AUGUST *in the year one thousand nine hundred and* EIGHTY *and in the* 205TH *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By _____, *D. C.*

Form #GR-117