1168
1147

BOOK 5653 PAGE 583 33-15
39

IN THE SECOND CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

PENELOPE ANN HOPKINS ZIDANK]

-vs-] NO. 89666

HERBERT HATCHER ZIDANK]

FINAL DECREE

This cause came on to be heard on the 10th day of April, 1978 before the Honorable John E. Brandon, Special Judge, upon the petition for absolute divorce filed by complainant, personal service of process upon the defendant, submission to the Court of a property settlement agreement heretofore entered into by and between the parties and tendered to the Court for approval, testimony of complainant, statement of counsel and from the entire record in this cause. From all of which the Court finds that irreconcilable differences exist between the parties. It is therefore

ORDERED AND ADJUDGED that the bonds of matrimony heretofore submisting between the parties be and the same are hereby forever and perpetually dissolved and the complainant, Penelope Ann Hopkins Zidank, is granted an absolute divorce from the defendant and restored to all the rights and privileges of an unmarried person.

It is further ORDERED AND ADJUDGED that the property settlement agreement heretofore entered into by and between the parties and tendered to the Court for approval is hereby approved in all respects and made a part of this Decree, by inclusion as follows:

PROPERTY SETTLEMENT AGREEMENT BOOK 5653 PAGE 584

WHEREAS, there is presently pending in the Circuit Court of Davidson County, Tennessee a petition for absolute divorce filed by PENELOPE ANN HOPKINS ZIDANK, hereinafter referred to as Wife, against HERBERT HATCHER ZIDANK, hereinafter referred to as Husband, and

WHEREAS, these parties are presently living separate and apart and desire to enter into a property settlement and tender same to the Court for approval in the event a decree of divorce is entered in this cause, and

WHEREAS, these parties have been advised of their respective rights and responsibilities, one to the other.

NOW, THEREFORE in consideration of $1.00 cash in hand paid and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties do agree as follows:

1. That Wife will proceed to trial to obtain an absolute divorce on the grounds of irreconcilable differences.

2. That the absolute care, custody and control of the minor child, to-wit: Abigail Carol Zidank, shall be awarded to the Wife, with the right of reasonable visitation reserved to the Husband.

3. The parties acknowledge that they have been living in a home that was owned by the Husband prior to the marriage; however, Wife has contributed toward the mortgage payments on the house, therefore, Wife shall have the right to continue to live in the home for a period not to exceed three (3) years from the date of the signing of this agreement. During this period of time and so long as she lives in the home, the Husband will pay as child support the sum of $115.00 per month directly to the mortgage company and shall keep the house note current. At such time as Wife vacates the home, the Husband shall pay directly to her the sum of $115.00 per month as child support.

4. Wife shall be awarded a lien against the home at 903 Apple Valley Road, Madison, Davidson County, Tennessee in the amount of

$5,000.00 and to that extent shall be awarded a judgment for alimony in the sum of $5,000.00; however, said alimony judgment lien against the home shall be unenforceable until such time as Husband chooses to sell the home. Wife will receive no other equity or remuneration from the home other than the $5,000.00 judgment heretofore mentioned.

5. All the household furniture and furnishings of the parties shall be awarded exclusively to the Wife.

6. Each party will be responsible to pay their own indebtedness.

7. Husband agrees to accept full responsibility for all extraordinary medical and dental expenses for the minor child, which are not covered by insurance.

8. The parties agree to pay Robert L. Jackson a total attorney fee of $300.00, plus the court costs.

Both parties agree to sign any and all deeds, titles, documents or instruments necessary to carry out the full purpose and intent of this agreement. Both parties acknowledge that they have read this agreement in its entirety prior to the signing hereof and have signed same voluntarily.

WITNESS our hands, this 5th day of April, 1978 as to Wife and the 5 day of April, 1978 as to Husband.

WIFE

HUSBAND

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named PENELOPE ANN HOPKINS ZIDANK, who made oath that she executed the foregoing agreement for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this 10 day of April, 1978.

NOTARY PUBLIC

My C.E. [illegible]

1149

MINUTES ON THE 10th DAY OF APRIL, 1978.

MINUTES ON THE 10th DAY OF APRIL 1978.

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named HERBERT HATCHER ZIDANK, who made oath that he executed the foregoing agreement for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this 5 day of April, 1978.

NOTARY PUBLIC

My C. E. 2-14-79

The costs of this cause are taxed against the defendant, for all of which execution may issue, if necessary.

John E. Brandon
SPECIAL JUDGE

Entered this 10th day of April, 1978

APPROVED:

Robert L. Dishman
Attorney for Complainant

G 0 8 7 1 1
T
IDENTIF. REFERENCE
Sep 19 1 01 PM '80
FELIX Z. WILSON REGISTER
DAVIDSON COUNTY, TENN.
RSND

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of this pleading has been served upon counsel for all parties at interest in this cause by delivering a true copy of said pleadings to the offices of said counsel or placing a true copy of said pleading in the United States mail addressed to said counsel.

This the ____ day of April, 1978.

Robert L. Dishman

Minute Book 116B Page 1147

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* Penelope Ann Hopkins Zidank *Plaintiff, and* Herbert Hatcher Zidank *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* 19th *day of* September *in the year one thousand nine hundred and* eighty *and in the* 205th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By _____, *D. C.*