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ELLEN REBECCA BROWN) IN THE THIRD CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

VS.)

MYERS E. BROWN) NO. 91442

42-16-par 173
43-par 9
34-par 36
43-par 24
43-par 13
S.T.

FINAL DECREE

This cause came on for hearing before the Honorable Joe C. Loser, Jr., Judge of the Third Circuit Court of Davidson County, Tennessee on the 9th and 10th days of November, 1978 upon the original complaint for absolute divorce filed by complainant, Ellen Rebecca Brown, Answer and Counter-Complaint for absolute divorce filed by Myers E. Brown, answer thereto, amended and supplemental complaint for Divorce filed by counter-complainant, Myers E. Brown, answer thereto filed by counter-defendant, Ellen Rebecca Brown, testimony of witnesses heard in open Court, argument of Counsel and upon the entire record herein. From all of which the Court finds as follows:

That the original complaint for absolute divorce filed by the said Ellen Rebecca Brown has not been substained by the proof and should therefore be and is hereby dismissed.

The Court feels the counter-complaint and amended and supplemental complaint for absolute divorce filed by Myers E. Brown has been fully sustained by the proof and should be granted as the counter-defendant, Ellen Rebecca Brown has been guilty of such cruel and inhuman treatment and conduct towards the counter-complainant as renders further cohabitation unsafe and improper;

It is therefore ORDERED, ADJUDGED and DECREED that the bonds of matrimony heretofore subsisting by and between the parties are hereby dissolved and the counter-complainant, Myers E. Brown is hereby awarded an absolute divorce from the counter-defendant, Ellen Rebecca Brown and he is hereby restored to all the rights and privileges of an unmarried person.

It is further ORDERED, ADJUDGED and DECREED that the custody of the minor daughter of the parties to wit, Natalie Eugenia Brown, age three years is hereby vested in the counter-defendant, Ellen Rebecca Brown subject to visitation privileges hereinafter set forth for the counter-complainant.

It is ORDERED, ADJUDGED and DECREED the custody of the minor son of the parties, Myers Edward Brown II, age 7 years is hereby vested in the counter-complainant, Myers E. Brown subject to visitation privileges hereinafter set forth for the counter-defendant.

It is ORDERED and DECREED that the said Ellen Rebecca Brown shall have visitation with the minor son from 5:00 p.m. each Wednesday until Thursday at 5:00 P.M. and likewise it is ORDERED the said Myers E. Brown shall have visitation with the minor daughter from 5:00 P.M. each Wednesday until Thursday at 5:00 P.M.

It is further ORDERED and DECREED each party shall have visitation privileges with both children together on an everyother week-end basis from Friday at 5:00 P.M. until Sunday at 6:00 P.M.

It is therefore ORDERED, ADJUDGED and DECREED that each party shall retain possession of all personal property now in their possession free and clear of the claim of the other and any right, title or interest each has in the property in possession of the other is hereby divested from the party not having possession and reinvested in the possessor to be his or hers absolutely. It is further ORDERED and DECREED the counter-complainant is awarded his 1977 Lincoln automobile to be his absolutely and the counter-defendant is hereby awarded the Ford Torino automobile and the counter-complainant will execute proper title to her.

It is further ORDERED, ADJUDGED and DECREED the homeplace of the parties located at 512 Keaton Avenue, Old Hickory, Tennessee is hereby vested in the parties as tenants in common with the said Myers E. Brown owing a one-half undivided interest therein and the said Ellen Rebecca Brown owing one-half undivided interest therein. Said real property is more particularly described as follows:

> A Tract of land in the 4th Civil District of Davidson County, Tennessee, described according to a survey made by John R. Alley, Surveyor, November 6, 1964, as follows:
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> BEGINNING on the southerly margin of Keaton Avenue, at the northeast corner of the property conveyed to Walter W. Gardner and wife, by deed from Tom Williams and wife, of record in Book 1714, page 174, Register's Office of said County; thence with said Gardner's eastern boundary line, south 51° 51' west 200 feet; thence south 47° 47' east 173 feet; thence north 42° 28' east 197 feet to the southerly margin of Keaton Avenue, thence with the same, north 47° 47' west 140 feet to the beginning.
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> Being the same property conveyed by warranty deed from Buster Forkum and wife, DorothyR. Forkum to Myers E. Brown and wife Rebecca R. Brown of record in Book 4538, page 913, Register's Office for Davidson County, Tennessee, with the said Rebecca R. Brown and Ellen Rebecca Brown being one and the same person.

It is further ORDERED, ADJUDGED and DECREED that the real propert located on Keaton Avenue, Old Hickory, Tennessee being 41 acres titled to Myers E. Brown is hereby ordered to be held as tenants in common as between the parties subject to any mortgage thereon and each party is hereby vested with a one-half undivided interest therein and each shall be

responsible for one-half of the mortgage payments as they become due thereon. Said real estate is more particularly described as follows:

41 A. Description

A tract of land in the 4th Civil District of Davidson County, Tennessee, in Hadley's Bend of the Cumberland River, near Old Hickory, Tennessee, and said tract of land being located on Keaton Avenue, and described as follows:

Beginning at the low water mark of Cumberland River, at R.M. Gardner's Southeast couner; thence with his east line, north 56° 45' east 2655 feet; thence south 47° 17' east 500 feet, more or less, to the northeast corner of the 41.52 acre tract herein described; thence south 51° 41' west 2874.5 feet to the low water mark of the Cumberland River;thence north 26° 56' west 332 feet; thence north 29° 51' west 400 feet to the point of beginning, containing 41.52 acres, more or less.

Being the same property conveyed to Myers E. Brown by C. L. Porter, Trustee by Quitclaim Deed of record in Bood 5051, page 124, Regisrer's Office, Davidson County, Tennessee.

It is further ORDERED, ADJUDGED and DECREED that the farm located Swingbridge Road, Old Hickory, Tennessee being 34.5 acres owned jointly by the parties is hereby vested solely in the counter-complainant, Myers E. Brown to be his absolutely and in fee simple and any right, title or interest the counter-defendant has in and to the same is hereby divested from her and reinvested in the said Myers E. Brown. Said real property is more particularly described in words and figures as follows:

34.5 A. Description

Land in the 4th Civil District of Davidson County, Tennessee, described according to a survey by Harvey Gee, Surveyor, dated June 21, 1950, as follows:

Beginning at an iron pin in the center line of Hadley Avenue 340 feet southeast from the corner of Tracts Nos. 10 and 11 of Nashville Industrial Corporation Subdivision, not of record; thence south 63° 14 west 1702.4 feet to an iron pin; thence south 86° 11 west 828 feet to an iron pin on the bank of Cumberland River, and continuing in said course south 86° 11 west 196 feet to the low water mark of the Cumberland River; thence southwardly down said River 684 feet, more and less, to the low water mark thereof at the corner of Tracts Nos. 11 and 12, of said unrecorded subdivision; thence with the line between said tracts north 70° 50' east 219 feet to the bank of Cumberland River and continuing with the line of said course, a distance of 2980.5 feet, more or less, to an iron pin in the center line of Hadley Avenue, thence with the center line of same, North 47° 43' west 763.5 feet to the beginning, containing 39.2 acres, more or less.

Excluded therefrom is that part of land conveyed to Robert Edward Smith and wife by deed from William Robert Smith and wife of record in Book 3708, page 225, Register's Office for said County.

Being property devised to Mary Elizabeth Smith under the will of William Robert Smith, deceased, of record in Will Book 85, page 286, Office of the Probate Court of Davidson County, Tennessee.

Being the same property conveyed to Myers E. Brown and wife Rebecca R. Brown and wife Rebecca R. Brown by Installment Deed from Mary Elizabeth Smith of record in Book 4550, page 820 Register' Office, Davidson County, Tennessee.

With the said Rebecca R. Brown and Ellen Rebecca Brown being one and the same person.

It is further ORDERED, ADJUDGED and DECREED the Brown and Brown partnership Property interest held by the parties being a 1/2 undivided interest in and to 152, 154, 156 and 158, Keaton Avenue, Old Hickory, Tennessee is hereby awarded solely to the counter-complainant, Myers E. Brown and any right, title or interest the said Ellen Rebecca Brown has in and to the same is hereby divested from her and reinvested in the said Myers E. Brown in fee simple absolute. Said real property is more particularly described as follows:

Brown and Brown Description

Being a one-half undivided interest in a tract of land in the 4th Civil District of Davidson County, Tennessee, being Tracts Nos. 12 and 13 on the Leonard L. Clark Plan, near Old Hickory, Tennessee, described according to a survey by S. M. McMurray, November 12, 1948, as follows:

Tracts Nos. 12 and 13 are described together as follows: Beginning on the westerly margin of a road, being the first road from left from bridge over Cumberland River, said beginning point being the common corner of Tracts Nos. 11 and 12; thence with the westerly margin of said road, North 47° 47' west 268.70 feet to the northeast corner of Tract No. 13 and the south line of Tract No. 3; thence south 42° 45' west 718.9 feet, more or less to an iron pin; thence south 38° east 262.8 feet to the corner of tracts Nos. 11 and 12; thence with the line between said tracts north 42° 45' east 769.4 feet to the beginning, containing 4.59 acres, more or less.

Included in the above description, but expressly excluded therefore, is the following described property conveyed to John W. Allen by deed of record in Book 1854, page 416, Register's Office for said County.

A part of Tract 12 in the Fourth Civil District of Davidson County, Tennessee, near Old Hickory, Tennessee, on the Leonard L. Clark plan described as follows:

Beginning on the westerly margin of a road, being the first road on the left from the bridge over Cumberland River, said Beginning point being the corner of Tracts Nos. 11 and 12 at an iron pin, then proceeding along the westerly margin of said road for 54 feet; thence south 42° 45' west 718.9 feet, more or less; thence south 38° east 54 feet, more or less, to the corner of Tracts Nos. 11 and 12; thence with the line between said tracts, north 42° 45' east 769.4 feet, more or less, to the beginning.

Being the same property conveyed to Myers E. Brown and wife Rebecca R. Brown by Warranty Deed from C. L. Porter and wife Alice of record in Book 4571, page 326, Register's Office, Davidson County, Tennessee.

With the said Rebecca R. Brown and Ellen Rebecca Brown being one and the same person.

It is further ORDERED, ADJUDGED and DECREED the property known as 212 Madison Street, Madison, Tennessee is hereby retained by the said Myers E. Brown free and clear of the claim of Ellen Rebecca Brown and any interest she may have therein by virtue of the marriage of the parties

is hereby vested from her and reinvested in the said Myers E. Brown in fee simple absolute. Said real property is more particularly described as follows:

> Land in the 11th Civil District of Davidson County, Tennessee, and being a portion of the original Lot No. 16 on the Plan of the Douglas-Levine Subdivision of record in Book 547, page 44, said Register's Office, and more particularly described by a survey of Murray D. Shanklin dated September 9, 1972, as follows:
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> Beginning at an iron pin the southwesterly corner of said Lot No. 16; thence North 14° 29' East 177.10 feet to an iron pin; thence South 74° 56' East 74.52 feet to a point; thence South 14° 06' West 165.52 feet to an iron pin at the northerly margin of Madison Street; thence along said northerly margin of Madison Street North 83° 40' West 76.34 feet to the point of beginning, containing .295 acres more or less.
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> Being the same property conveyed to Myers E. Brown by Installment Deed from K.C. Barnes of record in Book 5077, page 560 in the Register's Office of Davidson County, Tennessee.

It is further ORDERED, ADJUDGED and DECREED the said Myers E. Brown shall pay to Ellen Rebecca Brown the sum of $500.00 per month as child support for the support of the minor child, Natalie Eugenia Brown, age three years.

The cost of this cause is hereby assessed equally between the parties therein.

This the ___ day of November, 1978

JUDGE 11/20/78

APPROVED FOR ENTRY

ATTORNEYS FOR COUNTER-COMPLAINANT

Enter This 20 Day of Nov., 1978

ATTORNEY FOR COUNTER-DEFENDANT

I certify a copy of this final decree has been mailed to the Honorable Frank S. King, Jr. Attorney for counter-defendant, this the 14th day of November, 1978.

ATTORNEY

RECEIVED THIS 15
DAY OF Nov, 1978

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IDENTIF. REFERENCE

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FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

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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* true copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* ELLEN REBECCA BROWN *Plaintiff, and* MYERS E. BROWN *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* 1st *day of* October *in the year one thousand nine hundred and* eighty *and in the* 205th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By J. Knight, *D. C.*

Form #GR-117