IN THE FIRST CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

FILED

1980 OCT 21 PM 2:17

GEORGE L. ROOKER, CLERK

D.C.

FRANCIS R. BROWN

PLAINTIFF

VS.

ETTA VELMA BROWN and
ROY BROWN

DEFENDANTS

NO. 80D-2727

Map 24
Par 115.2

1090 / 1095

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F I N A L D E C R E E

This cause came on to be heard on this the 14th day of October, 1980, before the Honorable Hamilton Gayden, Judge of the First Circuit Court of Davidson County, Tennessee, upon the pleadings, testimony of witnesses in open court and the entire record, all of which the court found in accordance with its memorandum opinion dated October 14, 1980 and said memorandum opinion is incorporated as fully as though copied verbatim herein. It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that the petition for divorce, filed by Francis R. Brown, as against Etta Velma Brown, for absolute divorce be and the same as is hereby dismissed.

It is further ORDERED, ADJUDGED and DECREED by the Court that Etta Velma Brown, Defendant and Counter-Plaintiff is granted a divorce from Francis R. Brown, Plaintiff and Cross-Defendant, on grounds of desertion, that the Cross-Defendant has turned her out of doors and offered such indiginities toward her to make further cohabitation improper and unsafe.

It is further ORDERED, ADJUDGED and DECREED by the Court that the conveyance made by Francis R. Brown to Etta Velma Brown of a life estate in certain realty in the 10th Civil District of Davidson County, Tennessee on the 14th day of March, 1979, as of record in Book 5406, page 438, Register's Office for Davidson County, Tennessee is declared null and void and the title reverts back to Francis R. Brown, Plaintiff and Cross-Defendant, in this cause.

It is further ORDERED, ADJUDGED and DECREED by the Court that the conveyance made by the Plaintiff and Cross-Defendant, Francis R. Brown, to his son, Roy Brown, Third Party Defendant, by an unrecorded warranty deed of the property more fully described as land in the 10th Civil District of Davidson County, Tennessee, in Book #5406, page 438, Register's Office for Davidson County, Tennessee is set aside and for nothing held.

It is further ORDERED, ADJUDGED and DECREED by the Court that Etta Velma Brown will be awarded alimony in solido, in the amount of $4,000.00 for which a lien is placed as against the real estate owned by Plaintiff and Cross-Defendant, Francis R. Brown, more fully described as follows: Land in the 10th Civil District of Davidson County, Tennessee.

> BEGINNING at a point in the center of Dry Creek Road and common corner to the Redding property; thence following the Redding property N. 2° 15' E. 530 feet to a fence corner; thence S. 86° 45' E. 315 feet to an iron pin in the corner of the property being retained by Grantors; thence in a southeasterly direction 488 feet to an iron stake; thence on to the center line of Dry Creek Road; thence following Dry Creek Road S. 83° 15' W. 497 feet to the point of beginning.
>
> BEING the same property conveyed to R. F. Brown, by deed from Caspar D. Sircy, et. ux. of record in Book 4593, page 778, Register's Office for Davidson County, Tennessee.

It is further ORDERED, ADJUDGED and DECREED by the Court that the property herein described may be sold voluntarily by Francis R. Brown, Plaintiff and Cross-Defendant, within ninety (90) days from the date of this Order and from the proceeds of said sale, after payment of real estate commissions and the costs of deed there shall first be payed to the Defendant and Cross-Plaintiff, Etta Velma Brown, Four Thousand and 00/100 Dollars ($4,000.00) to satisfy the judgment lien as ordered by the Court.

It is further ORDERED, ADJUDGED and DECREED by the Court that unless the Four Thousand and 00/100 Dollars ($4,000.00) judgment lien awarded to Etta Velma Brown is satisfied by the Plaintiff and Cross-Defendant, Francis R. Brown, or from any other source, within ninety (90) days from the date of this Order, the Clerk of this Court will advertise, for public sale, in accordance with law, at the south door of the Courthouse in Nashville, Tennessee, all of the right, title and interest of the Plaintiff and Cross-Defendant, Francis R. Brown, in and to certain improved real property, Route #4, Goodlettsville, Tennessee 37072, Davidson County, Tennessee, to the highest and best bidder, said certain improved real property being more particularly described as follows, to wit:

> BEGINNING at a point in the center of Dry Creek Road and common corner to the Redding property; thence following the Redding property N. 2° 15' E. 530 feet to a fence corner; thence S. 86° 45' E. 315 feet to an iron pin in the corner of the property being retained by Grantors; thence in a southeasterly direction 488 feet to an iron stake; thence on to the center line of Dry Creek Road; thence following Dry Creek Road S. 83° 15' W. 497 feet to the point of beginning.

BEING the same property conveyed to R. F. Brown, by deed from Caspar D. Sircy, et. ux. of record in Book #4593, page 778, Register's Office for Davidson County, Tennessee.

It is further ORDERED, ADJUDGED and DECREED by the Court that said property be sold by the Clerk of this Court on a credit of not less than six (6) months nor more than twenty-four (24) months, taking from the purchaser, notes for the purchase money, with one or more solvent sureties, drawing interest from the date of said sale and that when said sale has been made and confirmed by the Court no right of redemption or repurchase shall exist in the Plaintiff and Cross-Defendant, Francis R. Brown, or his creditors, and the title of the purchaser at said sale shall be absolute and the Clerk will report his actions to this Court.

It is further ORDERED, ADJUDGED and DECREED by the Court that upon receipt of the funds from the sale of said property, the Clerk shall pay out of said proceeds, Four Thousand and 00/100 Dollars ($4,000.00) to Etta Velma Brown, to satisfy the judgment lien hereby awarded to the Defendant and Cross-Plaintiff, Etta Velma Brown, and the cost of the sale of said real property and, pay over the balance of said funds, if any, to the Plaintiff and Cross-Defendant, Francis R. Brown.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Defendant and Cross-Plaintiff, Etta Velma Brown, be restored to all of her rights and privileges of an unmarried person, including name of Etta Velma Dockery.

It is further ORDERED, ADJUDGED and DECREED by the Court that the costs of this cause are taxed against the Plaintiff and Cross Defendant, Francis R. Brown.

ENTER this the 21st day of October, 1980.

Hamilton Gayden

HAMILTON GAYDEN, Judge

APPROVED FOR ENTRY:

Herman O. Loewenstein

HERMAN O. LOEWENSTEIN
Attorney for Etta Velma Brown,
Defendant and Cross-Plaintiff
1200 Third National Bank Building
Nashville, Tennessee 37219

xc: Mr. James W. Rutherford
Attorney for Francis R. Brown
Plaintiff and Cross-Defendant
216 3rd Avenue North
Nashville, Tennessee 37201

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IDENTIF. REFERENCE

Nov 11 2 24 PM '80

FEE $ PAID IN REGISTER
DAVIDSON COUNTY, TENN.

80D-2727 1490/1695

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~~ true copy *transcript of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Francis R. Brown *Plaintiff, and* Etta Velma Brown and Roy 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* 11th *day of* November *in the year one thousand nine hundred and* eighty *and in the* 205th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Randy Bryant, *D. C.*

Form #GR-117