43-5-123

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LAURA FRANCES HOPKINS §
§ NO. 43146
§
VS § IN THE CIRCUIT AND PROBATE COURTS
§
§ OF DAVIDSON COUNTY, TENNESSEE
JAMES EDWIN HOPKINS §

D E C R E E

This cause came on to be heard before the Honorable Shelton Luton, Judge of the Probate Court of Davidson County, Tennessee, on this May 19, 1964. Upon application of the complainant, the defendant consenting thereto, IT IS ORDERED that the prayer of the complainant's Original Bill be amended so as to strike therefrom item 3 which prays for a decree for separate support and maintenance of the complainant and the children and by inserting in lieu thereof a new item 3 which reads as follows:

> "That the complainant be granted an absolute divorce from the defendant and that she be awarded custody of the children, child support and alimony."

The cause then came on for further hearing upon the Original Bill as amended, the Answer and the Cross-Bill of the defendant and the Answer of the complainant to said Cross-Bill and upon the testimony of witnesses heard in open court, from all of which the Court finds that the allegations of the Original Bill are true, that the defendant, James Edwin Hopkins, is guilty of such cruel and inhuman treatment or conduct toward the complainant as to render it unsafe and improper for her to cohabit with him and be under his dominion and control, that the complainant is a fit, suitable and proper person to have the custody of the minor children of the parties and that the welfare of said children requires that their custody be awarded to the complainant.

IT IS ACCORDINGLY ORDERED, ADJUDGED AND DECREED AS follows:

1. That an absolute divorce be and hereby is granted to the complainant, Laura Frances Hopkins; that the bonds of matrimony subsisting between her and the defendant, James Edwin Hopkins, be and hereby are forever dissolved and that the parties be vested with all the rights and privileges of unmarried persons.

2. That the custody of Kim Marie Hopkins and Cynthia Gay Hopkins, the minor children of the parties, be and hereby is awarded

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to the complainant. The defendant may have said children with him one (1) day each week. He shall first give the complainant reasonable notice of which day he desires to have the children with him and on such day he shall call for them at the complainant's home in the morning and return said children to complainant's home in the afternoon;provided further that,if the defendant desires to have said children with him on any Sunday, he shall call for said children not earlier than 2:00 o'clock P. M.

3. That the defendant,James Edwin Hopkins,shall pay into the office of the Clerk of this Court as child support for the said minor children the sum of Fifty Dollars ($50.00) per week, the first weekly payment hereunder to be made on or before Saturday, May 23, 1964, and said payments to be made weekly until further orders of this Court. The Clerk, after deducting his statutory commissions from said funds paid in, shall disburse the same to the complainant.

4. That the defendant, James Edwin Hopkins, shall continue in full force and effect the insurance policy or policies in the amount of Eighteen Thousand Dollars ($18,000.00) on his own life which he has been carrying but he shall make a change in the beneficiary so that the two minor children hereinabove named shall be the sole beneficiaries thereof. The defendant shall at all reasonable times, when requested by the complainant to do so, furnish her with evidence that said policies are being carried in full force and effect as herein ordered.

5. That the complainant is entltled to and is awarded alimony as follows:

a. All the right, title and interest of the defendant, James Edwin Hopkins, in and to the home of the parties is hereby divested out of him and vested in the complainant, Laura Frances Hopkins. Said real property, which is located at number 735 Delaware Avenue in Madison, Davidson County, Tennessee, is described as follows:

> A certain tract or parcel of land in Davidson County, Tennessee, more particularly described as follows:
>
> Being Lot No. 20 of Block "A" on the Map of Cedar Crest Estates, as of record in Book 974, page 15, of the Register's Office for Davidson County, Tennessee. Said Lot No. 20 fronts 101 feet on the westerly side of Delaware Avenue and runs back between parallel lines 191.5 feet to a dead line. Being the same

property conveyed to James Edwin Hopkins and wife, Laura Frances Hopkins, by deed from Gerald D. Hudgins and wife, Mildred S. Hudgins, dated May 4, 1957, and recorded in Book 2343, page 577, of the Register's Office for said County.

b. That all the right, title and interest of the said defendant, James Edwin Hopkins, in and to the United States Government Bonds referred to in the Original Bill be and hereby are divested out of him and are vested in the complainant and the said defendant is hereby ordered to execute, acknowledge and deliver any and all instruments, assignments, contracts and conveyances and do all such other things which may be necessary or proper to transfer title to the said bonds to the said complainant.

c. That all the right, title and interest of the defendant in and to the funds which had been deposited in a savings account in the joint names of the parties in the Commerce Union Bank, but which were withdrawn and deposited by the complainant in a new savings account in her own name, be and hereby are divested out of the defendant and vested in the complainant.

6. That the injunction heretofore issued restraining the complainant and cross-defendant, Laura Frances Hopkins, from using or disposing of cross-complainant's money or bonds be and hereby is dissolved.

7. That the defendant shall pay the costs of this cause for which execution will issue if necessary but the defendant is not required to pay any attorney's fee to the solicitor for the complainant.

The foregoing provisions of this decree with respect to alimony and support for the children were agreed upon by the parties, subject to the granting of a divorce in this cause, and this agreement of the parties the Court finds to be reasonable and accordingly approves same.

8. That the defendant's Cross-Bill be and hereby is dismissed at his costs.

9. That this cause be retained in court as to the custody and support of the minor children of the parties.

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The signatures of counsel for the respective parties evidences the consent of the parties to the foregoing provisions of this decree relating to alimony and child support.

Judge

Approved for entry:

Claude Callicott, Solicitor for
Complainant and Cross-Defendant,
Laura Frances Hopkins

James W. Rutherford, Solicitor for
Defendant and Cross-Complainant,
James Edwin Hopkins

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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* LAURA FRANCES HOPKINS *Plaintiff, and* JAMES EDWIN HOPKINS *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* 17th *day of* July *in the year one thousand nine hundred and* eighty-one *and in the* two hundred sixth *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By P. L. Rowland, *D. C.*

Form