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LINELLE WALKER HADDOX	]	IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
VS.	]	
MORRIS B. HADDOX, JR.	]	NO. 80995

D E C R E E

This cause came on to be heard before the Honorable Benson Trimble, Judge, Division IV of the Circuit Court of Davidson County, Tennessee, on this the 12th day of April, 1976, upon the original bill filed by plaintiff, and answer filed by the defendant. The answer having been withdrawn prior to the hearing, the matter was heard on an uncontested basis. From the testimony of the plaintiff, her corroborating witnesses, statement of counsel, and from the entire record of this cause, the Court is of the opinion that the plaintiff did successfully sustain her grounds for divorce, that is, that the defendant has been guilty of such cruel and inhuman treatment towards her as renders further cohabitation unsafe and improper.

It is, therefore, ORDERED, ADJUDGED and DECREED that the plaintiff, Linelle Walker Haddox, is awarded an absolute divorce from the defendant, Morris B. Haddox, Jr., and the bonds of matrimony heretofore existing between the parties are forever and perpetually dissolved. Plaintiff is restored to all the rights and privileges of an unmarried person.

It is further ORDERED, ADJUDGED and DECREED that the plaintiff is awarded the absolute care, custody and control of the two minor children of the parties, to wit, Morris B., III, and Nathan, with reasonable rights of visitation to the defendant. As support for said children, the defendant will pay to the plaintiff directly by check or money order the sum of $250.00 per month. It will be responsibility of the defendant to keep an

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accurate record of said payments. Said payments are to be made on or before the 5th day of each month, subsequent to the entry of this decree. However, the defendant will be responsible for support payments for the month of April, 1976, in the aforementioned amount, but will be given credit for any payment that he may have made to the plaintiff prior to the hearing of this cause, and during the month of April. The first full payment shall be due and payable on or before May 5, 1976, for the month of May. The defendant shall have the right to claim said children as dependents for income tax purposes.

As alimony in solido, all of defendant's right, title and interest in and to the homeplace of the parties located at 1801 Hermosa Avenue, as is now vested in defendant shall be divested from the defendant, and the property is awarded absolutely to the plaintiff. Said property is more particularly described as follows:

> Being Lot No. 8 on the Plan of C. R. Badoux's Subdivision of part of Lot No. 14 of Harding Lytle tract as of record in Book 161, page 41, Register's Office for said county.
>
> Said Lot No. 8 fronts 40 feet on the westerly side of 19th Avenue North, formerly Hudson or Walnut Street, and runs back with the southwest margin of Hermosa Street, 150 feet to an alley, and measures 43 feet thereon.
>
> Being the same property conveyed to Morris B. Haddox and wife, Linelle Haddox, by deed from A. A. Birch, Jr., a single man, of record in Book 4779, page 61, Register's Office, Davidson County, Tennessee.

The plaintiff shall assume the responsibility for any outstanding mortgage payment in regard to said property as of May 1, 1976, the defendant being responsible for the payment of the monthly mortgage payments until that date. All of the household

furnishings located at said aforementioned property are also awarded to the plaintiff, with the exception of that property that may be uniquely the personal property of the defendant.

The automobile that is normally driven by the plaintiff shall be awarded to the plaintiff, and the defendant shall execute such documents as may be necessary for the transfer of title thereunto, said car being more particularly described as a 1974 Monarch automobile.

Any and all other rental properties that are titled in the name of plaintiff and defendant, or solely in the name of defendant or in the name of defendant and other parties, shall be awarded to the defendant, and it shall be the responsibility of the plaintiff to execute such documents as may be necessary for the proper transfer of title thereunto to the defendant. The defendant, however, will hold the plaintiff harmless from any further responsibility for the payment of any indebtedness that might exist against said properties.

It further appearing to the Court that the Internal Revenue Service has made claim against the parties for tax deficiencies for 1971 in the amount of $12,588.31, and a penalty of $6,294.15, and for 1972 in the amount of $4,201.93, and a penalty of $2,100.96, and that further, that the Internal Revenue Service has determined that no part of the underpayment is due to fraud on the part of the plaintiff, Linelle Haddox, and that therefore, the penalties do not apply to her, that it is accordingly ORDERED, ADJUDGED and DECREED that the defendant shall hold the plaintiff, Linelle Haddox, harmless from any payment or claim assessed by the Internal Revenue Service for the aforementioned deficiencies or penalties thereon, other than

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that amount that the Internal Revenue Service may claim as is due and owing from the underpayment of income earned by the plaintiff. In other words, the defendant shall hold the plaintiff harmless from any claim made by the Internal Revenue Service against the parties as a result of their filing a joint tax return for all sums of money earned and/or unreported or underestimated by the defendant. In the event that there is a determination made by the Internal Revenue Service of underpayments for the years 1973 through 1975, and not due to the plaintiff's failure to report her income or an underpayment by the plaintiff, then and in that event, the defendant will again hold the plaintiff harmless from any claim made by Internal Revenue Service and as heretofore set forth.

The defendant will pay to Jack Norman, Jr., solicitor for the plaintiff, the sum of $750.00 as his reasonable fee for services rendered plaintiff in this cause. Said payment will be made by the defendant in full within thirty days of the entry of a final decree in this cause.

The defendant will pay the costs of this cause, for which execution may issue, if necessary.

Entered this 23 day of April, 1976.

JUDGE

APPROVED FOR ENTRY:

Jack Norman, Jr., Attorney for Plaintiff

I certify that I have mailed a copy of this Decree to Mr. Thomas V. White, attorney for defendant, First American Center, Nashville, Tennessee 37238, this 20th day of April, 1976.

Attorney

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IDENTIF. REFERENCE

Aug 28 2 50 PM '81

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.

RUSH

STATE OF TENNESSEE

Minute Book 100A
page 759

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 of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Linelle Walker Haddox *Plaintiff, and* Morris B. Haddox, Jr. *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* 27th *day of* August *in the year one thousand nine hundred and* Eighty-one *and in the* 206th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By O. Queary, *D. C.*

Form #CR-117