61-11-176 KS

FILED
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CLERK
D.C.

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

DONALD RAY YOUNG,)
)
Plaintiff,)
)
VS.) NO. 80D-1245
)
REBECCA ANNETTE YOUNG,)
)
Defendant.)

BOOK 5824 PAGE 934

FINAL DECREE

This cause came on to be heard on the 19th day of October, 1981, before the Honorable Benson Trimble, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the Complaints of the parties, the Answers thereto, the Complaint and Answer of Rebecca Annette Young having been withdrawn, the Child Custody and Property Settlement Agreement entered into between the parties, statement of counsel for the parties and the entire record herein, from all of which the Court finds that irreconcilable differences have arisen in the marriage of the parties, and that the plaintiff should be granted an absolute divorce.

It further appeared that the Child Custody and Property Settlement Agreement was executed by the parties on September 24th, 1981, and it appears from the aforesaid instrument that the parties have made adequate and sufficient provision for the custody and maintenance of the minor child of the marriage and for the equitable settlement of property rights between the parties.

It further appeared from statement of counsel for the parties that Donald Ray Young has agreed to hold Rebecca Annette Young harmless on the note held by Kentucky Mortgage Company secured by the residence located at 1012 Curdwood Boulevard, Nashville, Tennessee. Further, Donald Ray Young, agrees to hold Rebecca Annette Young harmless from liability on any

unpaid medical expenses which may be outstanding resulting from the birth of the parties' child.

It is therefore, ORDERED, ADJUDGED AND DECREED by the Court that plaintiff, Donald Ray Young, be, and he is hereby granted an absolute divorce from the defendant, Rebecca Annette Young, and the parties are hereby restored to all the rights and privileges of unmarried persons.

It is, further, ORDERED, ADJUDGED AND DECREED that the Child Custody and Property Settlement Agreement dated September 24th, 1981, which was presented to the Court, be, and the same is hereby ratified, approved and incorporated herein as follows:

CHILD CUSTODY

AND

PROPERTY SETTLEMENT AGREEMENT

This agreement, made and entered into on this _____ day of September, 1981, by and between Donald Ray Young, hereinafter referred to as HUSBAND, and Rebecca Annette Young, hereinafter referred to as WIFE, both of whom are residents of Tennessee.

WITNESSETH:

WHEREAS, the parties hereunto have been married since September 21, 1972, and one child has been born of this marriage, Donna S. Young;

WHEREAS, certain irreconcilable differences and difficulties have arisen between WIFE and HUSBAND, and they now are living apart without any expectation of resuming their marital relationship;

WHEREAS, both parties have filed complaints for divorce which have been dismissed against the wishes of both parties, and HUSBAND is presently attempting to have his complaint reinstated in the Fourth Circuit Court for Davidson County, Tennessee, and WIFE has agreed that he may do so; that in the event the attempt at reinstatement fails, HUSBAND will immediately file another complaint;

WHEREAS, WIFE and HUSBAND desire to enter into this agreement providing for, insofar as it is proper for them to do so, child custody and a division of the property of the parties; and,

WHEREAS, both parties hereto desire to reduce their agreement to writing, with the understanding that the same will be presented for final approval to the Court at the time of the final hearing on the divorce complaint;

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, it is mutually agreed by and between WIFE and HUSBAND as follows:

1. HUSBAND shall be awarded sole custody and control of the minor child of the parties, Donna S. Young, with WIFE having the right of visitation with said minor child at reasonable times with the places of visitation to be the home of HUSBAND, the home of HUSBAND'S mother or the home of HUSBAND'S sister, Sue.

2. Each party is in possession of his or her personal property and title to said property shall be vested solely in each party in possession at the time of the rendition of the final decree.

3. That all right, title and interest in and to the real estate owned by the parties located at 1012 Curdwood Boulevard, Nashville, Tennessee, be divested out of WIFE, Rebecca Annette Young, and vested solely in HUSBAND, Donald Ray Young, at the final hearing of this cause. The legal description of said property is as follows:

> BEING the westerly 1/2 of Lot No. 8 on the Plan of George Burrus Subdivision of Lot No. 81 on the Plan of Maplewood Home tract as of record in Book 421, page 178, Register's Office, Davidson County, Tennessee.
>
> BEING the same property conveyed to Donald R. Young and wife, Rebecca Young, by deed from Gary Lee Hooper and wife, Barbara J. Hooper, as of record in Book 4938, page 437, Register's Office for said County.
>
> THIS conveyance is subject to all restriction and easements found of record in the Register's Office for said County.

4. HUSBAND agrees to pay the present outstanding balance on the Master Charge account of the parties which is now approximately $100.00 and on the Visa account which is now approximately $200.00. Each party shall be responsible for his or her debts from the time of the execution of this Child Custody and Property Settlement Agreement.

5. HUSBAND shall pay the court costs of this cause and each party shall pay his or her attorney's fee.

6. Each party shall file individual Federal Income Tax Returns for the year 1981. Each party shall be solely responsible for payment of any and all income taxes found to be due and owing by that party, and shall hold the other party harmless from any liability therefor.

7. HUSBAND and WIFE agree that the provisions of this agreement are fair, adequate and satisfactory to both of them and that said provisions resolve all of their differences with respect to child custody, division of property and alimony. HUSBAND and WIFE further agree that this agreement is binding upon them, their heirs, representatives and assigns.

IN WITNESS WHEREOF, the parties have executed this agreement on the day above first written.

s/Donald Ray Young

s/Rebecca Annette Young

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public, in and for the State and County aforesaid, the within named bargainor, Rebecca Annette Young, with whom I am personally acquainted and who acknowledged that she executed the foregoing instrument for the purposes contained therein.

WITNESS my hand and official seal at Nashville, Tennessee, this 24th day of September, 1981.

s/Oline E. Gibson
NOTARY PUBLIC
Commission Expires: 3-31-84

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public, in and for the State and County aforesaid, the within named bargainor, Donald Ray Young, with whom I am personally acquainted and who acknowledged that he executed the foregoing instrument for the purposes contained therein.

WITNESS my hand and official seal at Nashville, Tennessee, this 14th day of September, 1981.

s/John R. Cheadle, Sr.
NOTARY PUBLIC
Commission Expires: 1-15-83

It is further, ORDERED, ADJUDGED AND DECREED that Donald Ray Young hold Rebecca Annette Young harmless on any unpaid medical expenses resulting from the birth of the minor child of the parties and that he also hold her harmless on the note held by Kentucky Mortgage Company for which the residence located at 1012 Curdwood Boulevard, Nashville, Tennessee, is security.

It is further, ORDERED, ADJUDGED AND DECREED that all right, title and interest in and to the real estate owned by the parties located at 1012 Curdwood Boulevard, Nashville, Tennessee, be, and the same hereby is, divested out of Rebecca Annette Young, and vested solely in Donald Ray Young. The legal description of said property is:

> BEING the westerly 1/2 of Lot No. 8 on the Plan of George Burrus Subdivision of Lot No. 81 on the Plan of Maplewood Home tract as of record in Book 421, page 178, Register's Office, Davidson County, Tennessee.
>
> BEING the same property conveyed to Donald R. Young and wife, Rebecca Young, by deed from Gary Lee Hooper and wife, Barbara J. Hooper, as of record in Book 4938, page 437, Register's Office for said County.
>
> THIS conveyance is subject to all restriction and easements found of record in the Register's Office for said County.

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

JUDGE 10-23-81

APPROVED FOR ENTRY:

PHILLIP D. ROBINSON
Attorney for Defendant
213 Third Avenue, North
Nashville, TN 37201

JOHN R. CHEADLE, SR.
Attorney for Plaintiff
515 Stahlman Building
Nashville, TN 37201

G 6 9 8 7 9

318 11/30 18.00- CHECK

IDENTIF. REFERENCE

Nov 30 4 05 PM '81

PETTY J. NELSON REGISTER
DAVIDSON COUNTY, TENN.

BOOK 5824 PAGE 939

Mail

JOHN R. CHEADLE
ATTORNEY AT LAW
STAHLMAN BUILDING
NASHVILLE, TENNESSEE 37201
(615) 254-1009

Docket No. 80D-1245 Minute Book 123B / page 377

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* DONALD RAY YOUNG *Plaintiff, and* REBECCA ANNETTE YOUNG *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* 30th *day of* November *in the year one thousand nine hundred and* eighty-one *and in the* 206th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By J. Knight, *D. C.*

Form #GR-117