STATE OF TENNESSEE COUNTY OF DAVIDSON

TUESDAY JANUARY 2, 1973 BOOK 5828 PAGE 108

COURT MET PURSUANT TO ADJOURNMENT, THE HONORABLE SHELTON LUTON PRESENT AND PRESIDING WHEN THE FOLLOWING PROCEEDINGS WERE HAD TO WIT:

IN THE PROBATE COURT OF DAVIDSON COUNTY, TENNESSEE

1835 12/07 12:00 CHECK

JAMES PRESLEY GUENTHER,
Complainant

VS.

BETTY JEAN BASS GUENTHER,
Defendant

84-10-70

NO. 67654

FINAL DECREE

This cause came on to be heard on this the 2nd day of January, 1973, before the Honorable Shelton Luton, Judge, upon the original bill filed in this cause, answer thereto, testimony of the Complainant and his witnesses, statement of counsel, property settlement agreement, and the entire record herein, from all of which the Court is of the opinion and finds that the allegation that the Defendant has been guilty of such cruel and inhuman treatment or conduct towards Complainant as renders further cohabitation unsafe and improper has been fully sustained by the proof and the Complainant should be granted an absolute divorce and restored to all the rights and privileges of an unmarried person.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that the bonds of matrimony heretofore subsisting between the parties be and the same are forever dissolved and for nothing held, and the Complainant, James P. Guenther, is granted an absolute divorce from the Defendant, Betty Jean Bass Guenther, and restored to all the rights and privileges of an unmarried person.

It is further ORDERED, ADJUDGED and DECREED by the Court that the agreement heretofore entered into between the parties, dated November 15, 1972, be and the same is hereby approved and made a part of this Decree, and is as follows:

AGREEMENT

"WHEREAS, this cause is presently pending in this Court involving the undersigned, hereinafter referred to as James P. Guenther and Betty Guenther, and

WHEREAS, these parties have suffered certain irreconcilable difficulties and are at the present living separate and apart, and

WHEREAS, both parties are familiar with the possessions, income, expenses and property of the other, and realize their obligations, one to the other, and,

WHEREAS, these parties desire to settle their property rights and matters concerning custody and support of their minor children and have this settlement become part of any final decree of divorce, when granted in this cause.

NOW, THEREFORE, in consideration of $1.00 cash in hand paid, the receipt of which is hereby acknowledged the parties do agree as follows:

1. The real property of the parties at 2133 Brookview Drive, Davidson County, will be owned by them as tenants in common. James P. Guenther will pay as alimony the note secured by deed of trust on the property, plus taxes and insurance as due as long as Betty Guenther lives in the house and has not remarried. The property is more fully described as follows:

> Land in the Third Civil District of Davidson County, Tennessee, being Lot No. 54 on the Plan of Donelson Meadows, Section II, as of record in Book 2133, page 100 and 101, Register's Office for said County, described as follows:
>
> BEGINNING on the Southwesterly margin of Brookview Drive, at the common corner of Lots Nos. 54 and 55; thence with said Drive Northwardly 245.79 feet to the corner of lots 53 and 54; thence with the line between said lots southerly 215.7 feet to the common corner of Lots 53, 54, and 55; thence with the line between Lots 54 and 55 northeastwardly 183.9 feet to the point of beginning.

2. The parties have further agreed that James P. Guenther will pay Betty Guenther alimony of $400.00 a month for the present and this amount will hopefully be reduced, it being assumed that Betty Guenther will become employed.

3. The 1970 Ford owned by James P. Guenther will be titled to Betty Guenther. James P. Guenther will pay as alimony the balance owed Nashville City Bank & Trust on the loan secured by the automobile.

4. The 1970 Buick shall remain the property of James P. Guenther.

5. The bank account of the parties at Commerce Union Bank shall be vested in Betty Guenther; the account at Nashville City Bank & Trust shall be vested in James P. Guenther.

6. All personal property in the residence at 2133 Brookview Drive shall be vested in fee in Betty Guenther.

7. Betty Guenther shall have custody of Valerie Ann Guenther and James P. Guenther shall have custody of James Jeffrey Guenther.

8. James P. Guenther will support both children.

9. Any equitable or legal interest which James P. Guenther has or may have in real property located at 516 Landon Drive in this County will be vested in him in fee simple absolute. The property is more specifically described as follows:

> Being Lot No. 55 on the Plan of Brentwood Hall, Section 3, as of record in Book 2133, page 14, Register's Office for Davidson County.
>
> Said Lot No. 55 fronts 93.4 feet on the northerly side of Landon Drive and runs back 179.8 feet on the easterly line and 180.9 feet on the westerly line to a dead line in the rear, measuring 87 feet thereon.

10. The costs of divorce will be paid by James P. Guenther.

Executed this 15th day of November, 1972.

/s/ James P. Guenther

/s/ Betty Guenther

It is further ORDERED, ADJUDGED and DECREED by the Court that the custody of Valerie Ann Guenther be and is hereby vested in the Defendant, Betty Jean Bass Guenther, and the custody of James Jeffrey Guenther be and is hereby vested in the Complainant, James P. Guenther, as set out in the property settlement agreement.

It is further ORDERED, ADJUDGED and DECREED that the real property described in paragraph 1 of the agreement set forth above be and is vested in the parties as tenants in common; and that any and all rights which the Defendant may have in the real property described in paragraph 9 of the above agreement is divested out of the defendant and vested in the Complainant.

All costs of this cause are taxed against the Complainant, James P. Guenther, for which execution may issue, if necessary.

JUDGE

APPROVED FOR ENTRY:

David C. Rutherford
Attorney for Complainant

This is to certify that a copy of this Final Decree has been mailed to Betty Jean Bass Guenther, 2133 Brookview Drive, Nashville, Tennessee, on this 2 day of January, 1973.

David C. Rutherford

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IDENTIFICATION REFERENCE
DEC 7 2 31 PM '81
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TENN.
RUSH

mB. 24A/1

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 transcript~~ True Copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* James Presley Guenther *Plaintiff, and* Betty Jean Bass Guenther *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* 4th *day of* Dec *in the year one thousand nine hundred and* 81 *and in the* 206th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By L Dyer, *D. C.*