IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

Map 135-1
Par 64 1s

SYLVIA JEWEL SMITH,	]	
	]	
Complainant & Cross-Defendant	]	
	]	
	]	
-vs-	]	NO. 42997
	]	
	]	
CHARLES WILLIS SMITH,	]	
	]	
Defendant & Cross-Complainant	]	

O R D E R

Nov. 9, 1964

This cause came on to be heard upon the Original Bill of the complainant, the Answer of the defendant, the Cross-Bill of the cross-complainant, the Amended Answer, the Answer to the Cross-Bill filed by the cross-defendant, the testimony of the principals and that of their corroborative witnesses, the appointment of a Special Master, the incoming of the report of said Special Master, upon the Motion to confirm said Master's report and the entire record in this cause. From all of which the Court is of the opinion and finds as follows:

That the original complainant did not sufficiently prove her cause of action by her testimony and that of her corroborative witnesses and, therefore, her Bill should be forthwith dismissed.

That the cross-complainant did sufficiently prove his cause of action by his testimony and that of his corroborative witnesses and, therefore, should be granted an absolute divorce from the cross-defendant upon the statutorily alleged ground of cruel and inhuman treatment.

Further, and after a thorough reading of the Special Master's report, as well as a review of all the notes taken by the Court at the hearing of this cause, the Court is of the opinion that the custody of the minor child should be awarded jointly the the cross-complainant and his mother. Further, the child should remain in the domicile now provided for it and should not be moved on any permanent basis without full authority of the Court. Further, the Court is of the opinion that the cross-defendant should have weekly visitation privileges insofar as this minor child is concerned and these to be enjoyed only so long as they actually serve the best interest and welfare of said child. The cross-defendant, therefore, shall have the right to have the minor child with her from 1:00 P.M. until 6:00 P.M. on each Sunday and will see to it that the child is picked up on time and returned on time. In the event she is unable, for any reason, to enjoy said weekly periods of visitation it will be her responsibility to telephone the cross-complainant no later than 6:00 P.M. on the Saturday preceding the day of the regular visit and so advise him.

The Court is further of the opinion that all right, title and interest that the cross-defendant may have in and to the real property, as well as the furnishings therein, shall be divested from her and reinvested in the cross-complainant to be his in fee simple title, this being done pursuant to Section 36-825, Tennessee Code Annotated. Said real property is as follows:

> Land in Davidson County, State of Tennessee, being Lot No. 121 on the Plan of Town Park Estates, as of record in Book 3300, pages 64 and 65, Register's Office for said County.

Beginning at a point on the northerly margin of Southwind Drive at the corner of Lots Nos. 120 and 121 on said plan; thence with the line between said Lots Nos. 120 and 121 northwardly 144.85 feet to the corner of Lots Nos. 120, 121 and 122; thence with the line between said Lots Nos. 121 and 122 southwestwardly 123.46 feet to the northeasterly margin of D'Ville Drive; thence with same southeastwardly 82.85 feet to a monument at the beginning of a curve having a radius of 25 feet; thence around said curve in a southeasterly direction 38.18 feet to a monument on the northerly margin of said Southwind Drive; thence with same eastwardly 76.16 feet to the beginning.

Being the same propety conveyed to Charles Willis Smith and wife, Sylvia Jewell Smith, by deed from Manuel Construction Company, of record in Book 3464, page 451, Register's Office of Davidson County, Tennessee.

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

It is so ORDERED.

JUDGE

APPROVED FOR ENTRY:

Harry S. Lester
Solicitor for Complainant and
Cross-Defendant

Dan Garfinkle
Solicitor for Defendant and
Cross-Complainant

I hereby certify that I have mailed copies of the foregoing Order to Harry S. Lester, solicitor for complainant and cross-defendant, this 5th day of March, 1965.

Dan Garfinkle

IDENTIF. REFERENCE
G 8.5 1.0 6
Mar 30 10 39 AM '82
FELIX Z. WILSON JR. REGISTER
DAVIDSON COUNTY, TENN.

41/475

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* Sylvia Jewel Smith *Plaintiff, and* Charles Willis Smith *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* March *in the year one thousand nine hundred and* Eighty-Two *and in the* 206th. *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By D Tucker, *D. C.*

Form #GR-117