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IN THE FIRST CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

BARBARA JEAN GWINN ALBERT)
)
VS.) NO. 80049 BOOK 5912 PAGE 87
)
DAVID THOMAS ALBERT)

ORDER

This cause came on to be heard November 24, 1975, before the Honorable J. William Rutherford, Judge of the First Circuit Court of Davidson County, Tennessee, upon the original bill of the plaintiff, a default judgment entered, personal service had on the defendant, witnesses introduced in open court and the entire record in this cause.

From all of which the Court was of the opinion that the allegations contained in the original bill were fully sustained, that is, that the defendant has been guilty of such cruel and inhuman treatment or conduct toward plaintiff as renders cohabitation unsafe and improper.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that the plaintiff be and she is hereby granted an absolute divorce from the defendant and restored to all the rights and privileges of an unmarried person.

It is further ORDERED, ADJUDGED and DECREED by the Court that the property settlement agreement entered into by and between the parties be and the same is in all things confirmed and approved and is ordered copied into this final decree verbatim as follows:

> "We mutually agree to the following terms to be effective upon our divorce:
>
> 1. The custody of Gregory Todd and David Christopher Albert will be granted to Barbara Albert.
>
> 2. Visitation rights will be reasonable.
>
> 3. David Albert will continue to carry hospitalization insurance on Gregory Todd and David Christopher Albert.
>
> 4. Child support will be $100.00/week to be paid biweekly to total $200.00 every two weeks.
>
> 5. Real Estate - House
>
> | | |
> |---|---|
> | Cash value of house as of 11/75 | $32,500 |
> | Amount still owing | 12,500 |
> | Equity in house as of 11/75 | 20,000 |

Until such time as (1) the house is sold, (2) the youngest child reaches the age of 18 or (3) Barbara Albert remarries, the house will be in the possession of Barbara Albert. In case any one of the above events David Albert will receive $10,000 (one half the equity as of the divorce date) providing the house sells for at least $32,500. In the event real estate values drop and/or the house is sold for less than this amount, the amount of $12,500 shall be subtracted from the amount received and the monies shall be divided equally.

6. The following personal items shall become the possession of David Albert:

   Double bed with mattress and springs (1)
   Couch (1)
   Desk (1)
   Bookcase (1)
   Chest to bedroom suite (1)
   Portable television set (1)
   Captain's chairs (2)

   Other personal items will remain in the possession of Barbara Albert.

7. The lawyer's fee of $500.00 will be evenly divided with Barbara Albert paying $250.00 and David Albert paying $250.00.

/s/ Barbara J. Albert
Barbara J. Albert

Nov. 19, 1975
Date

/s/ David T. Albert
David T. Albert

11/19/75
Date"

It is further ORDERED, ADJUDGED and DECREED by the Court that whatever right, title or interest that the defendant has or may have in the hereinafter described real estate be and the same is hereby divested out of him and vested in the plaintiff but subject to the provisions of the property settlement agreement heretofore mentioned:

> Land in Davidson County, Tennessee, being Lot No. 39 and the easterly triangular part of Lot No. 40 on the Plan of Lakeland, of record in Book 2133, Page 15, Register's Office for said County, and described as follows:
>
> Beginning at a point in the southerly margin of Lakeland Drive, 120 feet east of the common corner of Lots 40 and 41; thence with said Drive, easterly 116.6 feet to a concrete monument, and continuing with said Drive, easterly 58.5 feet to another concrete monument at the beginning of a curve; thence around said curve in a south easterly direction 39.3 feet to a concrete monument in the west margin of Emery Drive; thence southerly with said Drive, 126.6 feet to the common corner of Lots 38 and 39; thence along the line between said lots westerly

140 feet to the corner of Lots 38, 39 and Lot 40; thence northwesterly 152.01 feet to the point of beginning.

Being the same property conveyed to David T. Albert and wife, Barbara Jean Albert, by deed from Phillip H. White and wife, Barbara P. White, of record in Book 4256, Page 409, Register's Office for Davidson County, Tennessee.

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

JUDGE 11-25-75

APPROVED FOR ENTRY:

Howard F Butler, Howard F. Butler, Attorney for Plaintiff

I hereby certify that a copy of the foregoing order has been mailed to Mr. David Thomas Albert, Apt. B-1, Crestview Apts., 1020 Thompson Lane, Nashville, Tennessee, on November 25, 1975.

Howard F Butler

HOOT'S
IDENTIF. REFERENCE
JUL 16 4 08 PM '82
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

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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* ~~exact~~ True copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Barbara Jean Gwinn Albert *Plaintiff, and* David Thomas Albert *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* 14th *day of* July *in the year one thousand nine hundred and* Eighty-two *and in the* ~~207~~ *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By [signature], *D. C.*

Form #GR-117