IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

JANE O'BRIEN BLIGH)
)
) BOOK 5944 PAGE 189
VS.) NO. 81D-3615
)
) Map 160-3
MICHAEL SMOOT BLIGH) Par 8 1s

FINAL DECREE

This cause came on originally to be heard on the 1st day of June, 1982, before the Honorable Benson Trimble, Judge, Division IV of the Circuit Court of Davidson County, Tennessee, upon the pleadings heretofore filed in this cause. Following the testimony of the parties, their corroborating witnesses and argument of counsel, the matter was taken under advisement by the Court for the purpose of studying the entire record and rendering a written memorandum opinion.

By memorandum opinion on the date of June 2, 1982, the Court found as follows:

> The Court feels that an absolute divorce shall be awarded to the plaintiff on the statutory alleged ground of cruel and inhuman treatment. Also that custody of the two minor children shall be awarded to her with the defendant to have every reasonable right of visitation. The Court feels that the amount of $200.00 each month for each child shall be paid as child support.
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> In regard to the various properties of the parties, the Court feels that it will be fair and equitable for the homeplace now occupied by the plaintiff to be and become her sole property, with the defendant having no resulting claim thereon. In regard to the other portion of real property, the Court feels that the plaintiff shall be entitled to a one-half interest therein. This can be paid to her after the property is properly appraised and that both solicitors are satisfied that the true value has been established, either in a lump sum amount or it may be paid by the defendant on a partial payment basis. In the event the partial payment basis is the one that is chosen by the defendant, then certainly payment should be made to the plaintiff for her interest in the property at least on a semi-annual basis. This of course will continue until the property is paid for in full insofar as interest the plaintiff has in the property insofar as the result of this memorandum.

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Further the motor vehicle now being operated by the plaintiff shall be hers with no resulting claim thereon insofar as the defendant is concerned.

Further the household furnishings in the homeplace shall be and become the property of the plaintiff with no resulting claim thereon insofar as the defendant is concerned, with the exception of those items that he has in the downstairs building which he has had for quite some time and which were set forth at the hearing of this cause of action. These items shall be and become the sole property of the defendant with the plaintiff having no resulting claim thereto.

While a fee was not mentioned concerning the solicitor representing the plaintiff, the Court feels that a reasonable fee should be set and that since this memorandum is now in existence, if the solicitors are able to agree upon the fee, this will be approved by the Court. In the event an agreement is not possible, then the Court will decide this without further hearing.

The costs in the cause will be assessed against the defendant for which execution may issue if necessary.

The solicitor representing the plaintiff will prepare a final judgment accordingly.

S/Judge Benson Trimble

Before a final order was entered reflecting the Court's findings as set forth in the memorandum opinion, the defendant filed a motion requesting that the Court find the facts specially and state separately its conclusions of law thereon pursuant to Rule 52 of the Tennessee Rules of Civil Procedure, said motion being filed on June 4, 1982. Thereafter, the Court requested that both parties submit briefs to the Court that might include the contention of each party as to their contention regarding the facts proven by the testimony and the conclusions of law resulting therefrom. Briefs were subsequently filed, and on July 26, 1982, the Court rendered a second memorandum opinion to the effect that the proposed findings of fact and conclusions of law set forth in the brief filed by the original plaintiff were in fact those of the Court, and as follows:

That the plaintiff had paid the major share of the family's expenses, and had borrowed large sums of money to make the down payment on the real property acquired by the parties while the defendant in turn has worked sporadically, and on

occasion, had been out of work, thus placing the primary responsibility for the support of the family upon the plaintiff. That when the defendant did obtain a good job with the State of Tennessee, that he would not pay his fair portion of the family expenses, but instead, utilized the money in the accumulation of a silver collection, a gun collection, a Ham radio collection, and certain certificates of deposit. In addition thereto, the plaintiff and her witnesses testified that for the past several years, that the defendant had maintained a private room in the parties' home, wherein he kept all of his personal belongings under lock and key, and in which neither the plaintiff or her children were permitted to enter, and that the defendant spent approximately 90 percent of his time in this room, neither accepting or sharing any of the responsibilities for the children or the family. The plaintiff further testified that the defendant had a violent, uncontrollable temper, and that on one occasion, he kicked in a door at the house, and on another occasion, twisted her arm because she would not sign an income tax return. The plaintiff and her witnesses further testifed that the defendant would often leave home in the evenings hours and stay out until late at night without advising the plaintiff or her children as to his whereabouts. She testified that on two occasions, she followed the defendant in the late hours of the night and observed his truck parked at the home of a woman who was an acquaintance of his. That when the plaintiff confronted the defendant with this information, that he would neither admit or deny his association with the woman. The plaintiff further testified that during the months prior to the final separation, that the defendant became a complete recluse, who stayed locked in his room practically all of the time, not permitting the plaintiff or her children to enter. The testimony of the plaintiff further shows that several months prior to the separation of the parties, that the defendant had quit his job with the State of Tennessee, had tried to form a burgular alarm business, which failed, and at the time of the separation, and for some months prior to, was unemployed, and that is the result thereof of the major responsibility of the support of the family was on the plaintiff, who was

required to hold four separte jobs. The Court found that this, together with other proof offered by the plaintiff, constituted cruel and inhuman treatment. The Court further concluded that the defendant and cross-plaintiff failed to sustain the allegations of the cross-petition.

The Court then concluded:

(1) That the plaintiff sustained her ground for divorce, both from her testimony and from the testimony of her corroborating witnesses, and that therefore, the plaintiff is entitled to a divorce upon the statutory grounds of cruel and inhuman treatment.

(2) That the defendant failed to sustain his grounds for divorce, nor did he offer any corroboration as to his testimony, and that for that reason, the cross-petition should be denied.

(3) That the plaintiff is a fit and proper person to have the care, custody and control of the minor children, and that she should be awarded custody thereof, with the defendant having reasonable rights of visitation.

(4) That both parties agreed as to a fair amount of child support payments, with defendant specifically stating that he would be willing to pay $200.00 per month per child, and that for that reason, child support payments are set in the amount of $200.00 per month per child, or for a total of $400.00.

(5) That since the admitted value of the gun collection, the radio collection, the silver collection, and the certificates of deposit accumulated by the defendant not only equal to, but greatly exceed the equity in the homeplace of the parties located on Anchorage Drive in Nashville, Tennessee, that plaintiff should be awarded the equity in the homeplace, free and clear from any further claim thereon by defendant, but with plaintiff assuming the mortgage indebtedness thereon. That in addition thereto, plaintiff should be awarded all of the household effects located in said aforementioned homeplace.

(6) That defendant should be awarded all of his guns, silver, radios, and certificates of deposit, all to be clear from any further claim thereon by plaintiff.

(7) That plaintiff should have no claim upon the accumulated or anticipated inheritance of the defendant.

(8) That the rental property on Trousdale Avenue in Nashville, Tennessee, owned by the parties as tenants by the entirety, with an equity value of approximately $36,000.00, be hereinafter owned by the parties as tenants in common.

(9) That each party retain their respective automobiles.

(10) That since plaintiff has no tangible assets or savings account, or other funds, and since plaintiff has prevailed in this action, that plaintiff is entitled to a reasonable fee for her solicitor of record, to be paid by the defendant.

(11) The defendant should be assessed with the costs of this cause.

(12) In view of the tension within the home of the parties that is obviously affecting not only the parties, but their minor children, that it would be to the best interest of all concerned if the defendant were forthwith required to vacate the premises, and that for that reason, that the defendant is given fifteen days within which to remove himself from the parties' residence.

In addition thereto, and at the request of the solicitor representing the plaintiff, the Court awarded Jack Norman, Jr., solicitor for the plaintiff, a fee in the amount of Fifteen Hundred Dollars ($1,500.00) to be paid by the defendant for legal services rendered to the plaintiff in this cause.

It is therefore ORDERED, ADJUDGED and DECREED that the plaintiff, JANE O'BRIEN BLIGH, is awarded an absolute divorce from the defendant, MICHAEL BLIGH, and is restored to all rights

and privileges of an unmarried person and the bonds of matrimony heretofore existing between the parties are forever and perpetually dissolved. The cross-bill is dismissed.

It is further ORDERED, ADJUDGED and DECREED that the absolute care, custody and control of the two minor children of the parties, Michael Brien and Ellen Marie, will be vested in the original plaintiff with the right and privilege of the defendant to see said children at all reasonable times and places. As support for said children the defendant shall pay to plaintiff the sum of $200.00 per child per month. Payments will be made directly to plaintiff by appropriate check or money order and will be paid on or before the 15th day of each month with the first payment due and payable on or before June 15, 1982.

As an equitable division of the properties accumulated by the parties during their marriage and of the current assets of the parties, it is further ORDERED, ADJUDGED and DECREED that all of defendant's right, title and interest in and to the home-place of the parties located at 5405 Anchorage Drive as is now vested in the defendant shall be divested out of defendant and said property shall hereinafter become the sole and exclusive property of the plaintiff in fee simple title. The plaintiff will assume the responsibility for the outstanding indebtedness against the property and will hold defendant harmless from any further responsibility therefor. Said property is more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 274 on the Plan of Hailewood Estates, Section 8-C, as of record in Book 3106, page 78, Register's Office for said County.
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> Said Lot No. 274 fronts 114.1 feet on the northeasterly side of Anchorage Drive and extends back 184.4 feet on the northwesterly line and 231.3 feet on the southeasterly line to a broken line in the rear on which it measures 159.9 feet.
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> Being the same property conveyed to Michael S. Bligh and wife, Jane O. Bligh, by deed from Robert W. McLemore and wife, Jane E. McLemore, of record in Book 5186, page 481, Register's Office, Davidson County, Tennessee.

In addition thereto, all of defendant's right, title and interest in and to the household furnishings contained in said aforementioned home located at 5405 Anchorage Drive as is now vested in the defendant shall be divested out of the defendant and shall hereafter become the sole and exclusive property of the plaintiff.

It is further ORDERED, ADJUDGED and DECREED that all of plaintiff's right, title and interest in and to all stocks, bonds, money market certificates, savings accounts, bank accounts or other negotiable instruments in the possession of the defendant shall become the sole and exclusive property of the defendant free and clear from any further claim thereon by the plaintiff. This shall include, but shall not be limited to, funds in the State of California upon which defendant placed a value of approximately $15,000. In addition thereto, all of plaintiff's right, title and interest in and to defendant's gun collections which defendant valued at $11,000 shall be divested out of plaintiff and shall become the sole and exclusive property of the defendant. In addition thereto, all of plaintiff's right, title and interest in and to the coin and silver collection in the possession of the defendant and which defendant valued at approximately $6,000 shall be divested out of the plaintiff and said property shall become the sole and exclusive property of the defendant.

It is further ORDERED, ADJUDGED and DECREED that each party shall retain the automobile that they have been using and that said automobile shall become the sole and exclusive property of that particular person free and clear from any further claim by the opposite party.

In respect to an additional piece of real property consisting of a house and not located on Trousdale Drive in Davidson County, Tennessee, it is ORDERED, ADJUDGED and DECREED that said property shall hereinafter become the possession of

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the parties as tenants in common. It is further ORDERED, however, that the defendant shall have the right to purchase the plaintiff's one-half interest in said property after the property has been properly appraised and the parties are satisfied that the true value of the property has been established. Defendant may purchase plaintiff's interest in said property either in a lump sum payment or on a partial payment basis, but with the further direction that if the defendant shall choose to purchase the property on a partial payment basis, that payments and interest will be paid on at least a semi-annual basis and will continue until paid in full. Said property is more particularly described as:

> Land in Davidson County, Tennessee, being lot No. 248 on the Map of Crieve Hall Estates, Section III, as of record in book 2133, page 59, Register's Office for said County.
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> Said lot No. 248 fronts 224.7 feet on the westerly side of Trousdale Drive and runs back 395 feet on the northerly line and 243.4 feet on the southerly line, to a dead line in the rear, measuring 220.5 feet thereon, being improved property known as 4901 Trousdale Drive, Nashville 4, Tennessee.
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> Being the same property conveyed to Michael S. Bligh and wife, Jane O. Bligh, by deed from William E. Davis and wife, Darwyn Davis, of record in Book 4525, page 741, Register's Office, Davidson County, Tennessee.

It is further ORDERED, ADJUDGED and DECREED that the defendant shall pay to Jack Norman, Jr., solicitor for the plaintiff, a fee of Fifteen Hundred Dollars ($1,500.00) for services rendered to plaintiff in this cause. In addition thereto, the defendant shall pay the cost of this cause, or for which execution may issue if necessary.

Entered this _____ day of _____, 1982.

_____
Benson Trimble, Judge

APPROVED FOR ENTRY:

Jack Norman, Jr.
Attorney for Plaintiff

8-9-82
I hereby certify that this is a true co
of original instrument filed in my offic
this 11 day of Aug 19 82
GEORGE L. ROOKER Cler
By _____ D.C.
Deputy Clerk

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document has been mailed to Mr. Jack Butler, Attorney for Defendant, 12th Floor, First American Center, Nashville, Tennessee, 37238, on this the 30 day of July, 1982.

Jack Norman, Jr. Attorney