IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
1983 MAR 26 PM 3 22
GEORGE L. ROOKER, CLERK
D.C.

CHARLES WRIGHT MACMILLAN)
)
v.) No. 81D-2334
)
SYBIL THORNHILL MACMILLAN)

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FINAL DECREE

BOOK 6006 PAGE 393

This cause came on to be heard on January 3 and January 4, 1983, before the Honorable James R. Everett, Jr., Judge of the Probate Court of Davidson County, Tennessee, sitting by interchange for the Honorable Muriel Robinson, Judge of the Fourth Circuit Court of Davidson County, Tennessee, upon the original petition for divorce from bed and board, answer and cross-petition, amended petition for absolute divorce, testimony of the parties and witnesses, exhibits introduced in the court, deposition of Dr. John S. Johnson, argument of counsel and the entire record, after all of which the court did take the matter under advisement and issued a memorandum opinion on January 10, 1983, which memorandum opinion reads in words and figures as follows:

"This cause came on to be heard upon the original petition for divorce from bed and board, answer and cross-petition, amended petition for absolute divorce, testimony of parties and witnesses, exhibits introduced into court, deposition of Dr. John S. Johnson, argument of counsel and the entire record.

From all of which the court is of the opinion that Dr. Charles Wright MacMillan should be granted an absolute divorce on the grounds of cruel and inhuman treatment. As to the division of property, the court feels that the parties were married only a short time and lived together even a shorter period of time, and therefore the court feels that the wife should be awarded the home owned by the parties on Highway 70, that the furniture in the home should be awarded to her, and that she should be awarded the automobile that she is presently driving. The home owned by Dr. MacMillan on LaSalle

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Court should be sold and the proceeds divided equally, after all expenses of the sale and any mortgage owing has been paid off. The condominium owned by Dr. MacMillan shall be vested in him and in his name alone, and the business located on Hayes Street shall be vested in him as the sole owner.

The court awards Mrs. MacMillan the sum of Eighteen Hundred Dollars ($1,800.00), which represents the amount owing to her in the prior Order for pendente lite alimony, which was owing and due at the time of the hearing of the divorce. She shall have a lien against Dr. MacMillan's proceeds from the sale of the house on Lasalle Court until said sum is paid.

It is also Ordered that Mrs. MacMillan and her son and daughter are restrained from making any contact, whether it be by telephone, mail or in person with Dr. MacMillan, anyone employed by his business, any of his patients, any of his family members, or any witnesses that have testified in this cause. Any violation on behalf of Mrs. MacMillan or her children of this Restraining Order will be dealt with harshly by the Court."

IT IS THEREFORE ORDERED by the court that Charles Wright MacMillan be granted an absolute divorce and restored to all the rights and privileges of an unmarried person on the grounds of cruel and inhuman treatment.

IT IS FURTHER ORDERED by the court that the counter-complaint for absolute divorce of Sybil Thornhill MacMillan be and the same is hereby dismissed.

IT IS FURTHER ORDERED by the court that the home owned by the parties on Highway 70 should be awarded to Sybil Thornhill MacMillan, and the property now vested in her to be hers absolutely is described in words and figures as follows:

> BEING Lot No. 3 on the Plan of West Hampton Estates, Section 1, which is of record in Book 5210, page 46, Register's Office for Davidson County, Tennessee.
>
> BEING part of the same property conveyed to Walter E. Robertson et ux Edith Robertson by deed of record in Book 5299, Page 962, Register's Office for Davidson County, Tennessee.
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> BEING the same property conveyed by Walter E. Robertson and wife Edith Robertson to Charles W. MacMillan and wife Sybil E. MacMillan, as of record in Book 5586, Page 879, Register's Office for Davidson County, Tennessee.

IT IS FURTHER ORDERED by the court that Sybil MacMillan shall be awarded the furniture in the house or homeplace on Highway 70.

IT IS FURTHER ORDERED by the court that the automobile that Sybil MacMillan is presently driving shall be hers absolutely.

IT IS FURTHER ORDERED by the court that the home owned by Dr. Charles MacMillan on LaSalle Court should be sold and the proceeds divided equally, after all the expenses of the sale and any mortgage owing has been paid off. This property is described in words and figures as follows:

> LAND in Davidson County, Tennessee, being Lots Nos. 42 and 43 of Block No. 4 on the Plan of the Courts of Belle Meade, as of record in Book 547, page 141, Register's Office for said County.
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> SAID Lots Nos. 42 and 43 front together 60 feet on the westerly side of LaSalle Court and run back between parallel lines 145 feet to a dead line.
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> BEING THE same property conveyed to William H. Allen and wife, Mary C. Allen by deed from Joyce H. Nochlin of record in Book 4091, page 38, Register's Office for Davidson County, Tennessee, and further being part of the property conveyed to William Herbert Allen by Divorce Decree from Mary Catherine Hill Allen of record in Minute Book 13A, Page 838, Probate Court for Davidson County, Tennessee.
>
> BEING the same property conveyed to Charles W. MacMillan from William H. Allen in Book 4713, Page 72, Register's Office for Davidson County, Tennessee.

IT IS FURTHER ORDERED by the court that the condominium at Georgetown which is occupied by Charles MacMillan shall be vested in him and is vested in him, to be his absolutely. This property is described in words and figures as follows:

> BEING Unit 194, as shown on the Plat of Georgetown Apartments, a condominium, of record in Book 5200, page 4, Register's Office for Davidson County, Tennessee, together with an undivided .420% interest in the common elements of 5025 Hillsboro Homeowner's Association, as described in Book 5211, page 325, et seq., said Register's Office.
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> BEING the same property conveyed to Charles W. MacMillan, by deed from Georgetown of Nashville Limited Partnership, which deed is being recorded simultaneously with this instrument, in Book _____, Page _____, Register's Office for Davidson County, Tennessee.

IT IS FURTHER ORDERED by the court that the property at 2011 Hayes Street where Charles MacMillan conducts his business is awarded to him and this property now vested in Charles MacMillan to be his absolutely, is described in words and figures as follows:

TRACT NO. I:
Land in Davidson County, Tennessee, being the westerly half of Lot No. 10 on the Plan of the Subdivision of part of Lot No. 155 of the Boyd Home Tract, as of record in Book 84, Page 453, Register's Office for said County. Said part of Lot No. 10 fronts 50 feet on the southerly side of Hayes Street and runs back between parallel lines 165 feet to an alley.

TRACT NO. II:
Land in Davidson County, Tennessee, being the westerly twenty feet of the easterly half of Lot No. 10 of the subdivision of part of Lot No. 155 of the Boyd Home Tract, as of record in Book 84, page 453, Register's Office for said County. Said portion of said lot is described as follows:

Beginning at a point on the southerly side of Hayes Street 50 feet west of the common corner of Lots Nos. 10 and 11, said point being the northeast corner of property conveyed to Dr. J. Thomas Bryan by deed from Jesse Glenn Potter and wife, Louise Potter, of record in Book 2600, page 255, said Register's Office; thence southwardly along Bryan's east line 165 feet to an alley; thence east along said alley 20 feet; thence northwardly, parallel with Bryan's said east line, 165 feet to the southerly side of Hayes Street; thence west along the southerly side of Hayes Street, 20 feet to the point of beginning.

Being the same property conveyed to Bueno & MacMillan Co., a Tennessee Joint Venture by deed from Reuben A. Bueno and Charles W. MacMillan of record in Book 4903, page 1, Register's Office for Davidson County, Tennessee.

Being the same property conveyed to Charles W. MacMillan from Bueno and MacMillan Co., a Tennessee Joint Venture, as of record in Book 5175, page 889, Register's Office for Davidson County, Tennessee.

IT IS FURTHER ORDERED by the court that Sybil MacMillan is awarded a judgment in the amount of $1,800.00 from Charles MacMillan, which represents the amount owing to her in the prior order for pendente lite alimony, and Sybil MacMillan shall have a lien against Charles MacMillan's share of the proceeds from the sale of the house on LaSalle Court until said sum is paid.

IT IS FURTHER ORDERED by the court that Mrs. MacMillan and her son and her daughter are permanently enjoined from making any contact whether it be by telephone, mail or in person with Dr. MacMillan or anyone employed by his business, any of his patients, any of his family members, or any witnesses that have testified in this cause. Any violation on behalf of Mrs. MacMillan or her children of this injunction will be dealt with harshly by the court.

IT IS FURTHER ORDERED by the court that Sybil Thornhill MacMillan will pay the costs of this cause, for which let execution issue, if necessary.

ENTER THIS 26th DAY OF January, 1983.

James R. Everett Jr.
JUDGE
By Interchange

APPROVED FOR ENTRY:

Jack A. Butler
JACK A. BUTLER

John E. Rodgers Sr
JOHN E. RODGERS, SR.

Attorneys for Charles W. MacMillan

PLS/ld

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN
Feb 14 10 05 AM '83

IDENTIF. REFERENCE

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Certificate of Service

I certify that I have mailed a copy of the foregoing Final Decree to Mr. James Barr, Attorney for defendant, 2300 21st Avenue South, Nashville, TN 37212, this 31 day of January, 1983.

Jack A. Butler
JACK A. BUTLER

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* Charles Wright MacMillan *Plaintiff, and* Sybil Thornhill MacMillan *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* February *in the year one thousand nine hundred and* Eighty-three *and in the* 207th *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Dot Lackey, *D. C.*