132B/1337

FILED
1983 SEP 26 AM 8 11
[illegible] BROOKER, CLERK
[signature] D.C.

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

JAMES F. SMITH, JR.,
Plaintiff

vs.

EVELYN C. SMITH,
Defendant

No. 82D-4000

Map 050-14-0
Parcel 166

BOOK 6498 PAGE 685

FINAL DECREE

This cause came on to be heard on the 7th day of September 1983 before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court, upon the testimony of the parties and their witnesses, the pleadings, statements of counsel and the entire record from all of which it appears to the Court that James F. Smith, Jr., has been guilty of such cruel and inhuman treatment towards Evelyn C. Smith as renders cohabitation unsafe and improper and that therefore she should be granted an absolute divorce from him. It further appears that the parties two minor children should remain in the joint custody of the parties with Mrs. Smith having actual physical possession of the children during the school year and Mr. Smith having the children during the summer subject to reasonable visitation by the parent not having possession of the children at any given time. During the school year and while Mr. Smith is under a Chapter 13 bankruptcy plan, it appears that $50.00 per week child support is a reasonable sum and that during the summer months Mrs. Smith should pay $35.00 per week to Mr. Smith. It further appears that Mr. Smith should receive the parties home located at 3202 Leswood Lane subject to a lien to secure payment to Mrs. Smith of $6,500.00 together with 8% interest all to be paid within one year for her interest in the property.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. Evelyn C. Smith is hereby granted a divorce from James F. Smith, Jr., and restored to all the rights and privileges of an unmarried person.

2. The parties minor children, Kindle Tyree Smith and Keith Dywayne Smith shall remain in the joint custody of both parties with

Evelyn C. Smith having physical possession of the children during the school year and Mr. Smith having physical possession of the children during the summer months when they are not enrolled in school. During the time Mr. Smith has the children in the summer, Mrs. Smith shall pay child support in the amount of $35.00 per week. During the time Mrs. Smith has the children during the school year, Mr. Smith shall pay child support in the amount of $50.00 per week with the first payment due 14 September 1983.

3. The house and lot located at 3202 Leswood Lane is hereby granted to James F. Smith, Jr. as his sole and separate property and the interest of Evelyn C. Smith is divested from her and vested in James F. Smith, Jr., subject however to a lien in the amount of $6,500.00 plus interest at the rate of 8% commencing 7 September 1983 to secure to Mrs. Smith payment for her interest in the house. If payment is not made within one year Evelyn C. Smith may move the Court for sale or other orders to collect the sum due her.

4. Evelyn C. Smith is granted as her sole and separate property the following items:

1977 Toyota Corolla, Vehicle I.D.#TF51610001
Hoover Vacum Cleaner
Kitchen Table & Chairs
Carpet Sweeper
Gold Hand Mixer
Queen Size Bed
Black & White TV
Magnavox stereo with smoke glass top
Orange & Black Lamp
Queen Size & Twin Sheets & Pillowcases
Brown Leather Chair
Chest of Drawers (3 drawer)
Wall accessories in Living Room, Den, Bedroom and Kitchen
Two End Tables
Wooden Bread Box
Gold Freezer
Gold & White Can Opener
Boy's Maple Bedroom Suit
Christmas Tree and Trimmings
Dishes & Silverware
Black Leather Sofa
Bathroom Shower Curtain
Window Curtains & Acces

5. The costs of this cause are taxed equally to both parties for which execution may issue if necessary.

ENTER this 22nd day of September 1983.

Muriel Robinson
JUDGE MURIEL ROBINSON

APPROVED FOR ENTRY:

James L. Fuqua
JAMES L. FUQUA, JR.
Attorney for Defendant
919 West Main Street
Hendersonville, TN 37075
Phone: 822-4400

3703

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IDENTIF. REFERENCE

FEB 25 11 18 AM '85

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

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TELEPHONE 822-4400

JAMES L. FUQUA, JR.
ATTORNEY-AT-LAW

919 W. MAIN STREET HENDERSONVILLE, TENN. 37075

STATE OF TENNESSEE

I, **GEORGE L. ROOKER,** *Clerk of the Circuit Court for Davidson County, in the State aforesaid, do hereby certify that the foregoing is a true and correct copy of the Order heretofore entered in the* FOURTH *Circuit Court for Davidson County, Tennessee, on the* 26TH *day of* SEPTEMBER, *1983, in Case Number* 82D-4000 *between* JAMES F. SMITH, JR. *Plaintiff, and* EVELYN C. SMITH *Defendant, as same remains of record in Book* 132B, *Page* 1337 *of the Minutes of said Court.*

IN TESTIMONY WHEREOF, *I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the* 25TH *day of* FEBRUARY *in the year one thousand nine hundred and* EIGHTY-FIVE *and in the* 209TH *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Dot Lackey *D.C.*

Form #GR-117