1-28-74 25C 1199

CREAL F. SPEIDEN] IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

VS.]

NO. 69056

LINDA KAY HERRING SPEIDEN]

D E C R E E

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This cause came on to be originally heard before the Honorable Benson Trimble, Judge, Division IV of the Circuit Court of Davidson County, Tennessee, on the 9th day of October, 1973, upon the original petition filed by the original plaintiff, Creal F. Speiden, the answer and cross-petition of the defendant and cross-plaintiff, Linda Kay Speiden, and the answer to the cross-petition. Following the testimony of the parties and their corroborating witnesses, the Court took the matter under advisement, pending the introduction of medical testimony and further argument. Subsequent to the introduction of the said aforementioned medical testimony, additional proof offered by the principals, and argument of counsel, the Court, by memorandum opinion under date of January 21, 1974, found that the cross-plaintiff, Linda Kay Speiden, should be awarded an absolute divorce from the cross-defendant, Creal F. Speiden, upon the statutory ground of cruel and inhuman treatment.

It is, therefore, ORDERED, ADJUDGED and DECREED that the cross-plaintiff, Linda Kay Speiden, be and is awarded an absolute divorce from the cross-defendant, Creal F. Speiden, and is restored to all the rights and privileges of an unmarried person. The bonds of matrimony heretofore existing between the parties are forever and perpetually dissolved. The original complaint of the plaintiff, Creal F. Speiden, is dismissed.

It is further ORDERED, ADJUDGED and DECREED that the principal custody of the minor children should be awarded to the cross-plaintiff, Linda Kay Speiden, with the further provision,

however, that the said Linda Kay Speiden shall be enjoined from removing said aforementioned children from Davidson County, Tennessee, without the express authority of the Court. The said cross-defendant, Creal F. Speiden, shall have the right of visitation privileges with the said aforementioned minor children from 5:00 P.M. on Friday, until 6:00 P.M. on Sunday, on an every other weekend basis. The first visitation privilege shall commence on the weekend of February 1, 1974, and thereafter, as aforementioned. Further, during the summer months of vacation from school, he shall have the right to have the minor children with him for one-half of each summer vacation. Also, he shall have the children with him for one-half of the Easter vacation from school, as well as the Christmas vacation from school, and on alternate years, he shall have them on Easter Sunday or Christmas Day. Also, during the Thanksgiving holiday, he shall be allowed to have the children with him for one-half of the vacation period. In order that there be no misunderstanding, the Court is of the opinion that on Easter Day of 1974, he shall have the children with him, and as above-mentioned. This shall alternate from year to year. During the year 1975, he shall have the children on Thanksgiving Day, and again, this shall alternate as set forth. During 1975, the said Linda Kay Speiden shall have the children on Christmas Day, and this shall alternate from year to year.

It is further ORDERED, ADJUDGED and DECREED that so long as the principal custody of the minor children is vested in the cross-plaintiff, Linda Kay Speiden, that she and the said aforementioned minor children will be allowed to remain in the home formerly owned by the parties as tenants by the entirety,

and located at 5000 Manuel Drive, Nashville, Tennessee. Said property will henceforth be vested in the parties as tenants in common, and each of the parties will hereafter be responsible for the payment of one-half of the mortgage indebtedness, as well as one-half of any necessary repairs that must be made. When the children have reached their majority, or are emancipated in any manner, or by mutual agreement of the parties at any time, the property then will be sold, and the proceeds therefrom will be divided equally between the parties. If, however, for any reason, the custody of the minor children shall be changed in the future, then the property will be sold forthwith, and the proceeds divided equally. The household furniture will be treated identically as set forth above. Each of the motor vehicles being driven by the principals will be and become their sole property, with the opposite principal having no resulting claim thereto. Whatever mortgage indebtedness there may be on these vehicles will be borne by the holder thereof. Each party will execute any and all documents necessary to accomplish the aforementioned purpose.

As child support, the cross-defendant, Creal F. Speiden, shall pay to the cross-plaintiff, Linda Kay Speiden, the amount of $325.00 per month. The first payment shall be made on or before the 5th day of February, 1974, and for the month of February, 1974, and thereafter, subsequent payments shall be made on or before the 5th day of each succeeding month. Said payments shall be paid directly to the cross-plaintiff by appropriate check or money order, in order that the defendant may have an accurate record in the event of any future dispute as to payment thereof.

The Court is further of the opinion that a fee in the amount of $1,500.00 is a reasonable and equitable one insofar as the solicitor representing the cross-plaintiff, Linda Kay Speiden is concerned, and this fee shall be assessed equally against each of the principals, with each being responsible for the payment of one-half thereof, and a lien will be declared upon all of the properties of the principals, until such fee has been paid in full.

The costs of this cause will be borne equally by and between the parties.

Entered this 28 day of January, 1974.

JUDGE

APPROVED:

Jack Norman, Jr.
Attorney for Plaintiff

I certify that I have mailed a copy of this Decree to Messrs. Charles H. Warfield and William L. Small, Third National Bank Building, Nashville, Tennessee, this 23rd day of January, 1974.

Attorney

15.

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IDENTIFICATION REFERENCE

SEP 9 11 56 AM '85

DAVIDSON COUNTY, TN
FELIX Z. WILSON III, REGISTER

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* 28th *day of* January, *19* 74, *in Case Number* 69056 *between* Creal F. Speiden *Plaintiff, and* Linda Kay Herring Speiden *Defendant, as same remains of record in Book* 85C, *Page* 1199 *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* 9th *day of* September *in the year one thousand nine hundred and* Eighty- Five *and in the* 210th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Dottie Coker *D.C.*

Form #GR-117