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GEORGE L. ... CLERK
G Knight D.C.

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

GWI-AE PARK SMITH )
)
V. ) NO. 83D-1019
)
ROBERT EUGENE SMITH )

Map 133-8
Parcel 38
dh

BOOK 6657 PAGE 413

FINAL DECREE

This cause came on to be heard November 15, 1983, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the complaint for absolute divorce filed by the plaintiff/wife, the Agreed Order of an attempted reconciliation, the Order to reinstate this cause upon the failure of the reconciliation, the oral motion to include the ground of irreconciliable differences, the Property Settlement and Child Custody Agreement entered into by and between the parties, and the entire record in this cause, from all of which the Court was of the opinion that the allegation contained in the original complaint as amended has been fully sustained, that is that irreconcilable differences exist between the husband and wife which make a reconciliation impossible and improper.

It is therefore, ORDERED, ADJUDGED and DECREED by the Court that the plaintiff/wife be and she is hereby granted an absolute divorce from the defendant/husband, 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 and Child Custody Agreement entered into by and between the parties, and which the Court finds makes adequate and sufficient provisions in said written agreement for the custody and maintenance of the minor child, and also for the equitable settlement of all property rights existing between the parties, be and the same is hereby approved, and copied herein verbatim.

"IN THE FOURT CIRCUIT COURT FOR DAVIDSO COUNTY, TENNESSEE

GWI-AE PARK SMITH )
V. ) NO. 83D-1019
ROBERT EUGENE SMITH )

FILED
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ROBERT E. LANIER, CLERK

PROPERTY SETTLEMENT AND CHILD CUSTODY AGREEMENT

THIS PROPERTY SETTLEMENT AND CHILD CUSTODY AGREEMENT is entered into this 1 day of Nov, 1983 by and between Gwi-Ae Park Smith, hereinafter called "Wife" and Robert Eugene Smith, hereinafter called "Husband," both parties having been citizens and residents of Davidson County, Tennessee, at the time of their separation, February 26, 1983.

BOOK 6557 PAGE 414

W I T N E S S E T H :

WHEREAS, the parties hereto have encountered irreconcilable marital differences have failed in all efforts to reconcile, and have agreed to separate; and

WHEREAS, the Wife has filed a Petition for a Decree of Absolute Divorce in the Fourth Circuit Court for Davidson County, Tennessee, Docket Number 83D-1019; and

WHEREAS, the parties hereto desire to reach a voluntary disposition between themselves as to their property rights, assets, liabilities and other marital concerns; and

WHEREAS, the parties hereto agree that the provisions herein will be incorporated into a Final Decree of Absolute Divorce, subject to the approval of the Fourth Circuit Court for Davidson County, Tennessee,

NOW THEREFORE, in consideration of these premises and the mutual agreements and covenants contained herein, the parties do mutually agree and enter into this Property Settlement and Child Custody Agreement, which is intended to settle all matters of property and other marital concerns between them:

I.

Wife will have the exclusive and absolute care, custody, and control of the parties' minor child, who is Robin Marshelle Smith, born July 19, 1974. Husband shall have the right to visit with said child for at least twenty-four (24) consecutive hours each weekend while he is living in Nashville. If, at any time, Husband lives away from Nashville, he shall have the right to visit said child for forty-eight (48) consecutive hours one weekend per month. In exercising his rights of visitation,

Husband shall give Wife reasonable notice of when he will pick up said child, and Wife shall have the child ready for the visit when Husband arrives at her place of residence to pick her up. Husband may during his periods of visitation take the child from Wife's place of residence. These times of visitation with his child shall include overnight visitation with her away from Wife's place of residence.

Wife, in the exercise of her care, custody, and control of said minor child, shall not take said child outside the state of Tennessee, except for periods of vacation not exceeding two weeks at a time, without Husband's prior approval. Under no circumstances shall Wife take the minor child out of the continental United States for any reason without the prior express approval of this Court.

Husband shall pay to Wife as support for said minor child the sum of Two Hundred Fifty Dollars ($250.00) per month which shall continue until the child attains the age of 18 years. This monthly support obligation of Husband shall continue in any and all events and shall be an obligation of his estate if he should die prior to the child's attaining the age of 18 years. Husband shall keep and maintain reasonable hospitalization and medical insurance on the child. He will also pay 1/2 of any uninsured medical and dental expenses of the children, Wife being responsible for the other 1/2 of such uninsured expenses.

II.

Wife shall have the sole right, title and interest in and to the house and lot owned by the parties and located at 451 Benita Drive, Nashville, Tennessee 37211, which is more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot 29, Windsor Park as of record in Book 3600, page 64, Register's Office for said County.
>
> Said lot fronts 86 feet on the northwesterly side of Benita Drive and runs back 172.77 feet on the southwesterly line and 187.21 feet on the northeasterly line to a line at the rear, measuring 108.57 feet thereon.
>
> Being the same property conveyed to Robert E. Smith and wife Gwi-Ae Smith by deed from Boyd Henry Rice and wife Betty C. Rice, of record in Book 4666, Page 663, Register's Office for Davidson County, Tennessee.

Husband shall be completely divested of any and all right, title and interest in and to this property. Wife shall be solely responsible for paying the mortgage indebtedness

on this property as represented by a Deed of Trust of record in Book 4666, page 665, Register's Office for Davidson County, Tennessee, and for any other mortgage or other indebtedness owed on this property. Wife shall hold Husband completely harmless from any liability on said mortgage, and other indebtednesses.

III.

Wife will have sole right, title and interest in and to the Ford pick up truck owned by the parties and will assume sole responsibility for any indebtedness owed on it. Husband does agree to execute any necessary instruments to transfer title solely into Wife's name. Husband shall have sole right, title and interest in and to the 1983 automobile owned by the parties and will assume sole responsibility for any indebtedness owed on it. Wife does hereby divest herself of any claim she may have to it and agrees to execute any necessary instruments to transfer title solely into Husband's name.

With regard to the personal property of the parties, Husband shall have his personal clothing, and effects. Husband shall also have a garden tiller and 220 welder which was loaned to him by a friend. Wife shall have sole right, title and interest in and to all other household furniture, furnishings, and articles located in the house of the parties as well as her personal clothing and effects. She shall have sole responsibility for all debt which may be owed on such items and shall hold Husband harmless for the same.

IV.

It is agreed by and between the parties that this Property Settlement and Child Custody Agreement represents the entire agreement between them, that it provides for the equitable settlement of all property rights and child custody rights between them, and that it has been entered into voluntarily by each of them with no coercion against either of them by the other party. Each party does state that he or she fully understands all of the rights and obligations imposed on each of them by the provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereunto have executed this Property Settlement and Child Custody Agreement on the date first above written.

GWI-AE PARK SMITH, Wife

ROBERT EUGENE SMITH, Husband

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, GWI-AE PARK SMITH, the within named bargainor, with whom I am personally acquainted, and who acknowledged that she executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this 1st day of Nov., 1983.

Rosalee M. Louch
Notary Public

My Commission Expires:

4-19-87

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, ROBERT EUGENE SMITH, the within named bargainor, with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and official seal at Nashville, Tennessee, this 4th day of November, 1983.

Virginia R. Norman
Notary Public

My Commission Expires:

1-18-87"

The defendant/husband will pay the costs of this cause for which execution may issue, if necessary.

ENTER this 15th day of November, 1983.

JUDGE

APPROVED FOR ENTRY:

Howard F Butler
HOWARD F. BUTLER, Attorney for Wife

FILED
SEP 16 1 59 PM '85
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

IDENTIFICATION REFERENCE

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree was mailed to the Hon. Edward S. Kelly, Jr., Attorney for husband, 501 Union Building, Suite 702, Nashville, TN 37219, this 15 day of November, 1983.

Howard F Butler

# 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* 15th *day of* Nov *, 19* 83 *, in Case Number* 83D-1019 *between* Dwi ne Park Smith *Plaintiff, and* Robert Eugene Smith *Defendant, as same remains of record in Book* 133A *, Page* 647 *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* 16th *day of* Sept *in the year one thousand nine hundred and* 85 *and in the* 210th *year of American Independence.*

**GEORGE L. ROOKER,** *Clerk,*

*By* L Dyer *D.C.*

**Form #GR-117**