30H/769-1

IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE

BOOK 6662 PAGE 637

BESSIE LOUELLA DURHAM HENDERSON)
)
Plaintiff,)
)
vs.) No. 84D-3417
)
JAMES DEVON HENDERSON)
)
Defendant.)

MAP 24
Par 48 & 104.1a

FINAL DECREE

This cause came on to be heard on the 19th day of February, 1985, before the Honorable James R. Everett, Jr., Judge, Probate Court for Davidson County, Tennessee, upon the Amended Complaint and Answer, upon the oral testimony of the Plaintiff and the testimony of the Defendant by deposition, upon the statements of counsel for the respective parties and upon the entire record in this cause, from all of which the Court is of the opinion and finds that the Defendant, James Devon Henderson, has been guilty of such cruel and inhuman treatment or conduct towards the Plaintiff as renders cohabitation unsafe and improper, from which an absoulte divorce should be granted to the Plaintiff, further, the Court affirmatively finds, from the announcement by counsel for the respective parties, that the parties hereto have reached an agreement, as hereinbelow set forth, concerning all property and property rights, debts and obligations, and alimony and support for the Plaintiff, all of which the Court is pleased to approve.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court, to-wit:

1. That the Plaintiff, Bessie Louella Durham Henderson, be and hereby is awarded and granted an absolute divorce from the Defendant, James Devon Henderson, and the bonds of matrimony heretofore subsisting between the parties are forever dissolved and for naught held, and the parties are restored to all of the rights and privleges of unmarried persons.

2. That all right, title and interest which Defendant may have in and to certain real property in the 10th Civil District

of Davidson County, Tennessee, heretofore recognized as the home place of the parties during the course of the marriage, be and is hereby divested out of the Defendant and vested in the Plaintiff, to be hers absolutely, subject to a first mortgage lien in favor of Lomas & Nettleton Mortgage Company with a present approximate balance of $10,255.12, to be assumed and paid in full by Plaintiff, said property being more particularly and specifically described as follows:

TRACT NO. I

Land in the 10th Civil District of Davidson County, Tennessee, being the northeasterly part of Tract "D", unrecorded plan by George W. Watkins, Surveyor, dated October 3, 1957, being a re-subdivision of part of Lots 3 and 4 on the unrecorded plan of Henry Raymer Lands, described according to a survey made by Hickerson, Adams and Johnson, December 23, 1962, as follows:

Beginning at an iron pin on the Northeast corner of the property owned by Charles Douglas Spurlock and wife, Virginia Fay Spurlock as of record in Book 4032, Page 707, Register's Office for Davidson County, Tennessee; thence, South 10° 50' West 127 ft. to an iron pin at an eight inch Dogwood in the common line of Tracts C & D of the aforementioned survey; thence, North 80° East 573 ft. to an iron pin; thence, North 12° West 85 ft. to a point; thence, South 88° 40' West 530 ft. more or less to an iron pin the point of the beginning.

Being the same property conveyed to James Henderson and wife, Bessie Henderson, by deed from Charles Douglas Spurlock and wife, Virginia Faye Spurlock, by deed of record in Book 4329, Page 330, Register's Office for Davidson County, Tennessee.

TRACT NO. II

Land in Davidson County, Tennessee, being the Southwesterly part of Tract "D" of an unrecorded plan and being a re-subdivision of part of Lots 3 and 4 on the unrecorded plan of the Henry Raymer Lands and described according to a survey by John Kohl, surveyor, on February 28, 1969, as follows: Beginning at a point in the easterly margin of Campbell Road, being the common corner of Tract C and D; thence with the margin of Campbell Road northerly along a curve 170 ft. to a point; thence South 88° 40' East 267.5 ft. to a point; thence, South 10° 50' West 127 ft. to a point in the common line of Tracts C and D; thence with the line between said tracts South 80° West 227 ft. to the point of beginning.

Being the same property conveyed to Charles Douglas Spurlock and wife, Virginia Faye Spurlock, by deed from Milligan B. Spurlock and wife, Lena Spurlock of record in Book 4032, page 707, Register's Office for Davidson County, Tennessee.

Being the property conveyed to James D. Henderson and wife, Bessie Henderson, by deed from Charles Douglas

Spurlock and wife, Virginia Faye Spurlock as of record in Book 4391, Page 62 in the Register's Office for Davidson County, Tennessee.

3. That all right, title and interest which Plaintiff may have in and to certain real property in Lewis County, Tennessee, heretofore vested in the parties as tenants by the entirety, be and is hereby divested out of the Plaintiff and vested in the Defendant, to be his absolutely, subject to any and all existing liens, mortgages and unpaid real estate taxes, if any, all of which shall be paid or assumed in full by the Defendant, said property being more particularly and specifically described as follows:

Being the East one-half of Lot #7, Section #12, Township of New Switzerland as shown on plat in the Register's Office of Lewis County, Tennessee in Deed Book "J" at Page 476 and more particularly described a follows:

Beginning on the Northeast corner of said Lot #7, Section #12 and runs thence with the East boundary line of said Lot #7 South 2½° West 80 poles to the Southeast corner of the same; thence with the South boundary line of the same North 87½° West 40 poles to a stake in the fence; thence North 2½° East 80 poles to the North boundary line of said Lot #7 Section #12; thence with the same South 87½° East 40 poles to the beginning, containing 20 acres to be the same more or less.

Being the same property conveyed to James Henderson and wife, Bessie Henderson by Deed from Alice Ava Henderson, a widow, of record in Book PP, page 351 Register's Office for Lewis County, Tennessee.

Notwithstanding, the Plaintiff shall have and retain against the property hereinabove described as security for the alimony payments to be paid by Defendant, as hereinafter set forth.

4. That all right, title and interest which Plaintiff may have in and to certain real property in Lewis County, Tennessee, heretofore vested in the parties as tenants by the entirety, be and is hereby divested out of the Plaintiff and vested in the Defendant, to be his absolutely, subject to any and all existing liens, mortgages and unpaid real estate taxes, if any, all of which shall be paid or assumed in full by the Defendant, said property being more particularly and specifically described as follows:

Beginning on a stake, the Northeast corner of Lot #6, Section #12, runs thence North 87½° West with the North boundary line of said lot 1320 ft., more or less, to a stake, being the northwest corner of said Lot #6, Section #12; thence South 2½° West with the West boundary line of said lot 264 ft., more or less, to a stake; thence, South 87½° East parallel with the North boundary line of said lot 1320 ft., more or less, to a stake in the East boundary line of said Lot #6, Section #12; thence, North 2½° East with the east boundary line of said lot 264 ft., more or less, to the point of beginning, containing eight (8) acres, more or less.

Being the same property conveyed to James Devon Henderson and wife, Bessie L. Henderson by deed from Mattie Lou Henderson, et al of record in Deed Book A-21, Page 268, Register's Office for Lewis County, Tennessee.

5. That all right, title and interest which Defendant may have in and to certain real property in Lewis County, Tennessee, heretofore vested in the parties as tenants by the entirety, be and is hereby divested out of the Defendant and vested in the Plaintiff, to be hers absolutely, subject to any and all existing liens, mortgages and unpaid real estate taxes, if any, all of which shall be paid or assumed in full by the Plaintiff, said property being more particularly and specifically described as follows:

Beginning on a stake in the east boundary line of Lot #6, Section #12, said stake being south 2½° West 264 feet, more or less, from the Northeast corner of Lot #6, Section #12, runs thence north 87½° West parallel with the North boundary line of Lot #6, Section #12, 1320 feet, more or less, to a stake in the west boundary line of said lot; runs thence south 2½° West with the West boundary line of said Lot #6, Section #12, 264 feet, more or less, to a stake; runs thence South 87½° East parallel with the North boundary line of Lot #6, Section #12, 1320 feet, more or less, to a stake in the east boundary line of said Lot #6; runs thence north 2½° East with the East boundary line of said lot 264 feet, more or less, to the point of beginning, containing eight (8) acres, more or less.

Being the same property conveyed to James Devon Henderson and wife, Bessie L. Henderson, by deed from David Welton Henderson and wife, Sylvia Marie Henderson, of record in Deed Book A-21, Page 704, Register's Office for Lewis County, Tennessee.

6. That ownership and title to a 1983 Ford Thunderbird, currently titled to the Plaintiff, shall be vested and fixed in the Plaintiff, to be hers absolutely. Ownership and title to a 1983 Harley-Davidson Motorcycle, a 1965 Harley-Davidson

Motorcycle, a 1979 Ford Pickup Truck, a 1968 Chevrolet Pickup Truck, a 1953 GMC Pickup Truck, a 1973 Chevrolet Automobile, and a 1965-1968 Chevrolet, modified with a Corvette engine, shall be vested and fixed in the Defendant, to be his absolutely, subject to any chattel mortgages or liens against same, which shall be paid or assumed in full by the Defendant.

7. That ownership and title to all household goods, furniture, fixtures, appliances, tools, equipment and other personal property heretofore recognized as the joint property of the parties during the marriage, shall be vested and fixed in the Plaintiff, to be hers absolutely, except for the Defendant's clothing, jewelry and other property personal to the Defendant, assorted hand tools, automotive tools, power tools and cabinets, a 30.06 Remington Deer Rifle, a 16-Gage Winchester Pump Shotgun, a .22 Calibur Smith & Wesson Revolver, a 356 Colt Revolver, a 1982 Troybilt Garden Tractor and a garden tiller which shall be vested and fixed in the Defendant to be his absolutely.

8. That ownership and title to all savings accounts or checking accounts in the joint names of the parties shall be vested and fixed in the Plaintiff; and, that each party shall retain ownership of any and all savings accounts or checking accounts in his or her name, respectively.

9. That ownership and title to four (4) U. S. Savings Bonds with an aggregate value of approximately $400.00 be vested and fixed in the Plaintiff, to be hers absolutely and that the Defendant transfer or assign and deliver the said savings bonds to the Plaintiff within thirty (30) days from date.

10. That the Plaintiff shall assume the balance of the Master Card and Sears accounts.

11. That the Defendant be and is hereby ordered to pay direct to Plaintiff, as rehabilitative alimony, the sum of Two Hundred Seventy-five Dollars ($275.00) per month, beginning March 1, 1985, and a like amount on the first (1st) day of each and every succeeding month for a total of sixty (60) consecutive months, after which time, said alimony payments shall terminate; and, that a lien shall be retained by the Plaintiff against the

property hereinabove described in paragraph 3, as security for the said alimony payments.

12. That the Defendant, James Devon Henderson, be and is hereby ordered to pay direct to Homer R. Ayers, Attorney at Law, the sum of $ 1,760.00, as attorney's fees for his representation of the Plaintiff in this cause, for which execution may issue, if necessary.

13. That the costs in this cause be and are hereby assessed against the Defendant, James Devon Henderson, for which execution may issue, if necessary.

ENTERED this the 25 day of Feb, 1985.

JAMES R. EVERETT, JR., Judge

APPROVED FOR ENTRY:

HOMER R. AYERS
Attorney at Law
100 Long Hollow Pike
Goodlettsville, TN 37072

BY: _____
HOMER R. AYERS, Attorney
for the Plaintiff

CERTIFICATION

I certify that a true and exact copy of the foregoing Final Decree was mailed to the Honorable William E. Porter, Attorney for the Defendant, at his offices at 213 Third Avenue North, Nashville, Tennessee 37201, on this the 20th day of February, 1985.

HOMER R. AYERS, Attorney

38535

IDENTIFICATION REFERENCE

SEP 23 2 10 PM '85

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

Mail
Warner B Myers
Attn
100 Union Land Title
Nashville
Suite
37219

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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* Probate *Circuit Court for Davidson County, Tennessee, on the* Twenty-Fifth *day of* February, *19* 85, *in Case Number* 84D-3417 *between* Bessie L. Henderson *Plaintiff, and* James D. Henderson *Defendant, as same remains of record in Book* 30A, *Page* 769 *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* 3rd *day of* April *in the year one thousand nine hundred and* Eighty-five *and in the* 209th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Virginia Laary *D.C.*

Form #GR-117