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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

1986 JAN 17 PM 2:34

ELAINE H. FOSTER)
) CLERK & MASTER
vs.) NO. 85D-994
)
JACK FOSTER) K. Langford BOOK 6706 PAGE 985

JUDGMENT

This cause came on to be heard on the 19th and 20th days of December, 1985 before the Honorable Muriel Robinson upon the Complaint for Absolute Divorce heretofore filed by the Plaintiff, Answer and Counter-Complaint heretofore filed by the Defendant, Answer to the Counter-Complaint having been filed, testimony of the parties and witnesses, statement of counsel, and the entire record in this cause, from all of which this Honorable Court finds that neither party has strong grounds for divorce but grants to the Plaintiff an absolute divorce from the Defendant on the grounds of cruel and inhuman treatment.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Honorable Court that Plaintiff be granted an absolute divorce from the Defendant and be restored to all of the rights and privileges of an unmarried person.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Honorable Court that the following parcels of property were purchased by the Defendant prior to the marriage and these properties shall be the sole and separate property of the Defendant. They are described more particularly as follows:

1. 7.75 acres in Ashland City, Cheatham County, Tennessee.

   Being a tract of 7.75 acres, more or less of Gibbs Subdivision being a portion of the original tract no. 29 of survey by Ralph Lambert 12/01/73, purchased by Jack Foster under an installment contract dated March 14, 1978 from Eugene Heller.

2. 819 Lischey Avenue, Nashville, Davidson County, Tennessee.

   A house and lot located at 819 Lischey Avenue in Nashville, Davidson County, Tennessee, the same being Lot No. 10 on the Plan of Miller's Addition to East Nashville, as of record in Book 57, page 133, Register's Office for Davidson County, Tennessee.

May 82-7 par. 4000

Said Lot fronting 50 feet, more or less, on the easterly side of Lischey Avenue, and running back between parallel lines a distance of 170 feet, more or less, to an alley.

Being the same property conveyed to Jack Foster by deed of record in Book 5448, page 364, Register's Office for Davidson County, Tennessee.

3. 952 Mansfield Avenue, Nashville, Davidson County, Tennessee.

Map 82-8 par. 362

Lot No. 11 in Olwill's Addition to East Nashville, as of record in Plan Book 57, page 134, Register's Office for Davidson County, Tennessee.

Said Lot No. 11 fronts 50 feet on the south side of Mansfield Avenue and extends back between parallel lines 170 feet to an alley.

Being the same property conveyed to Jack Foster by deed from Leonard T. Farrar, unmarried, of record in Book 5578, page 110, Register's Office for Davidson County, Tennessee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Honorable Court that the property located at 1254 McGavock Pike, Nashville, Davidson County, Tennessee, was purchased after the separation of the parties and there was no contribution to the purchase by the Plaintiff and therefore this property shall be the sole and separate property of the Defendant. This property is more particularly described as follows:

Map 72-7 par. 210

Land in Davidson County, Tennessee, described according to an October 8, 1979 survey by John B. Kohl, III, Tennessee Registered Land Surveyor No. 100, as follows:

Beginning at a point on the southerly margin of McGavock Pike, formerly Maxey Lane, at the northwesterly corner of the Charles S. Merryman property (Book 5176, page 172, Register's Office for said County), said point is also located N. 87 degrees 20 minutes W. 105.0 feet from the westerly margin of Glenmeade Drive; thence with Merryman's westerly property line and the westerly line of Lot Nos. 1 and 2, Glenmeade Subdivision (Book 974, page 32, said Register's Office), southwardly 258.0 feet, more or less, to a point at the common rear corner of Lot Nos. 8 and 9, Glenmeade Subdivision - First Addition (Book 2330, page 59, said Register's Office); thence with the northerly line of Lot No. 9 westwardly 98.5 feet to a point in the easterly line of other property of Charles S. Merryman (Book 3101, page 61, said Register's Office); thence, with Merryman's easterly

property line, northwardly 242.0 feet, more or less, to a point on the southerly margin of McGavock Pike; thence, with said margin eastwardly 107.0 feet, more or less, to the point of beginning.

Being the same property conveyed to Jack Foster from William A. Cantrell and wife, Frances Yvonne Cantrell, of record in Book 6343, page 112, Register's Office for Davidson County, Tennessee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Honorable Court that Plaintiff's equity in the two remaining parcels of property located at 950 Mansfield Avenue and 329 Cleveland Street, Nashville, Tennessee, shall be in the amount of Thirteen Thousand Three Hundred and Fifty Dollars and 00/100 ($13,350.00), and Plaintiff is hereby granted a judgment against the Defendant for said amount. This interest in the property is arrived at with taking into consideration the damage to the Defendant's paintings caused by Plaintiff's actions. This $13,350.00 is due and payable to the Plaintiff within sixty (60) days of the date of this Judgment, and after 30 days, the legal rate of interest shall apply to said judgment. Payment of the $13,350.00 should be made to the Plaintiff and her attorney, Joseph L. Lackey, Jr. Plaintiff is hereby awarded a lien against these two parcels of property to secure said judgment and these parcels of property are more particularly described as follows:

Map 82-3 par. 426

1. 329 Cleveland Street, Nashville, Davidson County, Tennessee.

Being Lot No. 34 on the Plan of J. M. Eatherly's Addition to East Nashville, of record in Book 57, page 138, Register's Office for Davidson County, Tennessee, to which plan reference is made for a more complete description.

Being the same property conveyed to Jack Foster and wife, Elaine H. Foster, by deed from Robert N. Moore, Jr., unmarried, of record in Book 6073, page 191, Register's Office for Davidson County, Tennessee.

Map 82-8 par. 361

2. 950 Mansfield Avenue, Nashville, Davidson County, Tennessee.

Land in Davidson County, Tennessee, being Lot No. 10 on the Plan of Philip Olwill's Addition to East Nashville of record in Book 57, page 134, Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description.

Being the same property conveyed to Jack Foster and wife, Elaine H. Foster, by deed from Helen F. Pulley, a single woman, of record in Book 6080, page 391, Register's Office for Davidson County, Tennessee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Honorable Court that all right, title and interest which the Plaintiff may have in and to any of the above described properties shall be divested out of her and vested solely in the Defendant. The Defendant shall hold Plaintiff harmless from any and all liens which are outstanding on all of the above parcels of property hereinabove described.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Honorable Court that both parties are enjoined and restrained from harrassing each other.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Honorable Court that in the event Defendant makes any claims against his insurance company for the damage caused by the fire to Defendant's property the Plaintiff shall be entitled to one-half of any amounts received over and above $5,500.00, the Court hereby finding the value of the property so damaged by Plaintiff's actions to be in the amount of $5,500.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no alimony shall be awarded to the Plaintiff, either in solido or in futuro.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Honorable Court that each party shall be responsible for her or his own attorney's fees. The attorneys for the Defendant shall have a lien against all the property hereinabove described to secure their fee owed to them by the Defendant.

The costs of this cause are hereby taxed to the Defendant, for which execution may issue.

ENTER this 17th day of January, 1986.

Russell Robertson
JUDGE

APPROVED FOR ENTRY:

BOOK 6766 PAGE 989

James V. Barr, III
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FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN
JAN 22 8 36 AM '86
IDENTIFICATION REFERENCE
70443

CERTIFICATION

Certification is hereby made that a copy of this Judgment has been mailed to Mr. Joseph L. Lackey, Jr., Attorney at Law, 12th Floor, First American Center, Nashville, Tennessee 37238, this 16th day of January, 1986.

James V. Barr, III

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* 17th *day of* January, *19* 86, *in Case Number* 85D-994 *between* Elaine H. Foster *Plaintiff, and* Jack Foster *Defendant, as same remains of record in Book* 150B, *Page* 882 *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* 21st *day of* January *in the year one thousand nine hundred and* Eighty- Six *and in the* 210th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By D. Coker *D.C.*

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