150D/1285

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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

064-12A
838

JO ANN WILLIAMS,

K. Langford

Plaintiff,

vs.

Docket No. 85D2282

LARRY D. WILLIAMS,

Defendant.

FINAL DECREE

This cause came on to be heard this 14th day of January, 1986, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the original complaint for divorce filed in this Court on the 8th day of August, 1985. The Court finds from the record that the defendant was personally served with process on the 7th day of September, 1985, by certified mail through the office of the Secretary of State for Tennessee, and that no answer nor appearance has been made on behalf of the defendant, Larry D. Williams. A default judgment was entered against the defendant on November 1, 1985 upon motion of the plaintiff with notice to the defendant. Thereafter, a motion was filed by the plaintiff, with notice to the defendant, seeking an award of temporary support pending the litigation of this matter. The defendant failed to appear, and an award of $1,500.00 per month as alimony pendente lite was entered by the Court. Thereafter, the plaintiff filed a motion, with notice to the defendant, seeking the Court's permission to set this matter for trial today. Again no appearance nor answer was filed on behalf of the defendant Larry D. Williams, and the defendant did not appear at the trial of this matter.

Upon the testimony of the plaintiff and her two witnesses, Randall Dale Williams and Gregory Wayne Williams, the Court is of the opinion that the plaintiff has proven her allegations of cruel and inhuman treatment as set out in

Tennessee Code Annotated Section 36-4-102(a)(1) and abandonment and failure to provide as set out in Tennessee Code Annotated Section 36-4-101(8) for all of which a divorce should be granted in this cause.

Specifically, the Court finds that the parties have been married for thirty years, have two adult sons, and that the defendant has failed to reside with the plaintiff since 1983, and has failed to support the plaintiff since the summer of 1985. The last known address of the defendant, Larry D. Williams is LCDR Larry D. Williams, COMNAVUSPHIL, Box 30/N-2, FPO San Francisco, California, 96651. The address of the plaintiff is 838 Old Coach Court, Hermitage, Tennessee, 37076. In addition, the Court finds evidence that the defendant has had relationships with other women and that these relationships have been brought to the attention of the plaintiff. Further, that the plaintiff has shown the need, and is therefore entitled to alimony in this matter. Accordingly,

IT IS THEREFORE ORDERED that the bonds of matrimony heretofore existing between the plaintiff and defendant are dissolved and the plaintiff is awarded an absolute divorce from the defendant on the ground of cruel and inhuman treatment pursuant to Tennessee Code Annotated Section 36-4-102(a)(1) and abandonment and failure to provide pursuant to Tennessee Code Annotated Section 36-4-101(8).

IT IS FURTHER ORDERED that the plaintiff is awarded the following real property which is hereby divested out of the husband and into the wife for her sole and separate use.

A. The condominium known as 838 Old Coach Court in Hermitage, Davidson County, Tennessee, and more accurately described as:

> LAND in Davidson County, Tennessee being a certain condominium apartment known as Unit 838 of the Foxrun Condominiums, First Revision, Part of Section 2, as of record in Book 5200, page 357, Register's Office for Davidson County, Tennessee

BEING the same property conveyed to Larry D. Williams and wife, Jo Ann Williams by instrument of record in Book 6093, page 966, Register's Office for Davidson County, Tennessee

B. A 215 acreage trace in White County, Tennessee more accurately described as follows:

I.

Tract One:

LAND in the 5th Civil District of White County, Tennessee being bounded on the north by Champ Goodwon; on the south by the Caney Fork River; on the east by Mollie Roberts; on the west by G. B. Gooch containing 75 acres more or less.

Tract Two:

LAND in the 5th Civil District of White County, Tennessee being bounded on the north by G. Gooch, on the west by Virgil Gooch; on the south by Jesse Roberts, on the easy by Gooch and Roberts, containing 80 acres more or less.

Tract One:

On the water of the Caney Fork River and beginning on a stake at the edge of said river; thence north to a poplar, 9 poles to the foot of a bluff, thence west 44 poles to a double lynn; thence north 8 poles to a stake; thence west 50 poles to a red oak and dogwood on the Jane Holland Line, south with said line 29 poles to a sycamore on the river bank, north 82 degrees, east 95 poles with the river to the beginning of the first bottom below the cliff creek on said river.

Tract Two:

Beginning at a sycamore on Melvin Betterton's southwest corner; thence west with the river to the drain on the lower end of bottom; thence north with the drain to the main bluff; thence east with the bluff to Melvin Betterton's northwest corner, thence south 29 poles to the beginning containing 3 acres more or less.

For a more detailed description of said acreage tracts see Deed Book 101, page 518 and Deed Book 112, page 333. There is excluded from the above lands conveyed by this instrument the tract of approximately 40 acres conveyed to the United States government by McPeak in Deed Book 98.

BEING the same property conveyed to Larry Dale Williams and Jo Ann Williams by deed of record in Book 138, page 679, Register's Office for White County, Tennessee.

II.

LAND in the 3rd civil district of White County,

Tennessee beginning at a post in the right-of-way line of Three Island Road, a common corner with James Johnson and running with the fence south 88 degrees east 100 poles to a rock with dogwood, maple, gum, and sourwood pointers; thence south 2.5 degrees west 35.5 poles to a stake with four beech pointers; thence south 85 degrees east 154.5 poles to a stake with hickory, beech and sourwood pointers; thence south 5 degrees, west 24 poles to a cedar post; thence north 85 degrees west 49.5 poles to a stake; thence south 77 degrees, west 13 poles to a stake in Cookeville Production Credit Association's line with beech, hickory and sourwood pointers; thence north 85 degrees, west to the northern right-of-way line of a gravel road; thence generally west with the northern right-of-way line of said gravel road to the eastern right-of-way line of Three Island Road; thence gradually north with the eastern right-of-way line of Three Island Road to the beginning.

The above described property includes and excludes a two acre tract of land previously conveyed to Watson Usrey and wife by deed of record in Book _____, page _____, Register's Office for White County, Tennessee. The aforesaid land is enclosed by a fence which runs approximately with the lines above described and contains 60 acres more or less.

BEING the property conveyed to Larry Dale Williams and wife, Jo Ann Williams by instrument of record in Book 139, page 753, Register's Office for White County, Tennessee.

The plaintiff shall be responsible for payment of any indebtedness on said parcels of real property, and shall hold the defendant thereon harmless.

IT IS FURTHER ORDERED that the plaintiff is awarded the 1983 Mazda held by her and titled to the parties jointly, FURTHER, said automobile is divested out of the husband and into the wife for her sale and separate use.

IT IS FURTHER ORDERED that all items of household goods and furnishings, as well as all items of personal property, jewelry, and cash on hand or on deposit in the wife's name, are awarded to the wife as her sole and separate property.

IT IS FURTHER ORDERED that the wife may, at her option, continue to maintain a life insurance policy held by her on the life of the defendant and on which she is the named beneficiary.

IT IS FURTHER ORDERED that the plaintiff is awarded as

permanent alimony one-half of all payments due and payable to the husband under his military retirement benefits resulting from his service in the United States Navy. Said payments shall terminate only upon the death or remarriage of the wife. When specifically ordered by the court, such support shall not be reduced or prorated.

IT IS FURTHER ORDERED that the defendant is in arrears in the amount of $3,000.00 under the pendente lite support ordered by this court, and judgment is awarded to the plaintiff in the amount of $3,000.00 for which execution may issue.

IT IS FURTHER ORDERED that the wife is awarded the sum of $450.00 as her reasonable attorney fees in this cause for which execution may issue. The costs of this cause are taxed to this defendant for which execution may issue.

This 23rd day of January, 1986.

Muriel Robinson
MURIEL ROBINSON, JUDGE

APPROVED FOR ENTRY:

PATRICIA R. YOUNG
Attorney at Law
LEVINE, BREWER & KRAUSE
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Final Decree was mailed to Mr. Larry Williams, COM NAVUS PHIL, Box 30/N-2, FPO San Francisco, California 96651, on this 15th day of January, 1986.

PATRICIA R. YOUNG

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IDENTIF REFERENCE

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FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

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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* Fourth *Circuit Court for Davidson County, Tennessee, on the* 24th *day of* January, *19* 86, *in Case Number* 85D-2282 *between* Jo Ann Williams *Plaintiff, and* Larry D. Williams *Defendant, as same remains of record in Book* 150B, *Page* 1285 *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* 27th *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 K. Langford, *D.C.*

Form #GR-117