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1985 SEP 26 PM 2:36
GEORGE L. ROOKER, CLERK
D.C.

IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE

VICKY L. KIRBY,
Plaintiff,
vs.
GERALD A. KIRBY, JR.,
Defendant.

NO. 84D-3041

MAP- 42-7-A
Par. 51

FINAL DECREE BOOK 6781 PAGE 566

The above-styled cause came on to be heard on the 17th day of September, 1985, before the Honorable Joe P. Binkley, Jr., Special Judge of the Probate Court for Davidson County, Tennessee, upon the Complaint for Absolute Divorce of the Plaintiff Vicky L. Kirby and Answer of the Defendant Gerald A. Kirby, Jr.

The Defendant having failed to appear, the Court finds that his Answer should be dismissed and the matter was, therefore, heard uncontested.

Upon testimony of witnesses in open court and the entire record, the Court finds that the allegations of the Complaint of the Plaintiff Vicky L. Kirby had been fully sustained by the proof and that the Defendant Gerald A. Kirby, Jr., has been guilty of such cruel and inhuman treatment or conduct towards the Plaintiff as renders further cohabitation unsafe and improper for her to remain under his dominion and control.

It is accordingly ORDERED, ADJUDGED, and DECREED by the Court that the Plaintiff Vicky L. Kirby is granted an absolute divorce from the Defendant Gerald A. Kirby, Jr., and is restored to all rights and privileges of a single person.

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IDENTIFICATION REFERENCE
FEB 12 11 45 AM '86
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

It is further ORDERED, ADJUDGED, and DECREED by this Court that the answer previously filed by the Defendant Gerald A. Kirby, Jr., is dismissed.

It is further ORDERED, ADJUDGED, and DECREED by the Court that the Plaintiff Vicky L. Kirby is granted the custody of the minor children of the parties, Jordan Elizabeth Kirby and Jessica Ryan Kirby, with all reasonable rights of visitation being reserved to the Defendant Gerald A. Kirby, Jr.

It is further ORDERED, ADJUDGED, and DECREED by the Court that the Defendant Gerald A. Kirby, Jr., shall pay to the Plaintiff Vicky L. Kirby the sum of Sixty-five ($65.00) Dollars per week for the support of the minor children of the parties. The Defendant Gerald A. Kirby, Jr., is further ORDERED to pay all medical and dental expenses incurred on the behalf of his minor children and continue carrying medical and dental benefits under any policy of insurance offered him through his employment.

It is further ORDERED, ADJUDGED, and DECREED that all right, title, and interest be divested out of the Defendant Gerald A. Kirby, Jr., and that all right, title, and interest shall be vested in the Plaintiff Vicky L. Kirby, being property located at 853 Heritage Circle, Madison, Tennessee 37115, said property being further described as follows:

> Being lot number 215 on the Plan of Revised Phase Two, Heritage Square, of record in Plat Book 5200, page 378, Register's Office for Davidson County, Tennessee, to which plat reference is here made for a more complete and accurate description.
>
> Being the same property conveyed to Gerald A. Kirby, Jr., and wife, Vicky C. Kirby, by deed from Hermel J. Goulet and wife, Pamela Goulet, of record in Book 6213, page 423, RODC, Tennessee.

It is, however, ORDERED, ADJUDGED, and DECREED that Plaintiff Vicky L. Kirby shall pay to Husband the total sum of One thousand ($1,000.00) Dollars should she at any time sell the house at 853 Heritage Circle, Madison, Tennessee, more particularly described above, and that Wife shall assume the responsibility for the payment of the mortgage on said real estate with regard to the note and Deed of Trust executed by the parties.

It is further ORDERED, ADJUDGED, and DECREED that the Defendant Gerald A. Kirby, Jr., is awarded the 1980 Ford Fiesta automobile, VCR, stereo and speakers, stereo stand, window table, T.V. trays, waterbed and waterbed sheets, night stand, chest and dresser, washstand, drawing table and chair, work tools, brown ginger jar lamp, tin canister set, and an equal division of the children's baby pictures.

Wife is awarded the remaining furniture and furnishings and the parties' 1974 Chevrolet Impala automobile.

It further ORDERED, ADJUDGED, and DECREED by the Court that the Defendant Gerald A. Kirby, Jr., shall be responsible for marital debts of the parties and to hold Wife harmless therefor as Wife's alimony in solido.

It is ORDERED, ADJUDGED, and DECREED by the Court that the Defendant Gerald A. Kirby, Jr., shall pay to Mary Ann Reese, Attorney for Plaintiff Vicky L. Kirby, the sum of Three hundred and fifty ($350.00) Dollars as attorney's fee of the Plaintiff Vicky L. Kirby.

It is ORDERED, ADJUDGED, and DECREED by the Court that the Defendant Gerald A. Kirby, Jr., shall pay the costs of this cause, to enforce the collection of which execution may issue if necessary.

ENTER this 26 day of Sept, 1985.

JOE P. BINKLEY, JR., SPECIAL JUDGE

APPROVED FOR ENTRY:

MARY ANN REESE
Attorney for Plaintiff
3805 Gallatin Road
Nashville, TN 37216
Phone: (615) 228-2502

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CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing Order has been mailed to the Defendant Gerald A. Kirby, Jr., 853 Heritage Circle, Madison, Tennessee 37115, this 19 day of September.

MARY ANN REESE

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* 26th *day of* September, *19* 85, *in Case Number* 84D-3041 *between* Vicky L. Kirby *Plaintiff, and* Gerald A. Kirby, Jr. *Defendant, as same remains of record in Book* 31C, *Page* 2104 *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* 7th *day of* February *in the year one thousand nine hundred and* eighty-six *and in the* 210th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Karen Parker *D.C.*