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par. 48g. 1-8-80
115A/734

JACKIE LEE MCWHIRTER	)	IN THE FOURTH CIRCUIT COURT OF
	)	DAVIDSON COUNTY, TENNESSEE
VS.	)	NO. 95592
	)	BOOK 6824 PAGE 722
ALMA JEAN MCWHIRTER	)	

FINAL DECREE

This cause came on for hearing on this the 17th day of December, 1979, before the Honorable Benson Trimble, Judge of the Fourth Circuit Court of Davidson County, Tennessee upon the original complaint filed by the original complainant, Jackie Lee McWhirter, answer and counter-complaint for absolute divorce filed by the defendant and counter-complainant, Alma Jean McWhirter, amended and supplemental complaint for Bed and Board divorce filed by the counter-complainant, answer filed thereto, with each party filing with the court a bill of particulars, with the counter-complainant announcing at the hearing of this cause that she would seek an absolute divorce decree at the hearing of the cause, witnesses heard in open court, argument of counsel, and the entire record in this cause. From all of which the court, after hearing all proof in said matter took said cause under advisement and through and by its memorandum opinion finds as follows:

MEMORANDUM

This cause came on to be heard upon the pleadings, upon the testimony of the principals, upon the testimony of the corrobrative witnesses, upon able argument of the solicitors and the entire record herein. From all of which the court is of the opinion and finds as follows:

The court feels that the original action as brought by the plaintiff should be forthwith dismissed.

The Court feels that these parties will never live together again as husband and wife and an absolute divorce should be granted and the cross-plaintiff on the statutorily alleged grounds of cruel and inhuman treatment. The custody of the minor child should be awarded to her and the amount of $100.00 each week will be set as child support. When the child reaches the age of 18 years this $100.00 each week shall be converted into alimony until the note is paid on the homeplace. Then it will be discontinued forthwith and forever.

The court has considered the home of the parties and feels that this should be and become the sole property of the cross-plaintiff with the cross-defendant having no resulting claim thereto.

The court further is of the opinion that the cross-defendant should receive the three items of personalty as testified to by him, being the maple dinette suite, the bed that was constructed by his father and all of his color slides.

The motor vehicle now being used by the cross-plaintiff should be and become her sole property and this should be transferred to her by the cross-defendant within ten days from the resulting final judgment.

The court is further of the opinion that the savings account as testified to by and between the parties should be divided equally by and between the parties and as these payments are made to this savings account then these also shall be divided equally by and between the parties.

The court is of the opinion that the cross-defendant shall be responsible for the dental bills, if any, on behalf of the minor child until she is emancipated.

There was no fee mentioned for the solicitor representing the cross-plaintiff and, of course, this is reasonable due to the fact that all of the parties must know the decision of the court before a fee could reasonably be arrived at. Now that a decision has been forthcoming, if these solicitors are able to agree upon a fee then this well be agreed upon by the Court. In the event this is impossible, then if these two able solicitors will meet with me in Chambers then the matter will be gone into and a reasonable fee will be set forth.

The costs in the cause will be assessed against the cross-defendant for which execution may issue if necessary.

Dated this 18th day of December, 1979.

/s/ Benson Trimble
Benson Trimble, Judge
Fourth Circuit Court of
Davidson County, Tennessee

It is therefore ORDERED, ADJUDGED, AND DECREED that the original complaint for absolute divorce filed by the said Jackie Lee McWhirther should be and the same is hereby dismissed.

The court finds that the counter-complainants alegations in the counter-complaint filed herein have been fully sustained that is that the counter-defendant, Jackie Lee McWhirter has been guilty of such cruel and inhuman treatment and conduct towards her as renders further co-habitation unsafe and improper.

It is therefore ORDERED, ADJUDGED, AND DECREED that the bonds of matrimony heretofore existing by and between the parties are hereby dissolved and the counter-complainant, Alma Jean McWhirter is hereby awarded an absolute divorce from the counter-defendant, Jackie Lee McWhirter and she is hereby restored to all the rights and privileges of an unmarried person.

It is further ORDERED, ADJUDGED, AND DECREED that the said Alma Jean McWhirter is hereby awarded the care, custody and control of the minor child of the parties to wit, Cynthia Jean McWhirter age 14 years.

It is further ORDERED that the counter-defendant, Jackie Lee McWhirter shall pay to the counter-complainant the sum of $100.00 each week as child support, until the said child reaches the age of 18 years.

It is further ORDERED, ADJUDGED, AND DECREED that when the minor child of the parties reaches the age of 18 years, the counter

defendant shall continue to pay to the counter complainant the sum of $100.00 each week which shall be designated alimony to her until the note on the homeplace of the parties located at 3201 Doak Avenue, Nashville, Tennessee is paid in full. It is further ORDERED that when said mortgage on said homeplace is paid in full, then the alimony payment being made by the counter-defendant herein shall be discontinue forthwith and forever.

It is further ORDERED, ADJUDGED, AND DECREED that the counter-complainant, Alma Jean McWhirter is hereby awarded the home-place of the parties in fee simple located at 3201 Doak Avenue, Nashville, Tennessee subject to the mortgage thereon and any right, title or interest that the counter-defendant, Jackie Lee McWhirter has in and to the same is hereby divested from him and reinvested in the counter-complainant, Alma Jean McWhirter to be hers absolute and in fee simple. Said real property is more particularly described in words and figures as follows:

Being the Northwesterly part of Lot No. 9 of Block 2 on the map of G,T, Sheegog's Subdivision at Bordeaux of record in Book 421, Page 191, Register's Office, Davidson County, Tenn. and described according to a survey by John Kohl, dated August 9, 1976, as follows:

Said part of Lot No. 9 fronts the southwesterly margin of Doak Avenue a total of 74.83 feet and measures a total of 164.37 feet on the South line, 165 feet on the North Line, to a line in the rear which measures 55 feet.

Being the same property conveyed to Jackie Lee McWhirter and wife Alma Jean McWhirter from Carson Brummett and wife, Lucille N. Brummett by Warranty Deed of record in Book 5057, Page 591 Registers Office, Davidson County, Tennessee.

This conveyance is made subject to restrictions and easements of record in the Register's Office for said county.

It is further ORDERED, ADJUDGED, AND DECREED that the automobile now being used by the counter-complainant should be and is hereby ordered to become her sole property and counter-defendant is ordered to transfer title to her within 10 days from the date of this order.

It is further ORDERED, ADJUDGED, AND DECREED that the savings account as testified to by and between the parties shall be divided equally between the parties and the payments that are due and

and being paid to this account shall also be divided equally by and between the parties hereafter.

It is further ORDERED, ADJUDGED, AND DECREED that the counter-defendant, Jackie Lee McWhirter shall be responsible for all dental bills if any on behalf of the minor child until she is emancipated.

It is further ORDERED, ADJUDGED, AND DECREED that the counter-defendant, Jackie Lee McWhirter shall receive three items of personalty as testified to by him being the maple dinette suite, the bed that was constructed by his father and all of his color slides, to be his sole property.

It is therefore ORDERED, ADJUDGED, AND DECREED that the counter-defendant, Jackie Lee McWhirter shall pay to Muriel Robinson attorney of record for the complainant a reasonable fee in the amount of 600.00 dollars, plus the cost of this cause for all of which let execution issue if necessary.

This the 29th day of December, 1979

JUDGE

Approved for Entry:

1-8-80

Imogene W. Bolen
Attorney for Complainant and counter-defendant

Muriel Robinson
Attorney for Defendant and counter-complainant

I certify a copy of the final decree has been mailed to the Honorable Jean Bolen, attorney for counter-defendant, 1621 Commerce Place, Union Street Nashville, Tennessee 37201, 12-29-79.

Muriel Robinson
Attorney

89925

IDENTIFICATION REFERENCE

APR 9 9 35 AM '86

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

BOOK 6824 PAGE 726

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* 8th *day of* Jan, 19 80, *in Case Number* 95592 *between* Jackie Lee McWhirter *Plaintiff, and* Alma Jean McWhirter *Defendant, as same remains of record in Book* 115A, *Page* 734 *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* 9th *day of* April *in the year one thousand nine hundred and* 86 *and in the* 210th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By R. Oper, *D.C.*

Form #GR-117