43B/132

IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

KATHLEEN BROWN CHITWOOD,

Plaintiff,

VS.

WILLIAM HENRY CHITWOOD,

Defendant.

1981 SEP 25 PM 3:32

GEORGE L. ROSSELL, CLERK

No. 81D-2756 sue D.C.

98-40

BOOK 6851 PAGE 754

O R D E R

This cause came on to be heard before the Honorable Stephen North, Judge, upon the Original Petition for Absolute Divorce filed by Plaintiff, KATHLEEN BROWN CHITWOOD, against Defendant, WILLIAM HENRY CHITWOOD, judgement pro confesso heretofore entered against Defendant, upon his failure to plead, answer or Demurrer within the time required by law, testimony of Plaintiff and her supporting witnesses, statement of Counsel, and from the entire record in this cause, from all of which the Court finds that Defendant has been guilty of such cruel and inhuman treatment towards as renders cohabitation unsafe and improper and she is entitled to an Absolute Divorce from Defendant.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that the bonds of matrimony heretofore subsisting by and between these parties are hereby forever dissolved and Plaintiff is granted an Absolute Divorce from Defendant.

It is further ORDERED that all the household goods and furnishings located in the home of the parties be and the same are granted to Plaintiff.

It is further ORDERED that all right, title, and interest in and to the following described realestate be and the same is hereby divested out of Defendant and vested in Plaintiff as her sole and absolute property.

Land in the 4th Civil District of Davidson County, Tennessee, being Lot No. 5 on a survey made by Robert H. Meade, Engineer, dated May 3, 1958, of acreage tracts of the Jacobs Farm, more particularly described as follows: BEGINNING in the northerly margin of Earhart Pike at the southwesterly corner of the property conveyed to Edward Bearce and wife, by deed of record in Book 2804, page 292, Register's Office for said County; thence with Bearce's westerly line, north 1° 47' East 442.2 feet to a point; thence North 88° 13' West 198.9 feet to a point; thence southerly 421.0 feet to the northerly margin of Earhart Pike; thence with said Pike, easterly 200 feet to the beginning.

A one half undivided interest in said property was conveyed to A.T. Jacobs and wife, Pearl Sanders Jacobs, by three deeds, one from Thomas Sanders, of record in Book 2343, page 303, one from Thomas Sanders and Ella Sanders, of record in Book 2797, page 253 and the other from Ella Sanders, of record in Book 2797, page 237, all in the Register's Office for said County, and the other one half undivided interest in said property was inherited by Pearl Sanders Jacobs, as an heir at law of C.W. Sanders, deceased.

For the considerations contained herein passing from grantee to grantors, grantors do hereby grant to grantee, his heirs and assigns a permanent easement over Lot No. 6, which easement shall be 10 feet wide, 5 feet on either side of a water line which runs from a well on Lot No. 6 to the residence presently located on Lot No. 5; and Grantee, his heirs and assigns shall have the permanent use of and access to said well and water therefrom and shall enjoy the privilege without restraint of going upon any part of said premises covered by this easement for the purpose of making necessary repairs and maintenance thereof. GRANTEE, HIS HEIRS, AND ASSIGNS AT ALL TIMES TO PAY HALF OF ALL COSTS. Grantors covenant that they are seized and possessed of the premises on which said well and water line are situated.

Being the same property conveyed to William Henry Chitwood by deed of record in Book 4188, page 521, Register's Office for Davidson County, Tennessee.

It is further ORDERED that Plaintiff shall be responsible for the first and second mortgage on this property. BOOK 6851 PAGE 755

Costs are adjudged against Defendant for which execution may issue if necessary.

JUDGE

APPROVED FOR ENTRY:

Enter This 24 Day of Sept., 1981

ATTORNEY FOR PLAINTIFF

FELIX Z. WILSON II REGISTER DAVIDSON COUNTY, TN
MAY 8 2 20 PM 98
IDENTIFICATION REFERENCE
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CERTIFICATE

I hereby certify that copies of the foregoing Order have been mailed to Kathleen Chitwood, Earhart Road, Box 258, Hermitage, Tennessee 37076 and William Chitwood, c/o Triangle Truck Company, 1116 Visco Drive, Nashville, Tennessee 37210 this 17 day of Sept, 1981.

## 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* Tenth *Circuit Court for Davidson County, Tennessee, on the* 25th *day of* Sept, 19 81, *in Case Number* 81D-2756 *between* Kathleen Brown Chitwood *Plaintiff, and* William Henry Chitwood *Defendant, as same remains of record in Book* 43B, *Page* 1327 *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* 8th *day of* May *in the year one thousand nine hundred and* 86 *and in the* 210th *year of American Independence.*

**GEORGE L. ROOKER,** *Clerk,*