July 30, 1973
24C/1475

BOOK 6945 PAGE 744

IN THE PROBATE COURT OF DAVIDSON COUNTY, TENNESSEE

59-11
Par 231
Jo

JOSEPH C. SMITH, JR.

VS.

MATTIE RUTH SMITH

NO. 68054

FILED & RECORDED
AUG 11 1 41 PM '80
DAVIDSON COUNTY
IDENTIFICATION REFERENCE

30359

FINAL DECREE

This cause came on to be heard on this 16th day of July, 1973, before the Honorable Shelton Luton, Judge, holding the Probate Court of Davidson County, Tennessee, upon the cross complaint of Mattie Ruth Smith, the testimony of the cross plaintiff and her corroborating witnesses, statements of counsel for the respective parties, and the entire record in this cause. From all of which the court is of the opinion and finds that the cross plaintiff has sustained her grounds for a divorce, that is, that the cross defendant has been guilty of cruel and inhuman treatment or conduct so as to render cohabitation unsafe and improper and further that he has abandoned the cross plaintiff or turned her out of doors and refused and neglected to provide for her; and the Court further finds that the verbal property settlement agreement made and agreed upon by the parties hereto shall be ratified and approved by this court and made a part of this decree, said property settlement agreement being in words and figures as follows, to-wit:

1. That the wife shall be vested with title in fee simple to the residence of the parties located at 615 Lane Court in Davidson County, Tennessee, which is presently owned as tenants by the entireties and the wife shall be vested with all of the husband's right, title and interest in the same; and further that the wife shall indemnify and hold the husband harmless on any of the mortgage note payments upon said property.

2. The wife shall be vested with all the household furnishings, fixtures and appliances and any and all of the husband's interest in the same shall be vested in the wife and the wife shall indemnify

and hold the husband harmless from any note indebtedness on any of said personal property possessed by her under this agreement.

3. The husband agrees to pay into the registry of the Circuit Court Clerk the sum of Thirty-two Dollars and 50/100 Dollars ($32.50) each week plus the Clerk's commission of five percent (5%) which sum the Clerk shall pay over to the wife to be used by her for the support and maintenance of the minor children of the parties.

IT IS ACCORDINGLY ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the parties be, and are hereby forever and perpetually dissolved and that the cross plaintiff, Mattie Ruth Smith, be and she is hereby restored to all of the rights and privileges of an unmarried person.

IT IS FURTHER ORDERED by the Court that the cross plaintiff, Mattie Ruth Smith, be and she is hereby awarded the care, custody and control of the two minor children of the parties with reasonable visitation privileges to the cross defendant herein.

IT IS FURTHER ORDERED by the Court that the property settlement agreement set forth above be and the same is hereby approved in its entirety and made the order of this court and the parties hereto are hereby directed to comply with each and every term set forth in said agreement.

IT IS FURTHER ORDERED by the Court that all of the cross defendant's right, title and interest in and to the real estate jointly owned by the parties be and the same is hereby divested and all of his said right, title and interest is hereby vested in the cross plaintiff, Mattie Ruth Smith, in fee simple, said real estate being more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 555 on the Plan of Haynes Manor, Section 4, as of record in Book 4175, page 90, Register's Office for Davidson County, Tennessee, to which plan reference is here made for a more complete description.
>
> Being the same property conveyed to Joseph C. Smith and wife, Mattie R. Smith, by deed from Harpeth-South, Inc., a Tennessee corporation, of record in the Register's Office for Davidson County, Tennessee.

IT IS FURTHER ORDERED by the Court that all of the costs of this cause be taxed to the cross defendant herein, for which amount execution may issue, if necessary.

APPROVED FOR ENTRY:

ORTALE, KELLEY, HERBERT & CRAWFORD

By: John W. Kelley
Solicitors for Cross Plaintiff

Mose Davie
Mose Davie, Solicitor for
Cross defendant

Stanton Cato
Judge

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* 30th *day of* July, *19* 73, *in Case Number* 68054 *between* Josph C. Smith *Plaintiff, and* Mattie Ruth Smith *Defendant, as same remains of record in Book* 84C, *Page* 1475 *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* 11th *day of* August *in the year one thousand nine hundred and* eighty-six *and in the* 211th *year of American Independence.*

GEORGE L. ROOKER *Clerk,*

By Laura K. Courtney *D.C.*

Form #GR-117