154A/587

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GEORGE L. ROGERS, CLERK

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

K. Lankford D.C.

CATHERINE MOUNTCASTLE WALL,)
)
VS.) No. 84D-2852
)
JAMES T. WALL, III.)

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FINAL DECREE

This cause came on to be heard before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee, on August 13, 1985, and other days thereafter concluding on April 17, 1986, upon the complaint for absolute divorce of the plaintiff, Catherine Mountcastle Wall, answer and counterclaim of the defendant, James T. Wall, III, answer of plaintiff thereto, testimony of witnesses heard in open court, exhibits, depositions, briefs, argument of counsel, and the entire record in said cause. At the conclusion of the hearing on April 17, 1986, the Court did take said cause under advisement, and the Court having considered the evidence and reviewed the exhibits did file its memorandum opinion in said cause with the clerk of the court on July 2, 1986, and did file its amended memorandum opinion with the clerk of the court on July 7, 1986, which memorandum opinions are incorporated herein by reference as fully as if copied herein verbatim.

The Court finds that the allegations of the complaint of the plaintiff, Catherine Mountcastle Wall, as to cruel and inhuman treatment have been sustained by the proof and that the defendant, James T. Wall, III, has been guilty of such cruel and inhuman treatment or conduct towards the plaintiff, Catherine Mountcastle Wall, as renders further cohabitation unsafe and improper. It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that the plaintiff, Catherine Mountcastle Wall, is granted an absolute divorce from the defendant, James T. Wall, III, and is restored to all the rights and privileges of a single person. It is further ORDERED, ADJUDGED and DECREED by the Court that the counterclaim of the defendant, James T. Wall, III, is dismissed.

It is further ORDERED, ADJUDGED and DECREED by the Court that the plaintiff, Catherine Mountcastle Wall, is awarded the custody of the minor children of the parties, Catherine Easterling Wall and Hunter Mountcastle Wall, and that the defendant, James T. Wall, III, shall have all reasonable rights of visitation.

It is further ORDERED, ADJUDGED and DECREED by the Court that the defendant, James T. Wall, III, shall pay to the plaintiff, Catherine Mountcastle Wall, the sum of Six Hundred Dollars ($600) per month as support and maintenance for said minor children during their minority. The defendant, James T. Wall, III, shall provide medical and hospital insurance for said children until they have reached their majority.

It is further ORDERED, ADJUDGED and DECREED by the Court that the plaintiff, Catherine Mountcastle Wall, is awarded the funds in the Paine Webber account in the approximate amount of Forty-Five Thousand Dollars ($45,000), one-half of the funds in the Shearson account in the approximate amount of Twenty-Five Thousand Two Hundred Ten Dollars and Eight Cents ($25,210.08), the funds in the First American checking account in the approximate amount of Two Thousand Dollars ($2,000), one-half the Texas Municipal Power bonds having a value of approximately Fifty Thousand Dollars ($50,000), and the proceeds of the defaulted bonds having a value of approximately Thirty-Six Thousand Dollars ($36,000).

It is further ORDERED, ADJUDGED and DECREED that the defendant, James T. Wall, III, is awarded the 16th Avenue, South, property having an equity of approximately Seventy-Six Thousand Dollars ($76,000), one-half of the funds in the Shearson account in the approximate amount of Twenty-Five Thousand Two Hundred Ten Dollars and Nine Cents ($25,210.09), one-half of the Texas Municipal Power bonds having a value of approximately Fifty Thousand Dollars ($50,000), the Jocelyn Hollow lot having a value of approximately Twelve Thousand Five Hundred Dollars ($12,500), and the Sixth and Church Street investment having a value of approximately Five Thousand Dollars ($5,000). The defendant, James T. Wall, III, will pay the mortgages on the 16th Avenue, South, property and hold the plaintiff harmless as to same.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Lyle Street property shall be sold and the equity in said property shall be divided equally between the parties after expenses of sale. The defendant, James T. Wall, III, shall be given the first opportunity to dispose of the Lyle Street property at the fair market value.

It is further ORDERED, ADJUDGED and DECREED by the Court that the defendant, James T. Wall, III, is awarded the Third National Bank account balance listed in his name, if any, and the Whitney Bank account balance, if any.

It is further ORDERED, ADJUDGED and DECREED that each of the parties shall retain their own automobile and all personal property each brought into the marriage.

It is further ORDERED, ADJUDGED and DECREED by the Court that the personal property awarded to the defendant, James T. Wall, III, shall include:

A. Personal property;
B. Furniture, stereo cabinet, building materials, lawn furniture;
C. Guns;
D. Camping gear;
E. His clothes; and
F. Wedding gifts from his relatives, friends, and other personal gifts.

The personal property awarded to the plaintiff, Catherine Mountcastle Wall, shall include:

A. China;
B. Silver;
C. Jewelry; and
D. Wedding gifts from her relatives, friends, and other personal gifts.

It is further ORDERED, ADJUDGED and DECREED by the Court that each party shall pay their own attorneys' fees and said attorneys' fees shall be reflected as liens against the assets awarded herein to the parties.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Court has no jurisdiction over the debt allegedly owed by the parties to Mr. Paul Mountcastle as Mr. Paul Mountcastle is not a party to this lawsuit. It is further ORDERED, ADJUDGED and DECREED by the Court that that the costs of said cause are assessed equally between the parties.

ENTERED this 10th day of July, 1986.

MURIEL ROBINSON, JUDGE

Approved for Entry:

HOLLINS, WAGSTER & YARBROUGH, P.C.

By: _____
John J. Hollins
Attorney for Plaintiff, Catherine Mountcastle Wall

By: _____
Jack Norman, Jr.
Attorney for Defendant, James T. Wall, III

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IDENTIFICATION REFERENCE

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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* 10th. *day of* July, *19* 86, *in Case Number* 84D-2852 *between* Catherine Mountcastle Wall *Plaintiff, and* James T. Wall III *Defendant, as same remains of record in Book* 154A, *Page* 587 *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* 14th. *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 D Rooker *D.C.*

Form #GR-117