140B/801

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

ORVILLE J. TOY,
Complainant

vs.

EMMA JANE TOY,
Defendant.

No. 84D-311

65-5

Par 25 Ja

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FINAL DECREE OF DIVORCE

This cause came on to be heard on the 17th day of October, 1984 before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee upon complainant's petition for absolute divorce, defendant's answer and counter-complaint for bed and board divorce; defendant's motion in open Court to amend its counter-complaint to request an absolute divorce which was not opposed by complainant and granted by the Court; testimony of the parties and witnesses in open Court; exhibits and statement of counsel from all of which the Court finds as follows:

That the original complainant has failed to sustain his allegations of cruel and inhuman treatment and his complaint for absolute divorce should be dimissed.

That the counter-complainant, Emma Jane Toy, has fully sustained her counter-complaint for absolute divorce and should be awarded an absolute divorce on the grounds of cruel and inhuman treatment.

That each of the parties should be awarded all personal property, household furniture and furnishings and other items which they brought into the marriage.

That each of the parties should be awarded any items of personalty which they purchased during the marriage.

That each of the parties should be awarded the automobiles now in their possession and titled in their name.

That the parties' homeplace, located at 4808 Smokey Drive, Old Hickory, Tennessee, is valued at the sum of $55,000 with the principal balance owed on the first mortgage of $26,359.20.

That all right, title and interest in the parties' homeplace should be awarded to the counter-complainant, Emma Jane Toy, with the counter-defendant retaining a lien against said property in the amount of $7,160.20. The counter-complainant shall satisfy said lien no later than two years from the date of this Final Decree of Divorce.

That the counter-defendant, Orville J. Toy, shall vacate the above-described premises within 30 days of the date of this order.

That the counter-defendant, Orville J. Toy, is awarded all AT&T stock and all interest in his pension plan to be his absolutely.

That the counter-complainant, Emma Jane Toy, is awarded alimony in the amount of $250.00 per month.

That the counter-complainant, Emma Jane Toy, is awarded as additional alimony her reasonable attorney's fees in the amount of $750.00

That a restraining order should issue enjoining and restraining each of the parties from physically or verbally abusing one another, threatening one another or harassing one another in any manner whatsoever.

It is therefore ORDERED, ADJUDGED and DECREED that the original complaint in this cause is hereby dismissed.

It is further ORDERED, ADJUDGED and DECREED that the counter-complainant, Emma Jane Toy, is hereby awarded an absolute divorce on the grounds of cruel and inhuman treatment and is restored to all the rights and privileges of an unmarried person.

It is further ORDERED, ADJUDGED and DECREED that the counter-complainant, Emma Jane Toy, is hereby awarded all personal property which she brought into the marriage, all personal property purchased by her during the course of the marriage, and the two automobiles now in her possession and titled in her name.

It is further ORDERED, ADJUDGED and DECREED that the counter-defendant, Orville J. Toy, is hereby awarded all personal property which he brought into the marriage, all personal property purchased by him during the course of the marriage, and all automobiles or other recreational vehicles now in his possession and

titled in his name.

It is further ORDERED, ADJUDGED and DECREED that each of the parties shall retain all bank accounts now titled in their name, individually or jointly with third parties.

It is further ORDERED, ADJUDGED and DECREED that the counter-defendant, Orville J. Toy, is awarded all AT&T stock in his name and all rights and interests in his pension plan through his employer.

It is further ORDERED, ADJUDGED and DECREED that the counter-complainant, Emma Jane Toy, is awarded alimony against the counter-defendant in the amount of $250.00 per month.

It is further ORDERED, ADJUDGED and DECREED that the counter-complainant, Emma Jane Toy, is hereby awarded all right, title and interest in the parties' homeplace located at 4808 Smokey Drive, Old Hickory, Tennessee and more particularly described as follows:

> BEING Lot No. 440, Sherwood Forest Subdivision, Section 4, of record in Book 4460, Pages 182 and 183, Register's Office, Davidson County, Tennessee.
>
> BEING part of the same property conveyed to Orville J. Toy and wife, Emma Jane Toy from Milford C. Smith and wife, Judith G. Smith by deed or record in Book 4835 Page 831, Register's Office for Davidson County, Tennessee.

The counter-defendant, Orville J. Toy, is awarded a lien against said property in the amount of $7,160.20 which will be satisfied within two years of the date of this decree.

It is further OREDRED, ADJUDGED and DECREED that the counter-defendant, Orville J. Toy, shall vacate the above-described property within 30 days of the date of this decree.

It is further ORDERED, ADJUDGED and DECREED that both parties are enjoined and restrained from physically or verbally abusing one another, threatening one another, or harassing one another in any manner whatsoever pending further orders of this Court.

It is further ORDERED, ADJUDGED and DECREED that counter-complainant's attorney, Phillip Robinson, is hereby awarded a judgment against the counter-defendant, Orville J. Toy, in the amount of $750.00 which figure represents additional alimony to the counter-complainant as her reasonable attorney's fees.

It is further ORDERED, ADJUDGED and DECREED that the counter-defendant, Orville J. Toy, shall pay the costs of this cause for which let execution issue if necessary.

This the 5th day of Nov., 1984.

Marcel Robinson
JUDGE

APPROVED FOR ENTRY:

Phillip Robinson
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a copy of the foregoing Final Decree of Divorce to Thomas O.H. Smith, Jr., Attorney for Complainant, on this the 22nd day of October, 1984.

Phillip Robinson

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* Fifth *day of* November, *19* 84, *in Case Number* 84D-311 *between* ORVILLE J. TOY *Plaintiff, and* EMMA JANE TOY *Defendant, as same remains of record in Book* 140B, *Page* 801 *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* October *in the year one thousand nine hundred and* 86th *and in the* 211th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Walter S. Adams, *D.C.*