3-31-77
338/1175

BOOK 7034 PAGE 714

IN THE FIFTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

WILLIAM CLARK BALFANZ,

Plaintiff and
Counter-Defendant

-v-

SABRA SELENE ATHERTON BALFANZ,

Defendant and
Counter-Plaintiff

Map 41-3
Par 14 1s

No. 86073

DECREE OF ABSOLUTE DIVORCE

This matter came on to be heard before the Court on March 30, 1977, before the Honorable Steve North, Judge of the Fifth Circuit Court of Davidson County, Tennessee, upon the Counter-Complaint filed in this cause by Sabra Selene Atherton Balfanz. It appearing to the Court, upon statements of counsel for the respective parties made in open court that the original plaintiff and counter-defendant, William Clark Balfanz, was voluntarily withdrawing his original Complaint and that the parties had reached an oral agreement concerning the settlement of any and all property disputes which agreement the parties place before the court by statements of counsel, the court heard the case upon the oral testimony of counter-plaintiff, the testimony of corroborating witnesses for the counter-plaintiff, and the record of this cause as a whole, from all of which it appeared to the court that the counter-plaintiff should be granted a divorce on the grounds of cruel and inhuman treatment such as would render further cohabitation unsafe and improper.

It is, therefore, ORDERED, ADJUDGED and DECREED that Sabra Selene Atherton Balfanz be, and hereby is, granted an absolute divorce from William Clark Balfanz and that the bonds of matrimony heretofore subsisting between the parties be forever severed.

It further appearing to the Court, upon Motion of Sabra Selene Atherton Balfanz, that she should have her prior name restored and that such was just and propert.

It is, therefore, ORDERED, ADJUDGED and DECREED that the counter-plaintiff be, and hereby is, restored to her former name, to-wit: Sabra Selene Atherton.

It further appearing to the Court, upon statement of counsel in open court for the respective parties, and the signatures of counsel for the respective parties appearing below, that the parties hereto have reached the following agreement concerning division and settlement of property rights, which agreement they have presented to the Court for incorporation in this Decree and the Court finds such settlement to be just and proper, to-wit: That the real property located at 4105 Dalemere Court in Davidson County, Tennessee, and titled to William C. Balfanz should be his and Sabra Selene Atherton Balfanz should be divested of any and all interest she may claim or have in said real property; that the personal property of the parties, including furniture, appliances and all other items of personalty be divided between the parties and title thereto vested in the parties who now have possession of the said personalty; that William Clark Balfanz pay unto Sabra Selene Atherton Balfanz the amount

of THREE HUNDRED ($300.00) DOLLARS in total satisfaction of any and all alimony claims she may now or in the future have, said payment to be made by Saturday, April 2, 1977; that the said William Clark Balfanz be responsible for the repair of the trans-axle problem on the Volkswagen of Sabra Selene Atherton Balfanz and that those repairs be done within a period of three weeks of the entry of this Decree and, further, that William Clark Balfanz provide a substitute automobile during the repair interim; that William Clark Balfanz will be responsible for the debts of the parties up until the date of separation, being approximately January 15, 1977, and that each party be responsible for debts which he or she may have incurred thereafter; that Sabra Selene Atherton Balfanz be responsible for the medical bill from Drs. Witthauer and Brakefield; and that William Clark Balfanz be no longer responsible for any insurance for Sabra Selene Atherton Balfanz or her child by a previous marriage.

It is, therefore, ORDERED, ADJUDGED and DECREED that Sabra Selene Atherton Balfanz be, and hereby is, divested of all right, title and interest which may she have or claim to have in the following described real property and that full right, title and interest in that property be vested in William Clark Balfanz:

> Lot #130 Dalemere Subdivision, Section #6, as recorded 8/11/65 Book 3700, page 22, the Register's Office for Davidson County, (Nashville) Tennessee.
>
> Said lot is conveyed subject to the restrictive covenants of Dalemere Subdivision Section 6, as recorded in Book 3922, page 683,

Register's Office for Davidson County, Tennessee, and the easements shown and recorded on the Plat of record, Book 3700, page 22.

Conveyance is subject to easement of Tennessee Natural Gas Co., which crosses Lot #130 and is recorded in Book _____, page _____, Register's Office of Davidson County, Tennessee.

Being part of the same property conveyed to Oliver H. Dale & Wife Claudine M. Dale by Deed from Andrew Cecil Dale and wife, Mattie C. Dale, of record in Book 3615, page 111, Register's Office for Davidsion County, Tennessee.

It is, further, ORDERED, ADJUDGED AND DECREED that all right, title and interest to the personalty of the parties be, and hereby is, vested in the party which now has possession and control of said personalty.

It is, further, ORDERED, ADJUDGED and DECREED that Sabra Selene Atherton Balfanz be, and hereby is, awarded the amount of THREE HUNDRED ($300.00) DOLLARS in solido alimony which is to be paid by William Clark Balfanz by April 2, 1977, and that said payment shall forever dispose of any and all alimony responsibilities of counter-defendant in this case.

It is, further, ORDERED, ADJUDGED and DECREED that the said William Clark Balfanz shall be responsible for the repair of the transaxle of the Volkswagen of Sabra Selene Atherton Balfanz and that those repairs shall be done within a three-week period, during which time he shall provide a substitute vehicle for her use.

It is, further, ORDERED, ADJUDGED and DECREED that William Clark Balfanz shall be responsible for the just joint

debts of the parties until the date of separation, to-wit: January 15, 1977, and that all debts incurred thereafter shall be the responsibility of the party incurring said debt.

It is, further, ORDERED, ADJUDGED and DECREED that the said Sabra Selene Atherton Balfanz shall be, and hereby is, responsible for the medical bill of Drs. Witthauer and Brakefield.

It is, further, ORDERED, ADJUDGED and DECREED that William Clark Balfanz shall no longer be responsible for providing any type of insurance for Sabra Selene Atherton Balfanz or her child by a previous marriage.

It further appearing to the Court upon motion by the counter-plaintiff that the counter-defendant should be responsible for some attorney's fee in the reasonable amount of ONE HUNDRED ($100.00) DOLLARS and that he should be allowed a period of ninety days for the payment of that fee.

It is, therefore, ORDERED, ADJUDGED and DECREED that the counter-plaintiff's attorney, Norman Lane, Esq., be, and hereby is, awarded a fee to be paid by William Clark Balfanz in the amount of One Hundred ($100.00) Dollars, said payment to be made within ninety days of the entry of this Decree.

It is, further, ORDERED that the costs of this cause be charged to William Clark Balfanz, for which execution will issue if necessary.

Entered this _____ day of _____, 1977.

Judge

APPROVED FOR ENTRY:
DODSON, HARRIS & ADEN

By _____
Gareth S. Aden
Attorney for William Clark Balfanz

_____

61318

IDENTIFICATION REFERENCE

BOOK 7034 PAGE 719

Nov 7 12 29 PM '86

FELIX Z. WILSON REGISTER
DAVIDSON COUNTY, TN

RUSH

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* Fifth *Circuit Court for Davidson County, Tennessee, on the* 31st *day of* March, *19* 77, *in Case Number* 86073 *between* William Clark Balfanz *Plaintiff, and* Sabra Selene Balfanz *Defendant, as same remains of record in Book* 33B, *Page* 1175 *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* 7th *day of* November *in the year one thousand nine hundred and* eighty-six *and in the* two-hundred tenth *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By K. Hartman *D.C.*

Form #GR-117