11-5-78
36 C/2255

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IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

Map & Parcel
Map 128-1-N
Par. 117

KENNETH DWIGHT ETHRIDGE,

Plaintiff,

-vs-

BENNY JEAN SMITH ETHRIDGE,

Defendant.

NO. 92919

IDENTIFICATION REFERENCE
FILED & RECORDED
MAR 30 9 26 AM '87
DAVIDSON COUNTY, TN

08998

FINAL DECREE

This cause came on to be heard on October 31 1978, before Honorable Stephen North, Judge, on plaintiff's complaint, defendant's answer and counterclaim, defendant's motion for contempt of court, testimony of witnesses in open court and the entire record herein, from all of which the Court finds that the allegations of plaintiff's complaint are sustained by the proof; that defendant is guilty of such cruel and inhuman treatment toward plaintiff as renders cohabitation unsafe and improper; that defendant's motion for contempt should be denied; that custody of the minor daughter of the parties should be awarded to defendant; and that plaintiff should have reasonable rights of visitation with said daughter. After the foregoing findings were announced by the court, plaintiff and defendant entered into a settlement agreement covering all other issues raised in this cause and the Court finds that said settlement agreement, which is set out hereinafter, is fair and reasonable and approves the same. It is, therefore, ORDERED and DECREED by the Court as follows:

1. Plaintiff, Kenneth Dwight Ethridge, is granted an absolute divorce from defendant, Benny Jean Smith Ethridge, and the bonds of matrimony heretofore subsisting between said parties are perpetually dissolved.

2. Defendant's counterclaim is dismissed and defendant's motion for contempt of court is denied.

3. Custody of Michelle Diane Ethridge, the minor daughter of the parties, is awarded to defendant, Benny Jean Smith Ethridge.

4. Plaintiff shall have visitation rights with said minor daughter on alternate weekends beginning Friday, November 10, 1978, from 5:00 p.m. Friday until 5:00 p.m. Saturday. Plaintiff shall have the right to have said daughter with him for two periods of one week each during each summer, provided that there shall be an interval of not less than two weeks between said two visitation periods. Plaintiff shall have the right to have said daughter with him each December 20 at 6:00 p.m. until the following December 24 at 9:00 p.m. Said daughter shall be with defendant each Christmas day, including any Christmas day that falls on a Friday or Saturday.

5. As child support for said minor daughter, plaintiff shall pay to defendant $400.00 a month on November 26, 1978, December 26, 1978, and January 26, 1979, and thereafter on the 26th day of each subsequent month, beginning February 26, 1979, plaintiff shall pay defendant child support of $250.00 each month. Plaintiff shall be entitled to claim said child as a dependent exemption for Federal Income Tax purposes.

6. Plaintiff shall pay the following bills charged by defendant: Fritz Scovill, Shannon Tilly, Terrace Place Clinic, Medic-Count, Master Charge, Gulf Oil, Exxon, and Texaco. Defendant shall pay the bill of Dr. Horton charged by her.

7. Plaintiff shall cause title to the 1976 Buick automobile used by defendant to be transferred to defendant subject to the mortgage encumbering said automobile. Defendant shall hold plaintiff harmless from any liability on said mortgage.

8. All interest of defendant in the burial plots at Harpeth Hills Memory Gardens owned by the parties shall be divested out of defendant and vested in plaintiff. Defendant shall execute such instruments as are necessary to make said transfer to plaintiff.

9. The 1971 Chevrolet pick-up truck registered in plaintiff's name shall remain the property of plaintiff.

10. Plaintiff and defendant are both enjoined from making derogatory statements about each other to the minor daughter of the parties.

11. All right, title and interest of plaintiff, Kenneth Dwight Ethridge, in and to the real estate at 8055 Regency Drive, Nashville, Tennessee, heretofore owned by the parties as tenants by the entireties, is divested out of plaintiff and vested in defendant, Benny Jean Smith Ethridge, which real estate is descirbed as follows:

> Land in Davidson County, Tennessee, being Lot No. 39 on the Plan of Harpeth Park, Section Three, of record in Book 4175, page 14, Register's Office for said County.
>
> Said Lot No. 39 fronts 75.38 feet on the westerly side of Regency Drive, and runs back between lines, 176.46 feet on its northerly line, and 165.97 feet on its southerly line, to a broken line in the rear on which it measures a total distance of 118.43 feet.
>
> Being the same property conveyed to Kenneth D. Ethridge and wife, Benny Jean Ethridge, by deed from Bob Potter Company, of record in Book 4543, page 445, Register's Office for Davidson County, Tennessee.

12. Defendant shall pay to plaintiff the sum of $4,000.00, without interest, upon the happening of any of the following events:

(a) when the parties' minor daughter, Michelle Diane Ethridge, reaches eighteen years of age, which will be August 21, 1988; (b) when defendant sells said home; or (c) when defendant's parents take up residence in said home. Said $4,000 will be secured by a lien in favor of plaintiff on the real property belonging to defendant and described in paragraph 11 of this decree.

13. The tractor, tiller, radial arm saw, joiner, all hand tools, carpenter books, and battery charger heretofore located at said home shall be the property of plaintiff.

14. On or before March 15, 1979, plaintiff shall pay defendant the sum of $200.00 in addition to all other payments provided for herein.

15. By agreement of both parties, neither party shall appeal from this decree.

16. The costs of this cause are taxed one-half to plaintiff and one-half to defendant.

This 8th day of November, 1978.

JUDGE

APPROVED FOR ENTRY:

Attorney for Plaintiff

Attorney for Defendant

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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* Fifth *Circuit Court for Davidson County, Tennessee, on the* 31st *day of* October, 19 78, *in Case Number* 92919 *between* Kenneth Dwight Ethridge *Plaintiff, and* Benny Jean Smith Ethridge *Defendant, as same remains of record in Book* 36C, *Page* 2255 *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* 30th *day of* March *in the year one thousand nine hundred and* eighty-seven *and in the* 211th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By [illegible] *D.C.*

Form #GR-117