36B/1227

IN THE PROBATE COURT OF DAVIDSON COUNTY, TENNESSEE

APR -2 PM 3:19

CLERK & MASTER

MAXWELL R. YORK]

VS.] NO. 86D-1770

BETTY F. YORK]

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D E C R E E

This cause came on to be heard on this the 25th day of March, 1987, before the Honorable Walter Kurtz, Judge, sitting by interchange in the Probate Court of Davidson County, Tennessee, and upon all of the pleadings heretofore filed in this cause. Pursuant to the findings in a pretrial conference conducted by Judge Kurtz, and with counsel for the respective parties present, the case was heard on a bifurcated basis. Pursuant to an initial hearing for the purpose of determining whether or not either party had established grounds for divorce, and following the testimony of the parties, their corroborating witnesses, and statement of counsel, the Court announced that it was of the opinion that the cross/plaintiff wife, Betty F. York, had sustained her grounds for a divorce, that is, that the cross/defendant husband, Maxwell R. York, had been guilty of such cruel and inhuman treatment as to render futher cohabitation between the parties unsafe and improper.

It is therefore, ORDERED, ADJUDGED, and DECREED that the cross/plaintiff, Betty F. York, is awarded an absolute divorce from the cross/defendant husband, Maxwell R. York, and is restored to all rights and privileges of an unmarried person. The bonds of matrimony heretofore existing between the parties are forever and perpetually dissolved. The original complaint of the husband, Maxwell R. York, is dismissed.

After awarding a divorce to the cross/plaintiff wife as here and above set out, the Court then considered the question of a division of marital property and/or the award of alimony. Following the additional testimony of the parties, their corroborating witnesses, and statement of counsel, the Court found and it is ORDERED, ADJUDGED, and DECREE as follows:

(1) As an equitable division of marital property, all of the wife's right title and interest in and to the homplace of the parties located 589 Hill Creek Drive, in Nashville, Tennessee, is divested out of the wife and said property is awarded to the husband subject to the lien on behalf of the wife as here and below set out. The husband shall assume the responsibility for any and all mortagage or other indebtnesses that might exsist against the property and shall hold wife harmless from any further responsibility therefore. For wife's equitable interest in said property, wife is awarded judgement against the husband for twenty thousand ($20,000.00) dollars. The judgement of twenty thousand ($20,000.00) dollars in favor of the wife and against the husband shall be imposed as a lien against the real property awarded the husband and located at 589 Hill Creek Drive, in Nashville, Tennessee. The lien imposed in favor of the wife shall be non-interest bearing for a period of nine (9) calendar months from the date of the hearing of this cause. At the expiration of nine (9) calendar months from the date of the hearing of this cause, and providing that the husband has not discharged the lien in favor of the wife in full, then and in that event either party may apply to the Court by motion for such orders as may be necessary directing the sale of the property and the satisfaction of wife's lien, ~~together with the imposition of interest payments in favor of the wife~~. WCE

It is further ORDERED, ADJUDGED, and DECREED that certain items of furnishings now located at the Hill Creek Drive residence shall hereinafter become the sole and exclusive property of the wife free and clear from any further claim thereon by husband. These items are as follows:

A China Crest
A Serving Cart
Six Chairs all located in the kitchen;
An Octagon Table
One V.C.R.
and Mirrors all located in the living room;
A 19' T.V. now in possession of the wife;
The Master Bedroom Suite, consisting of a Chester Drawers, a Triple Dresser, and a Bedside Table located in the Master Bedroom:
A Bookcase located in one of the two remaining bedrooms;
A Sofa Bed
and a Chair located in the den;
All of wife's personal books, and records
An Eight piece set of China
One-Half of the Silverware
One-Half of all of the pots, pans, utensils, and linens.

All other items located at the home shall become the sole and exclusive property of the husband free and clear from any claim thereon by wife. Wife shall promptly return to the husband any personal property of the husband that she has in her possession, including his pictures, the deed to his house, his birth certificate, or any other documents that are of a personal nature to the husband.

Each party will retain the automobiles in their respective possessions free and clear from any further claim thereon by the opposite party. Each party will be responsible for the payment of any and all mortgage indebtednesses that might exist against the said vehicles and shall hold the opposite party harmless from any responsibility therefore. The coin collection in the possession of the husband shall become the sole and exclusive property of the husband free and clear from any claim thereon by the wife.

As rehabilitative alimony, it is ORDERED, ADJUDGED, and DECREED that the husband shall pay to the wife the sum of one hundred and fifty ($150.00) dollars per month for eighteen (18) calendar months with the first payment to be due and payable for the month of April, 1987. Payments shall be due and payable on or before the 15th day of each month, and shall be payable on a monthly basis until the alimony obligation is discharged. Husband will pay to the wife two hundred and fifty ($250.00) dollars as alimony Pendente Lite for the month of March, in accordance with the terms of a previous Pendente Lite Order.

As additional alimony in Solido, and for services rendered to the wife in this cause, the husband shall to Jack Norman, Jr., solicitor for the wife, the sum of one thousand ($1,000.00) dollars as his reasonable fee for services rendered the wife in this cause. The husband shall pay the costs of this cause all for which execution may issue if necessary.

Enter this 2 day of April, 1987.

WALTER KURTZ, JUDGE

11930

IDENTIFICATION

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APPROVED FOR ENTRY:

Jack Norman, Jr.

Jack Norman, Jr.
Attorney for Wife
213 Third Avenue, North
Nashville, Tennessee 37201
(615) 254-0656

CERTIFICATE OF SERVICE

I certify that I have mailed a copy of the foregoing Decree to Ms. Lucinda E. Smith, attorney for husband, 208 Cavalier Building, 95 White Bridge Road, Nashville, Tennessee 37250, on this the 27 day of Mar., 1987.

Jack Norman, Jr., Attorney

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* 2nd. *day of* April, *19*87, *in Case Number* 86D-1770 *between* Maxwell R. York *Plaintiff, and* Betty F. York *Defendant, as same remains of record in Book* 36B, *Page* 1227 *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* 3rd. *day of* April *in the year one thousand nine hundred and* Eighty-Seven *and in the* 211th. *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By D. Kaar, *D.C.*

Form #GR-117