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BOOK 7363 PAGE 717 SEP 25 1980

GEORGE L. ROOKER, Clerk

By _____ Deputy

IN THE SIXTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

Map - 69 - 4 - Parcel # 194

SADIE HOLMES FOSTEN	)	
	)	
VS.	)	NO. 80D-548
	)	
JAMES CLIFFTON FOSTEN	)	

FINAL DECREE

This cause came on to be heard the 22nd day of September, 1980, before the Honorable James M. Swiggart, Judge of the Sixth Circuit Court of Davidson County, Tennessee, upon plaintiff's complaint for absolute divorce, defendant's answer and counter-complaint, statements of counsel, testimony of witnesses, and the entire record in this cause, from all of which it duly appeared to the Court that the plaintiff is entitled to an absolute divorce on the grounds of cruel and inhuman treatment; that the plaintiff is a fit and proper person to have custody of the parties' minor children; that the defendant owes a duty to provide reasonable support for the parties' children; and that the property of the parties, both real and personal, needs to be divided between them.

It is, therefore, ORDERED, ADJUDGED and DECREED as follows:

(1) That the plaintiff, Sadie Holmes Fosten, be granted an absolute divorce from the defendant, James Cliffton Fosten, and the parties be restored all the rights and privileges of unmarried persons, and the bonds of matrimony are hereby disslolved.

(2) That the plaintiff have the exclusive care, custody and control of the parties' minor children, James Fosten, age 10, and Gerald Fosten, age 8, with the defendant to have reasonable rights of visitation with said children, said visitation to be from 6:00 p.m. on Friday until 6:00 p.m. on Sunday every other weekend commencing on Friday, September 26, 1980, and continuing every other weekend thereafter. In addition, the defendant shall have alternate rights of visitation with said children on Christmas Day and other major holidays and the birthdays of the children with plaintiff having the first visitation for such dates, the defendant the next such holiday and continuing alternately thereafter.

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(3) That the defendant shall pay directly to the plaintiff the sum of Thirty-five and No/100 ($35.00) Dollars per week as reasonable child support for the parties' children, with said sum to be suspended as good cause may require.

(4) That all right, title and interest which the defendant has in and to the house and lot of the parties located at 381 Kingview Drive, Nashville, Davidson County, Tennessee, more fully described as follows:

> Land in Davidson County, Tennessee, being Lot No. 103 on the plan of Haynes Park, Section 4-A, of record in Book 4860, Page 39, Register's Office for said County.
>
> SAID Lot No. 103 fronts 78.44 feet on the southeasterly margin of Kingview Drive and extends back 127.69 feet on the northeasterly line and 133.84 feet on the southwesterly line to a broken line in the rear, measuring 78.72 feet thereon.
>
> BEING part of the same property conveyed to W. L. Bainbridge Company by deed from E. B. Smith, Jr., Sidney A. Smith and Mary E. Smith, of record in Book 4451, Page 194, Register's Office for Davidson County, Tennessee.
>
> BEING the same property conveyed to James C. Fosten and wife, Sadie H. Fosten by deed from W. L. Bainbridge Company of record in Book 5149, Page 997, Register's Office for Davidson County, Tennessee.
>
> THIS conveyance is subject to any and all existing easements of record.

is divested out of the defendant and the sole and exclusive ownership of said property is vested in the plaintiff, Sadie Holmes Fosten, in fee simple, absolute, it being her responsibility to pay the mortgage indebtedness thereon.

(5) That all right, title and interest in and to the 1977 Mercury Cougar automobile is divested out of the defendant and the sole and exclusive ownership in said automobile is vested in the plaintiff; that all right, title and interest in and to the 1972 Pontiac automobile and the 1970 Chevrolet automobile is vested out of the plaintiff and the sole and exclusive ownership in said automobiles is vested in the defendant; that both parties shall execute any and all documents necessary to vest title and ownership as set forth above and each party shall further hold the other party harmless from any liability on any vehicle in which title

has been awarded to him or her, as the case may be; and that the defendant shall remove the 1970 Chevrolet automobile from the premises located at 381 Kingview Drive, Nashville, Tennessee, immediately following the granting of this divorce with any costs necessary for the removal to be borne by the defendant.

(6) That all household furniture and furnishings presently located at 381 Kingview Drive, Nashville, Tennessee, shall be the sole and exclusive property of the plaintiff except for the color console television set, the stereo component set and the glass top table, all of which are located downstairs in the residence, which items shall be the sole property of the defendant; that the defendant shall immediately return to the plaintiff a television set belonging to Pamela Holmes presently in his possession.

(7) That the parties are to each be responsible for one-half (1/2) of the joint debts set forth hereafter:

the Internal Revenue Service in the approximate amount of $620.00;

Commerce Union Bank in the approximate amount of $1,080.00;

the two obligations owed to First American National Bank in the approximate amounts of $800.00 and $765.00;

the two obligations owed to the Meharry Medical Group in the approximate amounts of $108.00 and $140.00; and

General Credit in the approximate amount of $260.00.

It is understood that the plaintiff is responsible for the current indebtednesses to:

the J. C. Penney Company in the approximate amount of $235.00;

the Castner-Knott Company in the approximate amount of $270.00; and

the Firestone Tire and Rubber Company in the approximate amount of $445.00.

(8) That the parties shall each be responsible for his or her own attorney's fees and the costs of this cause shall be taxed

to the plaintiff, for which execution may issue if necessary.

Enter this 25th day of September, 1980.

JUDGE

cc: W. Douglass Love
Legal Clinic of Bart Durham
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Jacob McGavock Dickinson, IV
First Floor
Trial Lawyer's Building
430 Third Avenue, North
Nashville, Tn. 37201

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DAVIDSON COUNTY, TN

IDENTIFICATION REFERENCE

69061

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* Sixth *Circuit Court for Davidson County, Tennessee, on the* 25th *day of* September, *19* 87, *in Case Number* 80D-548 *between* Sadie Holmes Fosten *Plaintiff, and* James Cliffton Fosten *Defendant, as same remains of record in Book* 27B, *Page* 923 *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* 28th *day of* September *in the year one thousand nine hundred and* eighty-seven *and in the* 212th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By _____ *D.C.*

Form #GR-117