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GEORGE L. ROOKER, CLERK

IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE D.C.

FAIRY JACQUELYN MATTHEWS SWANER,]
Plaintiff,]
vs.]
ALBERT SWANER, JR.,]
Defendant.]
]
FANNIE MAI SWANER,]
Intervening Plaintiff,]
vs.]
ALBERT SWANER, JR., and FAIRY JACQUELINE MATTHEWS SWANER,]
Defendants.]

BOOK 7802 PAGE 586

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FILE NO. 80-D-3636

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FINAL DECREE

This cause came on to be heard on the 18th day of August, 1981, before the Honorable Stephen North, Judge of the Fifth Circuit Court for Davidson County, Tennessee, upon the original complaint for absolute divorce, the answer and counterclaim, the answer to the counterclaim, and the intervenor's complaint and answers filed in response thereto. Thereafter, in open Court, it was stated by the attorneys for the three parties, and as evidenced by the signatures of the attorneys for the parties, and the signatures of the parties, to the Agreed Order filed contemporaneous herewith, which is incorporated herein by reference, that an agreement had been reached disposing of the issues raised in the original complaint, counterclaim, and intervening complaint, with regard to the ownership of the real estate which is owned by all of the parties, the remaining issues were duly joined and tried that were raised in the original complaint for absolute divorce,

answer and counterclaim, and answer to the counterclaim filed in this cause between Fairy Jacqueline Matthews Swaner and Albert Swaner, Jr. Based upon the statements of counsel, the sworn testimony of the original parties in this cause, and their witnesses, argument of counsel, the pleadings and the entire record,

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

1. That the plaintiff, Fairy Jacqueline Matthews Swaner, is granted an absolute divorce on the grounds of cruel and inhuman treatment and the parties are restored to all rights and privileges of unmarried persons. That upon oral motion by the defendant, the defendant's counterclaim for divorce is hereby stricken and dismissed.

2. That the plaintiff shall maintain her married name of Fairy Jacqueline Matthews Swaner.

3. That with regard to the minor child of the parties, Fairy Nicole Swaner, permanent and exclusive custody of said minor child is hereby vested in the plaintiff with reasonable rights of visitation granted to the defendant. That the defendant is hereby ordered to pay the sum of $37.50 per week as child support, the first payment due by Friday, August 21, 1981, and a like sum due thereafter until further orders of this Court. However, the defendant is allowed to pay the monthly child support in one lump sum figure per month due by the 31st of each month. That as further support, the defendant shall be required to maintain the child as a beneficiary on the life insurance maintained by the defendant at this time, and agrees to keep said insurance in full force and effect, and shall further maintain said child on the defendant's group health coverage. The defendant shall further reimburse the plaintiff for all medical bills and prescription charges for the parties' minor child, which expenses are not paid by any group insurance covering said child, either maintained by the plaintiff or the defendant.

4. That the defendant is hereby ordered to pay to the

plaintiff, alimony in solido, in a lump sum amount in the amount of $250.00.

5. That all furniture, furnishings, fixtures, presently in plaintiff's possession shall become the sole and exclusive property of the plaintiff and all right, title and interest of the defendant divested out of him and reinvested in the plaintiff in fee simple title. Likewise, any and all personal property, furniture, furnishings and fixtures presently in possession of the defendant shall become his sole and exclusive property with any and all right, title and interest of the plaintiff herein divested out of her.

6. That the horse testified to by the defendant shall become the sole and exclusive property of the defendant with any and all right, title and interest of the plaintiff divested out of her and reinvested in defendant. The plaintiff shall do all things necessary and execute any and all documents necessary to convey her interest in the defendant's horse to the defendant.

7. That all right, title and interest to the 1974 Mercury Montego automobile shall be invested in the plaintiff with all right, title and interest of the defendant divested out of him and reinvested in the plaintiff. Likewise any vehicles that the defendant now has ownership of or has in his possession shall become the sole and exclusive property of the defendant with any and all right, title and interest of the plaintiff divested out of her and reinvested in defendant in fee simple title. With regard to the real estate owned by the parties and the defendant's mother, generally known as 109 Luna Drive, Nashville, Davidson County, Tennessee 37211, the parties have entered an Agreed Order contemporaneous herewith resolving all questions of title and rights in said property, and therefore the Court approves of said Order and incorporates said Agreed Order herein by reference as part of the Final Decree in this cause, as though fully and specifically set out herein verbatim.

8. That the costs of this cause are assessed against the defendant for which execution may issue, if necessary.

JUDGE

Enter This 17 Day of Sept. 1981

APPROVED FOR ENTRY:

PHILIP W. DUER
Attorney for Defendant
214 Third Avenue, North
Nashville, TN 37201

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been forwarded to Mr. Charles Patrick Flynn, Attorney for Fannie Mai Swaner, One Commerce Place, Nashville, TN 37239, and Mr. Morris Levine, Attorney for Fairy Swaner, Stahlman Bldg., Nashville, TN 37201, this 17 day of Sept., 1981.

PHILIP W. DUER

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* Eighteenth *day of* September, 19 81, *in Case Number* 80D-3636 *between* Fairy Jacquelyn Swaner *Plaintiff, and* Albert Swaner, Jr. *Defendant, as same remains of record in Book* 43B, *Page* 961 *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* 23rd *day of* March *in the year one thousand nine hundred and* Eighty-Nine *and in the* 213 *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Barbara Eddings, *D.C.*