44-15

BOOK 7851 PAGE 863

IN THE CIRCUIT COURT FOR WILSON COUNTY, TENNESSEE

ORDER FILED

JAN 6 1989

JIMMY CARTER MARTIN
CIRCUIT COURT CLERK
WILSON COUNTY

ELSIE JEAN MABRY,
Plaintiff/Wife,

vs.

LARRY EARL MABRY,
Defendant/Husband.

NO.: 486

FINAL DECREE

This cause came on to be heard on the 6th day of October, 1988, before the Honorable Bobby Capers, Judge of the Circuit Court for Wilson County, Tennessee, upon the original Complaint for Divorce filed by the Plaintiff, Elsie Jean Mabry, hereinafter referred to as "Wife", the Answer and Counter-Complaint filed by the Defendant, Larry Earl Mabry, hereinafter referred to as "Husband", and upon several preliminary hearings, testimony of the parties and witnesses in open Court and from all of which it appears to the Court as follows:

The Court finds that the grounds of cruel and inhuman treatment against the Husband have been adequately and sufficiently proven and that the Wife is entitled to an absolute divorce from the Husband on said grounds and she should be restored to all the rights and privileges of an unmarried person.

The Court further finds that the Wife shall be awarded custody and control of the minor children of the parties and the Husband shall be required to pay directly to the Wife the sum of $250.00 per month per child for the support and maintenance of the minor children. Each month's child support payment shall be due on the last day of that month. Husband shall not be allowed any visitation with the minor children until he is evaluated by the Wilson County Mental Health and a plan is established and a report is given to this Court concerning his suitability to visit said children. Furthermore, the Husband is ordered to go to Wilson County Mental Health for at least an evaluation.

LAW OFFICES OF
UGH E. GREEN
PUBLIC SQUARE
ANON, TENNESSEE
37087

(615) 444-5555

The Court further finds that the Wife is divested of any right, title or interest she may have in the house and lot located at Rt. 1, Box 443, Lebanon, Wilson County, Tennessee, more particularly described as follows:

> A House and 3 acres in Lebanon, Wilson County, Tennessee:
>
> Tract or parcel of land, situated and lying in the 10th Civil District of Wilson County, Tennessee, and being more particularly described as follows:
>
> Tract I - said tract or parcel of land being Lot No. 3 of the Sunstead Subdivision plat of record in Plat Book 14, Page 7, Register's Office of Wilson County, Tennessee, to which reference is here specifically made. Said Lot No. 3 fronts 133.8 feet on Peyton Road, and same begins at a point on Peyton Road, thence runs South 4° 00' West 133.8 feet; thence runs North 86° 56' West 560.8 feet; thence runs North 6° 33' West 100 feet; thence runs North 89° 35' East 580.8 feet to the point of beginning. Said Lot 3 contains 1.62 acres more or less.
>
> Tract II - said tract or parcel of land being Lot No. 2 of the Sunstead Subdivision, plat of record in Plat Book 14, Page 7, Register's Office of Wilson County, Tennessee, to which reference is here specifically made. Said Lot No. 2 fronts 133.8 feet on Peyton Road, and same begins at a point on Peyton Road, thence runs South 4° 00' West 133.8 feet; thence runs North 84° 44' West 539.3 feet to a point; thence runs North 6° 33' West 112.5 feet to a point; thence runs North 86° 56' West 560.8 feet to the point of beginning. Said Lot No. 2 contains 1.64 acres, more or less.
>
> Being the same property conveyed to Larry Mabry and wife, Elsie Mabry, by deed from John L. Hunter and wife, Marjorie L. Hunter, of record in Deed Book 390, Page 470, Register's Office for Wilson County, Tennessee.

The same is vested in the Husband and he shall assume and hold the Wife harmless from any debt thereon.

Additionally, the Wife is divested of any right, title or interest she may have in and to a certain parcel of real estate located in Jackson County, Tennessee, and the same shall be vested solely in the Husband. The Wife shall immediately execute a Quitclaim Deed to the Husband.

The Court further finds that the Husband is divested of any right, title or interest he may have in the house and lot located in Old Hickory, Tennessee, and more particularly described as follows:

A House & Lot in Old Hickory, Davidson County, Tennessee:

Land in Davidson County, Tennessee, being Lot No. 124 of Section "D", on the Plan of E. I. du Pont de Nemours and Company's Subdivision, as of record in Book 1424, Page 65, Register's Office for said County.

Said Lot No. 124 fronts 61 feet on the westerly margin of Bryan Street and extends back between parallel lines 150 feet to a dead line.

Being the same real property conveyed to Larry Earl Mabry and wife, Elsie Jean Mabry, by deed from Burl Page, of record in Book 5315, Page 994, Register's Office for Davidson County, Tennessee.

This conveyance is made subject to restrictive covenants contained in deed from E. I. du Pont de Nemours and Company to James R. Batten and wife, of record in Book 1940, Page 132, as modified by instrument of record in Book 2447, Page 151, Register's Office for Davidson County, Tennessee.

The same is vested in the Wife. Further, the Wife shall assume and hold the Husband harmless from any debt thereon.

The Court finds that the Wife is not entitled to receive rehabilitative alimony, however, she is entitled to the sum of $17,050.00 as her part of the equity in the marital property of the parties and said sum shall be paid in three installments, the first payment of $5,000.00 being due thirty days from October 6, 1988, which will be November 6, 1988, the second payment of $5,000.00 being due three months from that date which will be February 6, 1988, and the third payment of $7,050.00 being due three months from that date which will be May 6, 1988. Husband shall be awarded any and all benefits, retirement and stock from his employment at Textron and Wife is hereby divested of the same.

The Court further finds that any right, title or interest the Husband may have in the 1984 Ford Mustang automobile is divested out of the Husband and vested in the Wife. Further, the Husband shall execute any and all documents necessary to transfer the same.

The Court further finds that any right, title or interest the Wife may have in the 1985 Ford Bronco II, the 1974 Ford Torino and the 1939 antique automobile is divested out of the Wife and vested in the Husband. Further, the Wife shall execute any and all documents necessary to transfer the same.

The Court further finds that the Husband shall have any and all equity which the Wife may have in the Indian arrowheads and artifacts, his tools and his coin collection.

The Court further finds that the attorney representing the Wife, H. Tom Kittrell, Sr., has been of good and valuable service to her and he is entitled to the sum of $1,500.00 for his efforts and the Husband should pay the same within 90 days from the date of this Order.

The Court further finds that the Wife shall be required to pay the balance due on the Sears credit card.

The Court further finds that the evidence presented at trial was such that Husband shall be permanently enjoined from coming about the Wife or the minor children in this cause and the Husband shall not be allowed any visitation with the minor children until the Court is satisfied as to his suitability, as aforementioned.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, good cause having been shown, that the Wife is awarded an absolute divorce from the Husband on the grounds of cruel and inhuman treatment and she is restored to all the rights and privileges of an unmarried person.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that the Wife is awarded custody and control of the minor children of the parties and the Husband be required to pay directly to the Wife the sum of $250.00 per month per child for the support and maintenance of the minor children. Child support payments for each month shall be paid on the last day of that month. Husband shall not be allowed any visitation with the minor children until he is evaluated by the Wilson County Mental Health and a plan is

LAW OFFICES OF
UGH E. GREEN
0 PUBLIC SQUARE
ANON, TENNESSEE
37087

(615) 444-5555

established and a report is given to this Court concerning his suitability to visit said children. Furthermore, the Husband is ordered to go to the Wilson County Mental Health for at least an evaluation.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that the Wife is divested of any right, title or interest she may have in the house and lot located at Route 1, Box 443, Lebanon, Wilson County, Tennessee, more particularly described as follows:

> Tract or parcel of land, situated and lying in the 10th Civil District of Wilson County, Tennessee, and being more particularly described as follows:
>
> Tract I - said tract or parcel of land being Lot No. 3 of the Sunstead Subdivision plat of record in Plat Book 14, Page 7, Register's Office of Wilson County, Tennessee, to which reference is here specifically made. Said Lot No. 3 fronts 133.8 feet on Peyton Road, and same begins at a point on Peyton Road, thence runs South 4° 00' West 133.8 feet; thence runs North 86° 56' West 560.8 feet; thence runs North 6° 33' West 100 feet; thence runs North 89° 35' East 580.8 feet to the point of beginning. Said Lot 3 contains 1.62 acres more or less.
>
> Tract II - said tract or parcel of land being Lot No. 2 of the Sunstead Subdivision, plat of record in Plat Book 14, Page 7, Register's Office of Wilson County, Tennessee, to which reference is here specifically made. Said Lot No. 2 fronts 133.8 feet on Peyton Road, and same begins at a point on Peyton Road, thence runs South 4° 00' West 133.8 feet; thence runs North 84° 44' West 539.3 feet to a point; thence runs North 6° 33' West 112.5 feet to point; thence runs North 86° 56' West 560.8 feet the point of beginning. Said Lot No. 2 contains 1.64 acres, more or less.
>
> Being the same property conveyed to Larry Mabry and wife, Elsie Mabry, by deed from John L. Hunter and wife, Marjorie L. Hunter, of record in Deed Book 390, Page 470, Register's Office for Wilson County, Tennessee.

The same is vested in the Husband and he shall assume and hold the Wife harmless from any debt thereon.

Additionally, the Wife is divested of any right, title or interest she may have in and to a certain parcel of real estate located in Jackson County, Tennessee, and the same shall be vested solely in the Husband. The Wife shall immediately execute a Quitclaim Deed to the Husband.

LAW OFFICES OF
HUGH E. GREEN
100 PUBLIC SQUARE
LEBANON, TENNESSEE
37087

(615) 444-5555

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that the Husband is divested of any right, title or interest he may have in the house and lot located in Old Hickory, Tennessee, and more particularly described as follows:

> A House & Lot in Old Hickory, Davidson County, Tennessee:
>
> Land in Davidson County, Tennessee, being Lot No. 124 of Section "D", on the Plan of E. I. du Pont de Nemours and Company's Subdivision, as of record in Book 1424, Page 65, Register's Office for said County.
>
> Said Lot No. 124 fronts 61 feet on the westerly margin of Bryan Street and extends back between parallel lines 150 feet to a dead line.
>
> Being the same real property conveyed to Larry Earl Mabry and wife, Elsie Jean Mabry, by deed from Burl Page, of record in Book 5315, Page 994, Register's Office for Davidson County, Tennessee.
>
> This conveyance is made subject to restrictive covenants contained in deed from E. I. du Pont de Nemours and Company to James R. Batten and wife, of record in Book 1940, Page 132, as modified by instrument of record in Book 2447, Page 151, Register's Office for Davidson County, Tennessee.

The same is vested in the Wife. Further, the Wife shall assume and hold the Husband harmless from any debt thereon.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that the Wife is awarded the sum of $17,050.00 as her part of the equity in the marital property of the parties and said sum shall be paid in three installments, the first payment of $5,000.00 being due thirty days from October 6, 1988, which will be November 6, 1988, the second payment of $5,000.00 being due three months from that date which will be February 6, 1988, and the third payment of $7,050.00 being due three months from that date which will be May 6, 1988. Husband shall be awarded any and all benefits, retirement and stock from his employment at Textron and Wife is hereby divested of the same.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that any right, title or interest the Husband may have in the 1984 Ford Mustang automobile is divested out of the Husband and vested in

LAW OFFICES OF
HUGH E. GREEN
0 PUBLIC SQUARE
HANON, TENNESSEE
37087

(615) 444-5555

the Wife. Further, the Husband shall execute any and all documents necessary to transfer the same.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that any right, title or interest the Wife may have in the 1985 Ford Bronco II, the 1974 Ford Torino and the 1939 antique automobile is divested out of the Wife and vested in the Husband. Further, the Wife shall execute any and all documents necessary to transfer the same.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that the Husband shall be awarded any and all equity which the Wife may have in the Indian arrowheads artifacts, his tools and his coin collection.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that the Husband shall pay to the Wife's attorney, H. Tom Kittrell, Sr., the sum of $1,500.00 within 90 days from the date of this Order.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that the Wife shall be required to pay the balance due on the Sears credit card.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that the Husband shall be permanently enjoined from coming about the Wife or the minor children in this cause and the Husband shall not be allowed any visitation with the minor children until the Court is satisfied as to his suitability, as aforementioned.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that each party shall keep and maintain as their own everything that was in their possession at the time of this divorce.

The costs of this cause are taxed to the Husband for which let execution issue if necessary.

ENTERED this the 6th day of Jan, 1989.

JUDGE

APPROVED FOR ENTRY:

HUGH E. GREEN
Attorney for Husband
100 Public Square
Lebanon, TN 37087

CERTIFICATE

I hereby certify that a copy of the foregoing Final Decree has been mailed to H. Tom Kittrell, Sr., attorney for Wife, 1716 Parkway Towers, Nashville, TN 37219, this the 5th day of January, 1989.

HUGH E. GREEN

MAY 30 1 21 PM '89

TENN

DAY OF May, 89

CLERK

0804 05/30 0101 03CHECK 24-00