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1989 MAY 23 PM 3:20

IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE

MARY LOUELLA BENDER
1811 Haynes Street
Nashville, TN 37207

VS.

NORRIS LEE BENDER
442 Roger Williams Avenue
Nashville, TN 37207

NO. 87D-4194

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71-2
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FINAL DECREE OF DIVORCE

THIS CAUSE came on to be heard on this the 8th day of May, 1989, before the Honorable James R. Everett, Jr., Judge of the Probate Court for Davidson County, Tennessee, upon the original petition for absolute divorce filed by the Wife, Mary Louella Bender, answer and counter-complaint filed by the Husband, Norris Lee Bender, answer to said counter-complaint filed by the Wife, testimony of Wife heard in open Court, statement of counsel for the Wife, and the entire record in the cause, from all of which it appears to the Court that the Husband has failed to appear and prosecute his counter-complaint, and that same should be dismissed, and that the allegations of Wife's complaint have been fully sustained by the proof, that is, that the Husband has been guilty of such cruel and inhuman treatment or conduct towards Wife as would render further cohabitation between the parties unsafe and improper, and, therefore, that the Wife is entitled to an absolute divorce.

IT IS, THEREFORE, ACCORDINGLY SO ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore subsisting between the parties be, and the same hereby are, forever and perpetually dissolved, and the Wife is awarded an absolute divorce of and from the Husband, and restored to all the rights and privileges of an unmarried person.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the counter-complaint filed by the Husband be, and the same hereby is, dismissed.

It further appearing to the Court that the parties' child, Kimberly Yvette Bender, born March 6, 1971, has now attained the age of eighteen (18), but that said child is in her last year of

high school, and is scheduled to graduate May 29, 1989; and, that the Wife was heretofore awarded judgment against the Husband for child support arrearage, on which there remains a balance due of Four Hundred Sixty-Four & 98/100 ($464.98) Dollars as of May 8, 1989.

IT IS, THEREFORE, FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Husband shall continue to pay to the Wife, by wage assignment, the sum of Sixty ($60.00) Dollars per week, of which Fifty ($50.00) Dollars represents regular child support, and Ten ($10.00) Dollars to be applied to the judgment for arrears heretofore awarded to the Wife, with said weekly support payments to continue until the child graduates from high school on May 29, 1989 and thereafter, said payments shall continue weekly until said judgment is paid in full. Said support shall not be reduced or prorated unless specifically ordered by the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that, beginning no later than fifteen (15) days from and after the service of this order by certified mail from the Circuit Court Clerk of Davidson County, Tennessee, Husband's employer, Baltz Brothers Packing Co., 1307 Adams Street, Nashville, Tennessee 37208, shall deduct a total of Sixty-Three ($63.00) Dollars from Husband's earnings each week, with Fifty ($50.00) Dollars representing regular child support, Ten ($10.00) Dollars being applied towards the judgment for arrears, and Three ($3.00) Dollars being the Clerk's lawful fee. Husband's employer shall forward said sum each week to the Office of the Circuit Court Clerk, 506 Metropolitan Courthouse, Nashville, Tennessee 37201, pursuant to T. C. A. 50-2-105. The Clerk shall then forward said sum to the Wife, Mary Louella Bender. Upon the child's high school graduation on May 29, 1989, said payments shall continue, but the sum of Sixty ($60.00) Dollars shall be applied to the judgment for arrears, and Three ($3.00) being the Clerk's lawful fee.

It further appearing to the Court that the parties own certain real property located at 442 Roger Williams Avenue, Nashville, Davidson County, Tennessee, being more particularly

described as follows:

BEING Lot No. 30 on the Plan of John J. Rucker's Subdivision of Lot No. 8 in the Second Plan of Brooklyn, as of record in Book 332, page 157, Register's Office for said County.

SAID Lot No. 30 fronts 50 feet on the southerly side of Roger Williams Avenue and extends back between parallel lines 145 feet to a dead line.

Being the same property conveyed to Norris Lee Bender by deed from Pauline Cockrell, of record in Book 4186, page 702, Register's Office for Davidson County, Tennessee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Wife be, and she hereby is, awarded a one-half (1/2) undivided interest in and to said real property and that said property be sold, and the net proceeds received therefrom, after payment of the balance owing on the first mortgage and the usual expenses incurred in sales of property, be divided equally between the parties hereto.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the Husband shall pay and be responsible for the balance owing on a judgment entered in favor of Blazer Financial Service against Norris Bender and Mary Bender, General Sessions Court for Davidson County, Tennessee, Docket Number 89GC4199, and that Husband hold the Wife harmless therefrom.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the Husband be, and hereby is, divested of any and all of his right, title and interest in and to all of the household goods, appliances and furnishings located in and about the Wife's home at 1811 Haynes Street, Nashville, Tennessee, and that same be vested solely in the Wife.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Wife be, and she hereby is, divested of any and all of her interest in and to Husband's 1978 Chevrolet Caprice Classic and 1973 Buick Electra automobiles, and all of the household goods, appliances, and furnishings located in and about Husband's residence at 442 Roger Williams Avenue, Nashville, Tennessee, and that same be, and hereby is, vested solely in the Husband.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the Husband pay to Morris Levine, Attorney, the sum of Five

Hundred ($500.00) Dollars as and for a reasonable attorney's fees for the necessity of his services in this cause, for which let execution issue if necessary.

ALL OF WHICH IS ACCORDINGLY SO ORDERED, ADJUDGED, AND DECREED by the Court, and the costs of this cause are assessed against the Husband, for which let execution issue if necessary.

ENTER this 23 day of May, 1989.

JUDGE

APPROVED FOR ENTRY:

MORRIS LEVINE (3494)
Attorney for Plaintiff/Wife
1119 Stahlman Building
Nashville, Tennessee 37201
615/254-1616

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree of Divorce has been mailed to the Husband, Norris Lee Bender, to his last known address, 442 Roger Williams Avenue, Nashville, Tennessee 37207, on this the 11th day of May, 1989.

MORRIS LEVINE

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IDENTIFICATION

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FELIX Z. WILKINS
DAVIDSON COUNTY, TN

Mail
Marion Jenkins
Attn
Oklahoma Rd
37201

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* 23rd *day of* May, *19* 89, *in Case Number* 87D-4194 *between* Mary Louella Bender *Plaintiff, and* Norris Lee Bender *Defendant, as same remains of record in Book* 48A, *Page* 592 *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* 7th *day of* June *in the year one thousand nine hundred and* eighty-nine *and in the* 213th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Suzanne Tucker *D.C.*

Form #GR-117