Box 571

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

1981 SEP 14 AM 7:50

B. Eastman D.C.

MADLYN HICKS NORMAN BUTLER,

Plaintiff

v.

Civil Action No. 95182

BILLY JUNE BUTLER,

Defendant

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FINAL DECREE

This cause came on for trial on July 6, 1981, before the Honorable Benson Trimble, Judge, upon plaintiff's Complaint for divorce, as amended, the defendant having entered a voluntary dismissal of his Counter-Complaint, upon agreement by the parties as to custody of their minor children and visitation privileges, which agreement the Court found reasonable and ratified, upon testimony of the parties and their witnesses, upon the exhibits as filed, upon all of the pleadings and upon the argument of counsel and the entire record, at the conclusion of which the Court took the matter under advisement so as to afford Mrs. Butler an opportunity to furnish an estimate of the household furnishings and personal property owned by the parties in response to the appraisal of defendant's witness, Marie Davis Douglas. This cause came on further to be heard on August 6, 1981 at which time Mr. Butler tendered to the Court his Affidavit listing the items of household furnishings and personal property removed by him from the home together with his estimate of their fair market value, which Affidavit was offered and admitted into evidence, and upon argument of counsel from all of which the Court took the case under advisement thereafter issuing a Memorandum Opinion dated August 10, 1981 which is in words and figures as follows:

> This cause came on to be heard upon the pleadings, upon the testimony as presented, upon the exhibits as filed, upon the able argument of the solicitors and the entire record herein. From all of which the Court is of the opinion and finds as follows:
>
> The Court is of the opinion that an absolute divorce should be awarded the plaintiff on the statutorily alleged ground of cruel and inhuman treatment and the resulting order will so reflect. Also the custody of the minor children shall be awarded to the plaintiff. Child support shall be set in the amount of $350.00 each month, this to commence immediately upon the filing of the final judgment of divorce.
>
> The homeplace of the parties shall be awarded to the plaintiff. In regard to the property identified as the farm property two-thirds of this shall be awarded to the respondant and one-third shall be awarded to the plaintiff.

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In regard to any stock in the company now owned by the respondant it shall be and become his sole property and the plaintiff shall have no interest to said property in any manner whatsoever.

In regard to the household furnishings each party shall be awarded the various properties that party now has and these properties shall be and become the sole property of each party with no resulting claim thereon insofar as the other party may be concerned.

A fee shall be awarded the solicitor representing the plaintiff in the amount of $4,750.00 and this shall be assessed against the respondant for which execution may issue if necessary.

The costs in the cause will be assessed against the respondant.

The solicitor representing the plaintiff will prepare an order accordingly.

Dated this 10th day of August, 1981.

/s/ Benson Trimble
BENSON TRIMBLE
Judge

It is therefore ORDERED, ADJUDGED AND DECREED:

1. That plaintiff, Madlyn Hicks Norman Butler, be, and is hereby, awarded an absolute divorce from defendant, Billy June Butler, on the statutorily alleged ground of cruel and inhuman treatment, that plaintiff be restored to all the rights and privileges of an unmarried person, and that the bonds of matrimony heretofore existing between the parties are hereby perpetually dissolved.

2. Absolute care, custody, and control of the parties' minor children, Lauria Butler and Elizabeth Butler, shall be, and is hereby, vested in plaintiff. Defendant shall have the following visitation privileges with the parties' minor child Elizabeth:

(a) Every other weekend from Friday at 5:00 p.m. until Monday at 8:00 a.m.

(b) Every other week for one weekday during the odd week in which he has not had visitation privileges the preceding weekend, providing that said weekday visitation shall not interfere with her school activities or other activities.

(c) On Christmas Day in the odd numbered years, on Christmas Eve Day in the even numbered years, and for one-half her Christmas vacation.

(d) For one-half of her Thanksgiving and Spring vacations.

(e) For two consecutive weeks during her summer vacation.

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Visitation privileges shall be strictly adhered to by both plaintiff and defendant. Defendant's visitation privileges are subject to said minor child's being treated by Dr. Frank Stephens.

3. Defendant shall pay to plaintiff $350 per month as child support, commencing immediately upon the filing of this order.

4. All right, title and interest in and to the parties' home at 303 Cunniff Parkway, Goodlettsville, Tennessee, shall be, and is hereby, divested out of defendant and vested absolutely in plaintiff. Plaintiff shall assume responsibility for the outstanding indebtedness against the home, and shall indemnify and hold defendant harmless from any liability therefor. The subject property is more fully described as follows:

> Being a certain parcel of land in Davidson County, State of Tennessee, described as follows: Being lot No. 29 on the Plan of Pleasant Hill, as of record in book 2900, page 69, Register's Office for said County.
>
> Said lot no. 29 fronts 220 feet on the southerly side of Cunniff Park Way and extends back 231.6 feet on the easterly line and 126.6 feet on the westerly line to a dead line in the rear on which it measures 243.5 feet.
>
> Being the same real property conveyed to Billy June Butler and wife, Madlyn Hicks Butler, by deed from William Francis Murphy, Jr. and wife, of record in book 3841, page 249, said Register's Office.
>
> This conveyance is made subject to easements of record in Book 2900, page 69, and subject to restrictive covenants of record in Book 3029, Page 49, said Register's Office. This property, being Parcel 11D-75060, is improved and known as 303 Cunniff Parkway, Goodlettsville, Tenn.

5. Plaintiff shall be, and is hereby, awarded a one-third undivided interest as tenant-in-common with defendant, and defendant shall be, and is hereby, awarded a two-thirds undivided interest as tenant-in-common with plaintiff, in and to 92.5 acres of real property situated on Patton Branch Road in Sumner County, Tennessee. Plaintiff shall assume responsibility for payment of one-third of the outstanding debt secured by liens against the property, and defendant shall assume responsibility for payment of two-thirds of the outstanding debt secured by liens against the property. The subject property is more fully described as follows:

> Being a certain tract or parcel of land located in the 7th Civil District of Sumner County, Tennessee, and more fully described as follows:
>
> Beginning at the northeast corner on a post west of Madison Creek Road; thence north 72-1/2 deg. west with fence 15.42 chains to a hickory; thence north 43 deg. west 1.36 chains to an elm; thence north 15' deg. west 5.75 chains to an ash; thence north 31-1/2 deg. east 4.84 chains to a marked ash; thence north 48-1/2 deg. west 5.85 chains to a hickory; thence north 77 deg. west 4.75 chains to an elm; thence north 43 deg. 2.77 chains to a hickory; thence north 80 deg. west 9.09 chains

to an elm; thence south 4-1/2 deg. west 9.82 chains to a post; thence south 74-1/2 deg. west 3.47 chains to a hickory at a gate; thence south 76-3/4 deg. west 3.46 chains to a hickory; thence south 14 deg. east 4.95 chains to a hickory; thence south 34-1/2 deg. east 3.00 chains to a post; thence south 6 deg. east 3.00 chains to an elm; thence south 32 deg. west 4.44 chains; thence south 18-3/4 deg. west 3.06 chains to an ash; thence south 41-1/2 deg. west 4.00 chains; thence south 33-1/2 deg. west 2.00 chains to a locust; thence south 11 deg. west 2.42 chains to a pin oak; thence north 89 deg. east 11.16 chains to a post; thence north 5 deg. east 5.26 chains to an elm; thence north 65 deg. east 3.74 chains to a beech; thence north 75-1/2 deg. east 2.42 chains to a yellow wood; thence south 89 deg. east 3.41 chains to a dead sassafras; thence 68-1/2 deg. east 5.27 chains to a sassafras; thence south 25-1/2 deg. east 2.51 chains to a hickory; thence south 50-1/2 deg. east 4.38 chains to a post; thence south 41-1/2 deg. east 5.00 chains to an elm; thence south 85 deg. east 8.98 chains to a stake west of the road, and east of the creek; thence up the creek north 13 deg. east 7.50 chains to a point in the east edge of the road; thence north 16 deg. east 6.50 chains to a point in the road; thence north 14 deg. east 1.50 chains to the beginning, containing 92.5 acres, more or less, according to survey made by Odo E. Rhodes on March 29, 1964.

Being the same real property conveyed to Billy June Butler and wife, Madlyn H. Butler, by deed from James D. Hale, Jr. and wife, Bloma R. Hale and Charles R. Sharpe and wife, Julia B. Sharpe, of record in Book 324, page 946, in said Register's Office.

6. All right, title and interest in and to the stock and assets of that certain company known as Butler, Inc. shall be, and is hereby, made the sole and separate property of defendant, and plaintiff shall have no interest in said business in any manner whatsoever.

7. Each party shall be, and is hereby, awarded as his or her sole and separate property all items of household furnishings and personal property presently in his or her possession, with no resulting claim thereon insofar as the other party may be concerned.

8. Defendant shall pay to plaintiff's attorney a fee in the amount of $4,750.00.

9. Defendant shall pay court costs in this cause.

10. Execution may issue if necessary to enforce any of the provisions of this Decree.

BENSON TRIMBLE, JUDGE

Date 9-14-81

APPROVED FOR ENTRY:

Seth Norman

SETH NORMAN, Attorney for
Plaintiff, Madlyn Hicks Norman Butler

FARRIS, WARFIELD & KANADAY

By: James G. Martin III

James G. Martin III, Attorney for
Defendant, Billy June Butler

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IDENTIFICATION REFERENCE
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STATE OF TENNESSEE

I, GEORGE L. ROOKER, *Clerk of the Circuit Court for the County of Davidson, in the State aforesaid, do certify that the foregoing is a correct* ~~*transcript*~~ True Copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Madlyn Hicks Norman Butler *Plaintiff, and* Billy June Butler *Defendant, as same remain of record in said Court.*

IN TESTIMONY WHEREOF, *I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the* 22nd. *day of* September *in the year one thousand nine hundred and* Eighty-ONe *and in the* 206th. *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By John L Mcivoy, *D. C.*

Form #GR-117