IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE

1989 AUG 22 PM 2:24

HAZEL MAIRE CARUTHERS,
2716 Deerfield Drive
Nashville, Tennessee 37208

Plaintiff,

vs.

THEODORE ARTHUR LEE CARUTHERS,
c/o Greenwood Cemetery
1428 Elm Hill Pike
Nashville, Tennessee 37210

Defendant.

NO. 89D-1229

Map. Parcel
81-6-57

FINAL JUDGMENT OF DIVORCE

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This cause came to be heard the 28th day of July, 1989, before the Honorable James R. Everett, Jr., Judge, upon the original Complaint for Absolute Divorce, personal service of process on the defendant, the default judgment previously entered herein, the sworn testimony of the plaintiff and witnesses in open Court, statement of counsel, and the entire record in this cause, from all of which the Court finds as follows:

1. The plaintiff, Hazel Maire Caruthers, is awarded a divorce from the defendant, Theodore Arthur Lee Caruthers, on the grounds of cruel and inhuman treatment and abandonment and failure to provide. The parties are restored to all the rights and privileges of unmarried persons.

2. The plaintiff is hereby awarded the exclusive care, custody and control of the minor children of the parties, Shantel Maire Caruthers, born January 8, 1979; and Theopolis Ote' Caruthers, born April 10, 1981. Visitation shall be reserved pending the defendant's application to the Court for visitation.

3. The defendant shall pay to the plaintiff as child support $42.24 per week, said payments to be made through the Clerk of the Circuit Court, 506 Metropolitan Courthouse, Nashville, Tennessee 37201, together with the Clerk's lawful fee of five percent ($2.11), for a total weekly payment of $44.35.

4. Beginning no later than fourteen (14) days after service of this Order by certified mail from the Clerk of the Davidson County Circuit Court, defendant's employer, Greenwood Cemetery,

1428 Elm Hill Pike, Nashville, Tennessee 37210, shall deduct $44.35 from defendant's paycheck each week and shall forward said sum on a weekly basis to the Office of the Circuit Court Clerk, Room 506 Metro Courthouse, Nashville, Tennessee 37201, pursuant to T.C.A. § 50-2-105 and §§ 36-5-502 et seq. Upon receipt of said payments, the Clerk shall send $42.24 per week to the plaintiff at the above address or to any subsequent address given them by plaintiff.

5. Defendant's employer shall not use this assignment as a basis for discharge or any disciplinary action against the defendant, and in the event defendant is no longer employed by his current employer, said employer shall be held harmless from all child support payments that accrue after defendant's date of termination. If defendant's employment terminates, the employer shall notify the Clerk of defendant's new employer or source of income, if known.

6. Until said payments are deducted from defendant's wages or if defendant is no longer employed by his current employer, he shall pay $44.35 per week to the Office of the Circuit Court Clerk and shall inform the Clerk of the name and address of any subsequent employment and of his subsequent home address.

7. This income assignment shall be binding on any and all successive employers of defendant fourteen (14) days after service by certified mail from the Clerk of the Court.

8. Child support shall not be reduced or modified except by order of the Court.

9. Defendant shall maintain hospitalization or major medical insurance for the minor children of the parties and shall pay all medical, prescription and dental expenses, including but not limited to speech, hearing and eye care, as may be incurred by the minor children which are not covered by insurance.

10. All furniture, furnishings and personal effects presently in the possession of plaintiff shall be her sole and separate property.

11. The parties own as tenants by the entireties real property at 2716 Deerfield Drive, Nashville, Tennessee 37208. Said property is found to be marital property and the Court divides said property as follows:

Theodore A. Caruthers shall be divested of all right, title and interest in the real property known as 2716 Deerfield Drive, Nashville, Tennessee 37208, and Hazel Caruthers shall be vested with all right, title and interest in said property, which is fully described as follows:

> Being Lot No. 65 on the Plan of Cumberland Gardens as of record in Book 2900, page 3, Register's Office for Davidson County, Tennessee.
>
> Said Lot No. 65 fronts 52 feet on the northerly side of Deerfield Drive, and extends back 147 feet on the easterly line and 161.4 feet on the westerly line, which is a broken line, to a dead line in the rear on which it measures 40 feet.
>
> Being the same property conveyed to Cleon Jenkins and wife, Laura Jenkins by deed from William E. Turner, Jr., and wife, Edna Neal Turner of record in Book 4106, page 436, Register's Office for said County.
>
> Being the same property conveyed to Theodore A. Caruthers, and wife, Hazel Caruthers by deed from Laura Jenkins, the said Cleon Jenkins having since died, of record in Book 7413, page 826, Register's Office for Davidson County.

12. The costs of this cause shall be assessed against the defendant, for which execution may issue if necessary.

IT IS SO ORDERED, ADJUDGED AND DECREED.

ENTERED this 31 day of August, 1989.

JUDGE

APPROVED FOR ENTRY:

Lucinda E. Smith
LUCINDA E. SMITH
TN BAR NO: 5056
LEGAL SERVICES OF MIDDLE TENNESSEE
800 Stahlman Building
211 Union Street
Nashville, Tennessee 37201
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Final Judgment of Divorce was mailed to defendant, c/o Greenwood Cemetery, 1428 Elm Hill Pike, Nashville, Tennessee 37210, this 17th day of August, 1989.

Lucinda E. Smith
LUCINDA E. SMITH

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IDENTIF. TREFERENCE

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FELIX Z. WILSON
DAVIDSON COUNTY TN.

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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* Twenty-Second *day of* August, *19* 89, *in Case Number* 89D-1229 *between* Hazel Maire Caruthers *Plaintiff, and* Theodore Arthur Caruthers *Defendant, as same remains of record in Book* 50A, *Page* 81 *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* 23 *day of* October *in the year one thousand nine hundred and* Eighty-Nine *and in the* 214 *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By: Barbara Eddings *D.C.*

Form #GR-117