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IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE

MARTHA ELIZABETH HAMMONTREE,
Plaintiff,
vs.
RAYMOND HAMMONTREE,
Defendant.

NO. 88D-3194

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FINAL DECREE

This cause came on to be heard on the 15th day of August, 1989, before the Honorable James R. Everett, Jr., Judge of the Probate Court for Davidson County, Tennessee upon the complaint for divorce filed by the Wife, the amended complaint, the answer and counter-complaint filed by the Husband, the answer thereto, the testimony of the parties and their witnesses, statement of counsel, and the record as a whole, from all of which the Court made the following findings of fact and conclusions of law:

The Court finds that the parties were married on August 25, 1982. The Husband has less than a good credit rating and Wife had an ongoing business and real property located at 1420 Harwood Drive, Nashville, Tennessee, prior to the marriage. Husband obtained credit cards in Wife's name without her knowledge and consent and made all charges on the Visa Card, account number 5317-0050-5011-8880 and on Master Card, account number 4205-0050-5017-3123. The Court finds that Wife secured numerous loans for Husband's benefit due to his credit history. The Court further finds that Husband has been guilty of such cruel and inhuman treatment towards Wife as would entitle her to a divorce on these grounds. The Court finds that the only marital property accumulated during the marriage is a 1987 Cadillac Coupe de Ville for which the indebtedness is in excess of the fair market value. The Court finds that the real property located at 1420 Harwood Drive is Wife's separate property, that there has been no appreciation in value and that Husband has made

no contribution thereto.

As a result of Husband's obtaining the credit cards there is an arrearage owing in the amount of $3,384.34. There is further an arrearage owing to Metropolitan Federal Bank in excess of $3,500.00 which funds were obtained for the sole benefit of Husband. The Court finds that there are numerous debts owing in the total amount of $12,384.34 from Husband's business failures.

It is therefore ORDERED, ADJUDGED and DECREED that Wife is awarded an Absolute Divorce on the grounds of Cruel and Inhuman Treatment and restored to all the rights and privileges of an unmarried person, including the restoration of her former married name, Ford.

It is further ORDERED, ADJUDGED and DECREED that any and all interest which Raymond Hammontree may have accrued as a result of this marriage in the real property located at 1420 Harwood Drive, Nashville, Tennessee, is hereby divested out of Husband and is hereby vested in Wife. Therefore, Wife is hereby vested with fee simple title in the property located at 1420 Harwood Drive, Nashville, Tennessee, and more particularly described as follows:

> BEING Lot NO. 1 on the Map of Part IV, Porter Heights, as of record in Book 1424, page 103, Register's Office for Davidson County, Tennessee.
>
> Said Lot NO. 1 fronts 65 feet on the west side of Harwood Drive and runs back between lines 200 feet to a dead line in the rear measuring 67.15 feet thereon.
>
> BEING the same property conveyed to Martha Elizabeth Kinningham (Ford) (Hammontree) by deed from James E. Barrow, II, and wife, Ruby B. Barrow, of record in Book 3430, page 461, Register's Office for Davidson County, Tennessee; and pursuant to divorce decree of record in Minute Book 58, page 428, Fourth Circuit Court for Davidson County, Tennessee, a certified copy of which is of record in Book 6441, page 260, said Register's Office; and pursuant to Final Decree of divorce of record in Minute Book 23C, page 2403, Sixth Circuit Court for Davidson County, Tennessee.

It is further ORDERED, ADJUDGED and DECREED that Raymond

Hammontree is ORDERED to pay the debts listed below and shall hold Wife harmless from liability on the Visa Card, Account Number 5317-0050-5011-8880; and the Master Card, Account Number 4205-0050-5017-3123; and the Metropolitan Federal Account, Number 297233002.

It is further ORDERED, ADJUDGED and DECREED that Husband shall pay to Wife temporary and rehabilitative alimony in the amount of $350.00 per month, beginning September 1, 1989, and continuing for a period of four (4) years which alimony shall not be discharged in bankruptcy proceedings.

It is further ORDERED, ADJUDGED and DECREED that Wife is awarded the 1987 Cadillac Coupe de Ville automobile and shall be responsible for the mortgage indebtedness thereon. Each party is awarded the personal property in his or her possession as his or her sole property.

It is further ORDERED, ADJUDGED and DECREED that the Husband, Raymond Hammontree, is hereby permanently enjoined from and restrained from coming about the Wife for the purpose of bothering, molesting, threatening or harming her in any manner whatsoever and he is further permanently enjoined from calling her at her place of employment or at her residence.

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

It is accordingly ORDERED, ADJUDGED and DECREED.

ENTER this the 31 day of August, 1989.

JUDGE

APPROVED FOR ENTRY:

Clara Willis Byrd
CLARA WILLIS BYRD
Attorney for Wife
LACKEY, RODGERS, PRICE & SNEDEKER
12th Floor, First American Center
Nashville, Tennessee 37238
615/244-5772
B.P. NO. 9914

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree has been sent to Mr. Raymond Hammontree, 1301 Hill Lake Road, Lebanon, Tennessee 37087 on this the 24th day of August, 1989.

Clara Willis Byrd
CLARA WILLIS BYRD

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IDENTIF. TREFERENCE

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FELIX Z. DAVIDSON COUNTY TN.

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* 1st *day of* September, *19* 89, *in Case Number* 88D-3194 *between* Martha Elizabeth Hammontree *Plaintiff, and* Raymond Hammontree *Defendant, as same remains of record in Book* 50A, *Page* 591 *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* 17th *day of* November *in the year one thousand nine hundred and* eighty-nine *and in the* 214th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By L Pereler *D.C.*

Form #GR-117