Box 40

4UB 1413

IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
1989 FEB -9 PM 3:49
GEORGE C. ROGERS, CLERK
D.C.

ANNIE PAULETTE GAYTERS
PLAINTIFF

VS

BOBBIE GAYTERS
DEFENDANT

BOOK 8041 PAGE 795

DOCKET NO. 88D-4109

Map 118-1
Par. 13

FINAL DECREE OF ABSOLUTE DIVORCE

This cause came on to be heard on February 9, 1989, before the Honorable James Everett, Judge of the Probate Court for Davidson County, Tennessee, upon the Complaint for Absolute Divorce filed by the Plaintiff, Annie Paulette Gayters, who currently resides at 1305 Beechwood Avenue, Nashville, Tennessee, 37212, against the Defendant, Bobbie Gayters, who currently resides at 302-C, 680 Whisper Trail, Atlanta, Georgia, 30001.

This Honorable Court found from the record that the said Complaint was filed on October 31, 1988, and properly served on the Defendant through the Office of the Secretary of State on November 18, 1988, and;

The Court further found from the record that the Defendant failed to file an Answer to the Complaint, failed to appear or be represented by Counsel, to defend against the Motion for Judgment by Default and to Set, and therefore had said Judgment rendered against him by this Court on January 27, 1989, the case being there and then set for trial on February 9, 1989; and,

The Court further found from the testimony of the Plaintiff regarding the Defendant's absence from the marital residence and the family since 1984, said testimony having been corroborated by two witnesses, that the Plaintiff was entitled to an Absolute Divorce from the Defendant on the grounds of willful desertion pursuant to Tennessee Codes Annotated, 36-4-101(4), and that the Petitions and Prayers set forth in the Plaintiff's Complaint for Absolute Divorce should be granted to her; and

The Court further found that the only child of this union, Tracey Denise Gayters, born December 22, 1970, is no longer a minor and that no award of child support was appropriate, or prayed for by the Plaintiff; and,

The Court further found, from the testimony of the Plaintiff, corroborated by two witnesses, and demonstrated by documentary evidence of the Warranty Deed, (a copy of which is attached hereto as Exhibit A), that the parties are joint owners of certain real estate located in Nashville, Davidson County, Tennessee, found at Book 5277, page 791 in the Office of Registry of Deeds, at the Metropolitan Davidson County Courthouse in Nashville, Tennessee, that the Defendant has made no payments against the indebtedness of that said property in more than four and one-half years, nor has he made any physical or monetary contributions toward its care and maintenance such that he would now be entitled to any equity or appreciation value that may lie with that said property pursuant to Tennessee Codes Annotated, 36-4-121(5), and, therefore that this said property should be awarded to the Plaintiff as her sole and separate property; and,

The Court further found from the testimony that the Defendant was at fault in causing the need for this divorce and therefore the Plaintiff should be granted her prayer for Alimony in Solido, pursuant to T. C. A. 36-5-101(c)(10), in an amount equal to whatever current or future equity may lie in the said real estate.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff, Annie Paulette Freeman Gayters, is hereby awarded an Absolute Divorce from the Defendant, Bobbie Gayters, on the grounds of willful desertion and the parties are hereby restored to all of the rights and privileges of single persons.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff is hereby awarded as her sole and separate property the heretofore jointly owned Real Estate, located at 1305 BEECHWOOD AVENUE, NASHVILLE DAIVIDSON COUNTY, TENNESSEE 37212, registered at Book 5277, Page 791, in the Office of the Registrar of Deeds,

Metropolitan Davidson County Courthouse, Nashville, Tennessee, and more specifically described as follows:

> Being Lot No. 97 on the Belmont Land Company's Plan of Lots, called "Belmont Heights", as of record in Book 421, page 34, Register's Office for said County. Said Lot No. 97 fronts 100 feet on the south side of Beechwood Avenue and runs back between parallel lines, with the west margin of an alley, 188 feet to an alley in the rear.
>
> Being the same property conveyed to Allen S. Garrett and wife, Bertie H. Garrett, by deed from the Prudential Insurance Company of America, of record in Book 1058, page 350, Register's Office for said County, the said Allen S. Garrett having predeceased his wife, Bertie H. Garrett, who died survived by Frances Garrett Barnett, Ben High Garrett, Sr., Sam Haynie Garrett, Jewel Garrett Hornbuckle, James Allen Garrett and Joe Evans Garrett, Jr., as her only heirs at law.

Upon the Plaintiff's affirmative act of filing a certified copy of this Final Decree with the Office of the Register of Deeds, Metropolitan Davidson County Courthouse, Nashville, Tennessee, title to the aforesaid property will be transferred out of the Defendant, Bobbie Gayters, and to the Plaintiff, Annie Paulette Gayters at which time the Plaintiff will become the sole owner, in fee simple, of that said realty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff is hereby awarded ALIMONY IN SOLIDO in an amount equal to the current and future equitable and/or appreciation value of the aforesaid real estate.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the personal property now in the possession of the parties is hereby awarded to each of them respectively. All household furnishings, and appliances located at the marital residence are hereby awarded to the Plaintiff. The 1980 Volvo vehicle, (Vehicle Identification Number: VC24445A1573715), titled in the names of both parties, is hereby awarded to the Plaintiff as her sole and separate property. Upon the Plaintiff's affirmative act of presenting a certified copy of this Final Decree to the Department of Motor Vehicles, title to this said vehicle shall be transferred out of the Defendant and to the Plaintiff.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties are to sign any and all documents that may be necessary to effectuate the transfer of any and all properties, both real

and personal, that have been awarded to the respective parties as a result of the terms of this Final Decree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties are hereby held to be individually responsible for any and all debts, encumbrances and liabilities of any description which each of them has incurred since their separation, July 1, 1984, and that each party is hereby held harmless as to any debts that have been incurred by the other party since that said date.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff is hereby held to be solely responsible for payment of her reasonable attorney fees in this cause and the Defendant is held harmless as to the same.

The costs of this cause are hereby taxed against the Plaintiff for all of which execution may issue.

Entered this 9th day of February, 1989.

James Everett, Judge of the Probate Court

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Final Decree of Absolute Divorce has been mailed, postage prepaid, to the Defendant, Bobbie Gayters, 302-C, 680 Whisper Trail, Atlanta, Georgia, 30001, this 9th day of February, 1989.

Mary Anne Kemil

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IDENTIF. TREFERENCE

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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* 9th *day of* February, *19* 89, *in Case Number* 88D-4109 *between* Annie Paulette Gayters *Plaintiff, and* Bobbie Gayters *Defendant, as same remains of record in Book* 46B, *Page* 1413 *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* February *in the year one thousand nine hundred and* ninety *and in the* 214th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By _____ *D.C.*

Form #GR-117