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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

ANNA M. ALLEN	)	
	)	
VS.	)	NOS. 86D-2514 and
	)	88D-3789
FRANK S. ALLEN	)	

ORDER

BOOK 8053 PAGE 229

This cause came on to be heard on the 13th day of June, 1989, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee on a bill for an absolute divorce filed by the Plaintiff, Anna M. Allen, the answer of the Defendant, Frank S. Allen, and further upon the Order of Separate Maintenance heretofore entered by the Court on the 30th day of July, 1987, and after hearing testimony of the Plaintiff and her witnesses, testimony of the Defendant, and considering the stipulations and the exhibits filed in the cause, finds that the Plaintiff, Anna M. Allen, is entitled to a divorce from the Defendant she having sustained her allegations to-wit: That for a continuous period of three or more years which commenced in September 1985, both parties have lived in separate residences, have not co-habitated as man and wife during such period and there are no minor children of the parties.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, Anna M. Allen, is granted an absolute divorce from the Defendant, Frank S. Allen, and the bonds of matrimony heretofore subsisting between the parties are forever and perpetually dissolved, and the parties are restored to all the rights and privileges of unmarried persons.

The Court further finds that there are certain properties that are marital properties and makes a division of said property as follows:

1. The Defendant, Frank S. Allen, is awarded the real estate located at 3017 Indiana Avenue and 3205 Indiana Avenue, Nashville, Davidson County, Tennessee. All the right, title and

interest of Anna M. Allen in said property are divested out of her, and said property is vested solely in Frank S. Allen, said property being described as follows:

3017 INDIANA AVENUE:

A tract of land in the 21st Councilmanic District of Davidson County, Tennessee and being more particularly described as follows:

Being the westerly one-half of Lot No. 30 on Plan of A. W. Wills' Subdivision of the Barrow Lands, and more particularly described as fronting 50 feet on the southerly side of Indiana Avenue, and running back between parallel lines 125 feet to an alley.

Included in the above description but excluded from this conveyance is a small portion of this tract used for I-40.

Being the same property conveyed to Frank S. Allen by quitclaim deed from the Metropolitan Government of Nashville and Davidson County of record in Book 6908, page 268, Register's Office for Davidson County, Tennessee.

3025 INDIANA AVENUE:

Being the westerly 50 feet of Lot No. 31 on the map of A. W. Wills' Subdivision of a part of the Barrow Lands, as of record in Book 161, page 107, Register's Office for said County.

Said part of Lot No. 31 fronts 50 feet on the southerly side of Indiana Avenue, formerly Locust Street, and runs back between parallel lines 125 feet to an alley.

Being the same property conveyed to Frank S. Allen by County Court Clerk's Deed of record in Book 4050, page 870, Register's Office for Davidson County, Tennessee.

2. The furniture located at the home of the parties at 3908 Tucker Road is given to Frank S. Allen, with the exception of the sewing machine, dresser and mirror, chifforobe and trunk, and these items are awarded to the Plaintiff, Anna M. Allen in addition to the personal property she now has in her possession.

3. The 1977 Cordova, the 1981 Oldsmobile and the 1974 Volkswagen are awarded to the Defendant, Frank S. Allen.

4. The cash surrender value in the Provident Life Insurance Policy and the balance in the checking and savings accounts at Tennessee Teacher's Credit Union and Educator's Credit Union are

awarded to Frank S. Allen.

5. The property recently purchased by the Defendant on Clarksville Highway is vested solely in Frank S. Allen subject to a lien in favor of Anna M. Allen in the amount of $7,500.00, said property being described as follows:

> Land in Davidson County, Tennessee, being Lot No. 2 on the Plan of W. S. Cripps Subdivision of record in Plat Book 6200, page 836, Register's Office for said County, to which reference is made for a more detailed description of said lot.
>
> Being the same property conveyed to Frank S. Allen by deed from Willie S. Cripps and wife, Betty Jo Cripps of record in Book 7832, page 930, Register's Office for Davidson County, Tennessee.

6. The Court awards to Anna M. Allen the lot located at 1200 Cecelia Street and the lot on Old Goins Road, and all the right, title and interest in said properties is divested out of Frank S. Allen and vested solely in Anna M. Allen, said properties being described as follows:

> 1200 CECILIA STREET:
>
> Being parts of Lots Nos. 3 and 4 as set out in Book 57, page 26, Block 33, located on the North side of Celia (McKinney Avenue) on the plan of Owen's Buena Vista Place, beginning at a pin on the North side of Celia (McKinney) Avenue, being the Southwest corner of Lot No. 4, and running back 196 feet from this point North to a pin on the alley and thence Eastwardly 50 feet to a stake and then southerly to the Northern margin of Celia (McKinney) Avenue, the distance of 196 feet and thence westerly to the beginning a distance of 50 feet, being the same lot surveyed by E. R. Southgate, October 29, 1942.
>
> Being the same property conveyed to Frank S. Allen and wife, Marie Allen, by deed from Mrs. J. K. Bradley of record in Book 3134, page 311.
>
> OLD GOINS ROAD:
>
> In the 7th Civil District of said county, of 1/2 acre, more or less and being the same property inherited by the grantor herein as the only heir at law of Sallie Waggoner, deceased, who died at Davidson County, Tennessee, on March, 1932.
>
> Beginning at a stone about 12 feet south of my yard fence, thence south nine and 1/4 poles to the north boundary of the Pritchett land to a stone; thence along said Pritchett line west five poles to a stone; thence north nine poles to a stone; it being 12 feet south of my yard fence; thence west five poles to the beginning, containing 45 square poles.

Being the same property conveyed to Frank S. Allen and wife, Anna Marie Allen by deed from Dora E. Scruggs, a single person, of record in Book 3034, page 597, Register's Office for Davidson County, Tennessee.

7. The Court awards the homeplace of the parties located at 3908 Tucker Road and the property located at 3015 Indiana Avenue to the Defendant, Frank S. Allen, subject to a lien in the amount of one-half of the fair market value of the property attached to same in favor of the Plaintiff, Anna M. Allen. All right, title and interest that Anna M. Allen may have in said property shall be divested out of her and vested soley in the Defendant, Frank S. Allen, subject to said lien, the amount of which will be determined by the Court at a later date, said property being described as follows:

3908 TUCKER ROAD:

Land in Davidson County, Tennessee, being Lot No. 193 on the Map of Treppard Heights, Section I, as of record in Book 2663, pages 64 & 65, Register's Office for Davidson County, Tennessee, more particularly described as follows:

Said Lot No. 193 fronts 150 feet on the easterly side of Tucker road and extends back 241.9 feet on the northerly line and 212.5 feet on the southerly line to a line in the rear on which it measures 110.3 feet.

Being the same property conveyed to Frank S. Allen and wife, Anna Marie Allen by deed from D. Currey Woodroof and wife, Amy Doris Woodroof, of record in Book 4252, page 579, Register's Office for Davidson County, Tennessee.

3015 INDIANA AVENUE:

Being the easterly half of Lot No. 30 on the Map of A. W. Wills' Subdivision of part of the Barrow Lands, as of record in Book 61, page 107, Register's Office for said County.

Said easterly half of said Lot No. 30 fronts 50 feet on the southerly side of Indiana Avenue, formerly Locust Street, and runs back between parallel lines 125 feet to an alley.

Being the same property conveyed to Frank S. Allen and wife, Anna Marie G. Allen, by deed from David G. Ellis and wife, Roberta P. Ellis, of record in Book 3504, page 423, Register's Office for Davidson County, Tennessee.

The parties shall mutually agree upon an appraiser to determine the fair cash market value of the above two described

parcels, and in the event they are unable to agree upon an appraiser the Court will appoint one. In the event Frank S. Allen does not pay to Anna M. Allen one-half (1/2) of the fair cash market value within four (4) months, the property will be sold and the net proceeds will be divided equally between the parties.

IT IS FURTHER ORDERED that the IRA Account evidenced by two certificates plus accrued earnings from Educators Credit Union is divided equally between the parties and Anna M. Allen is given a lien on said certificates for one-half (1/2) of the value of same.

IT IS FURTHER ORDERED that the Plaintiff, Anna M. Allen, is awarded $500.00 per month alimony from the Defendant, Frank S. Allen, and Frank S. Allen is to pay the cost of the hospitalization insurance for Anna M. Allen for thirty-six (36) months commencing in June 1989.

IT IS FURTHER ORDERED that Joseph L. Lackey, Jr. is awarded an attorney's fee in this cause in the amount of $1875.00, with Frank S. Allen being responsible for paying $1000.00, and Anna M. Allen being responsible for paying $875.00.

The issue as to the fair market value of the parcels of land set out herein is reserved and taken under advisement subject to the further orders of this Court.

ENTER this the 10th day of July, 1989.

Muriel Robinson
JUDGE MURIEL ROBINSON

APPROVED FOR ENTRY:

J. L. Lackey, Jr.
JOSEPH L. LACKEY, JR. #3207
Attorney for Plaintiff
LACKEY, RODGERS, PRICE & SNEDEKER
Twelfth Floor, First American Center
Nashville, Tennessee 37238
(615) 244-5772

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing has been placed in the United States Mail, postage prepaid, to Ms. Ann Buntin Steiner, Attorney at Law, 176 Second Avenue North, Ste. 500, Nashville, Tennessee 37201, on this the ~~1st~~ 3rd day of July, 1989.

JOSEPH L. LACKEY, JR.

06706 IDENTIF. REFERENCE Feb 27 2 45 PM '90 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* FOURTH *Circuit Court for Davidson County, Tennessee, on the* TENTH *day of* JULY, *19* 89, *in Case Number* 86D-2514 *between* ANNA M. ALLEN *Plaintiff, and* FRANK S. ALLEN *Defendant, as same remains of record in Book* 179B, *Page* 1518 *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* 27th *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 Walter S. Adams *D.C.*

Form #GR-117

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

ANNA M. ALLEN	)	
	)	
VS.	)	NO. 86D-2514 AND
	)	88D-3789
FRANK S. ALLEN	)	

A F F I D A V I T

STATE OF TENNESSEE)
)
COUNTY OF DAVIDSON)

I, Joseph L. Lackey, Jr., Attorney after being duly sworn, do hereby make oath that I have, during the course of my representation of Anna Allen in this matter, devoted fifteen (15) hours of professional time and that I have received no compensation to date for same. I feel that a reasonable fee in this matter would be $1,875.00.

FURTHER AFFIANT SAITH NOT.

JOSEPH L. LACKEY, JR.

SWORN TO AND SUBSCRIBED
BEFORE ME, this the 20th
day of June, 1989.

Notary Public

My Commission Expires:
3-27-93

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