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GEORGE L. ... CLERK

... D.C.

IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE

ELLA J. CROSS,
Plaintiff,

vs.

JAMES C. CROSS,
Defendant.

NO. 88D-3459

BOOK 8086 PAGE 344

FINAL DECREE

This cause came on to be heard on the 24th day of April, 1989, before the Honorable James R. Everett, Jr., Judge of the Probate Court for Davidson County, Tennessee upon the Complaint for Divorce filed by Wife and the subsequent default judgment, upon the testimony of the Wife and her witnesses, upon the statements of counsel and a review of the record as a whole, from all of which the Court finds that the Wife shall be granted an Absolute Divorce on the grounds of Cruel and Inhuman Treatment.

It is therefore ORDERED, ADJUDGED and DECREED that the Wife be and hereby is granted an Absolute Divorce on the grounds of Cruel and Inhuman Treatment and is hereby restored to all the rights and privileges of an unmarried person.

The Court further finds that all of the property owned by the parties is marital property subject to division by the Court. The Court finds that it is equitable to award the Wife, as a division of marital property, the house located at 148 Southridge Drive, Nashville, Davidson County, Tennessee. The Court finds that it is equitable to award the Husband, as a division of marital property, the farm located at Castalian Springs, Sumner County, Tennessee.

It is therefore ORDERED, ADJUDGED & DECREED that the Wife is hereby awarded the house located at 148 Southridge Drive, Nashville, Davidson County, Tennessee and Husband is hereby divested of any and all interest therein. Said property located at 148 Southridge Drive is more particularly described as:

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Land in Davidson County, Tennessee, being Lot No. 112 on the Plan of Oak Park Section One, as of record in Book 3600, page 84, Register's Office for Davidson County, Tennessee.

Said Lot No. 112 fronts 99.5 feet on the southerly side of Southridge Drive and extends back 150 feet on the easterly line and 185.39 feet on the westerly line, which is a broken line, to a dead line in the rear on which it measures 145.68 feet.

Being the same property conveyed to James C. Cross and wife, Ella J. Cross by deed from Samuel Tschritter and wife, Janice W. Tschritter as of record in Book 4652, page 931, said Register's Office.

Husband is hereby awarded the property located at Castalian Springs, Sumner County, Tennessee, and Wife is awarded a lien against said property described herein and is more particularly described as follows:

Land in the First Civil District of Sumner County, Tennessee described as follows:

Beginning at a white oak, Crenshaw's corner; thence North 40 poles to a rock, Hilton's corner; thence West 163 poles to a rock and sugar tree, corner to the homestead; thence South 3 degrees West 40 poles to a rock and stone fence, Bate's corner; thence East 163 poles to the beginning and containing 40 - 3/4 acres, more or less.

Being the same property conveyed to Jim Cross and wife Odessa Cross by deed from W. B. Armstrong and wife, Sallie Armstrong of record in deed Book No. 100, Page 437, Register's Office for Sumner County, Tennessee. The said Jim Cross having since died.

Wife is hereby awarded the sum of Six Hundred Dollars ($600.00) per month alimony in futuro which sum shall be paid on or before the first day of each and every month beginning May 1, 1989, and continuing thereafter until Wife's death or remarriage. Wife shall retain a lien against Husband's property located at Castalian Springs, Tennessee, to secure the payment of all future installments of alimony.

Wife heretofore has been granted a judgment of Three Thousand, Fifty Dollars ($3,050.00) against Husband for arrearages in alimony. The Court finds that there has accrued additional arrearages of One Thousand, Two Hundred Dollars

($1,200.00) since February 17, 1989. Therefore, Wife is granted a total judgment against Husband in the amount of Four Thousand, Two Hundred Fifty Dollars ($4,250.00), which judgment shall be a lien against the property located at Castalian Springs, Tennessee which has been more particularly described herein.

It is further ORDERED, ADJUDGED and DECREED that Wife is awarded all furniture, furnishings and fixtures located at the house located at 148 Southridge Drive, Nashville, Tennessee, and Husband is awarded all furniture, furnishings and fixtures located at the house located in Castalian Springs, Tennessee.

It is further ORDERED, ADJUDGED and DECREED that Wife is awarded the 1986 Calais Oldsmobile automobile and Husband is awarded the 1977 Ford Pick Up Truck and the Bobcat and Trailer.

Wife's attorney is hereby awarded a judgment against the Husband for attorneys fees in the amount of One Thousand, One Hundred Fifty Nine Dollars and Twenty-Five Cents ($1,159.25) which judgment shall be a lien against the property located in Castalian Springs, Tennessee which has been more particularly described herein.

It is further ORDERED, ADJUDGED and DECREED that the Husband shall remove himself from the residence located at 148 Southridge Drive, Nashville, Davidson County, Tennessee on or before 4:00 P.M. on Wednesday, April 26, 1989. It is further ORDERED, ADJUDGED and DECREED that the Husband, James C. Cross, is hereby enjoined and restrained from returning to 148 Southridge Drive, Nashville, Tennessee, after 4:00 P.M. on Wednesday, April 26, 1989.

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

ENTERED this the _____ day of _____, 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
Responsibility NO. 9914

RUSH

IDENTIF. REFERENCE

APR 11 12 14 PM '90

DAVIDSON COUNTY TN.

118174

The Addresses of the Parties Are:

Ella Cross
148 Southridge Drive
Nashville, TN 37207

James C. Cross
General Delivery
Castalian Springs, TN 37031

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been sent to Mr. James C. Cross, 148 Southridge Drive, Nashville, Tennessee 37207 and Mr. James C. Cross, General Delivery, Castalian Springs, TN 37031 on this the 26th day of April, 1989.

Clara Willis Byrd
CLARA WILLIS BYRD

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* 3rd. *day of* May, *19* 89, *in Case Number* 88D-3459 *between* Ella J. Cross *Plaintiff, and* James C. Cross *Defendant, as same remains of record in Book* 47C, *Page* 2345 *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* 11th. *day of* April *in the year one thousand nine hundred and* Ninety *and in the* 214th. *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By _____, *D.C.*