8-15-74 //
-27-A/610

BOOK 8180 PAGE 975

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE
AUGUST 15th, 1974.

Mag. Parcel
118-01-0184
00

FRANCES ELYSABETH ENOCH LACKEY, Plaintiff	)	
vs.	)	NO. 73111
JOSEPH LEE LACKEY, Defendant	)	MINUTE BOOK 27-A, PAGE 690

DECREE

This cause came on to be heard this the 19th day of July, 1974, and former days before the Honorable Scott Camp, Chancellor of the Fourth Chancery Division, sitting by designation by Honorable Ross Dyer, Chief Justice of the Supreme Court in the place of Honorable Sam L. Felts, Jr., Judge holding the Fifth Circuit Court of Davidson County, Tennessee, who recused himself from hearing this case as provided by Section 17-216 TCA, upon the original bill of complaint, the answer of the defendant thereto, oral testimony of witnesses heard in open court, argument of counsel, and the entire record in the cause, from all of which the court finds and holds that the allegations contained in the bill of complaint are sustained by the proof, that is, that the defendant has been guilty of such cruel and inhuman treatment or conduct toward the plaintiff as renders further cohabitation unsafe and improper for her to be under his dominion and control.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that the bonds of matrimony subsisting between the plaintiff and the defendant be and they hereby are absolutely and perpetually dissolved and the plaintiff, Frances Elysabeth Enoch Lackey, be and she hereby is granted an absolute divorce from the defendant and restored to all the rights and privileges of an unmarried person.

The court further finds from the proof adduced at the hearing that through the joint efforts of the parties the following property has been acquired and is more specifically as follows:

TRACT NO. 1: Land in Davidson County, Tennessee, being Lots Nos. 257 and 258, and the West 50 feet of Lots Nos. 238 and 239, on the Map of Noel Subdivision of Watkins Grove, not of record, in the 7th Civil District of Davidson County, Tennessee, and described as follows:

Beginning at the northeast intersection of Watkins Avenue, now called Graybar Lane, and Hillsboro Road; thence with the margin of Hillsboro Road, northerly 400 feet to a point, the corner of Lots Nos. 258 and 259; thence with the line between said lots and with the line of Lots Nos. 237 and 238, easterly 282.5 feet, more or less, to a point which is 150 feet west of the west margin of Boensch Street or Avenue; thence southerly parallel to the west margin of Boensch Street or Avenue, 400 feet to the north margin of Graybar Lane; thence with the margin of same, westerly 298 feet, more or less, to the beginning.

Being the same property conveyed to Elysabeth Enoch Lackey by Josephine B. Blackwood, a widow, by deed of record in book 1911, page 351, Register's Office for Davidson County, Tennessee.

TRACT NO. 2: Land in Davidson County, Tennessee, being Lots Nos. 64 and 65, on the Map of Beaumont Place, of record in Book 332, page 38, Register's Office of said County.

Said Lots Nos. 64 and 65 join and together front 100 feet on the easterly side of Chapel Avenue, formerly Lindsley Avenue and run back between parallel lines 265 1/2 feet on the north line and 250 feet on the south line to an alley and measures 100 feet.

Being the same property conveyed to Elysabeth E. Lackey by deed from Betty Maynard of record in Book 4150, page 130, Register's Office for Davidson County, Tennessee.

TRACT NO. 3: Land in Davidson County, Tennessee, being parts of Lots Nos. 62 and 63 on the Map of Bransford Realty Company's Subdivision of part of Lot No. 6 in Brownsville, being part of what is called Beaumont Place, as of record in Book 332, page 38, Register's Office for said County, described according to survey made by W. B. Southgate, Surveyor, dated July 2, 1931, and more particularly described in deed of trust executed by Joseph L. Lackey and wife Elysabeth E. Lackey, to E. E. Murrey, Jr., Trustee, dated July 14, 1967, filed July 17, 1967, and recorded in Book 4152, page 602, Register's Office for Davidson County, Tennessee, to secure to Volunteer Federal Savings and Loan Association of Nashville the payment of a note for $7,500.00, payable as therein specified.

Being the same property conveyed to Elysabeth E. Lackey by deed from Mrs. A. Morton Chelf, of record in Book 4152, page 600, said Register's Office.

TRACT NO. 4: A lot of land in the 22nd Ward of the City of Nashville, Davidson County, Tennessee, described as follows:

Beginning at the southwest corner of 10th Avenue, South, formerly Pomeroy, and Caruthers Avenue; thence southerly along the westerly margin of 10th Avenue, South, 105 feet more or less to a point 73 feet north of the northerly margin of an alley; thence westerly 82 feet, more or less, to a point in the easterly boundary line of a tract of land conveyed to A. B. Thack, by deed from C. T. Breene, et al, said point also being 73 feet north of the northerly margin of said alley; thence northerly with the easterly margin of the A. B. Thack property 105 feet more or less, to the southerly margin of Caruthers Avenue; thence with the southerly margin of Caruthers Avenue, easterly 82.5 feet to the point of beginning.

Being the same property conveyed to Elysabeth E. Lackey by deed from Agnes B. Jones of record in Book 4225, page 414, Register's Office for Davidson County, Tennessee.

TRACT NO. 5: Land in Davidson County, Tennessee, being part of an unnumbered tract on the Plan of Montrose Place, as of record in Book 57, page 93, Register's Office for said County.

Said part of said tract fronts 73 feet on the westerly side of 10th Avenue South, and runs back between parallel lines, along the northerly margin of an alley, 82 feet more or less to a dead line.

Being the same property conveyed to Elysabeth E. Lackey by deed from Rosa W. Reeves, of record in Book 4225, page 416, Register's Office for Davidson County, Tennessee.

The court further finds that the above described property is jointly owned property within the meaning of Tennessee Code Annotated Section 36-825 and, although the record title to said property is in the plaintiff alone, that such property is subject to be adjusted as the court deems fit and proper; and to that end,

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that all right, title and interest that the plaintiff has in and to the above described property is divested out of her and vested in the parties namely, Joseph Lee Lackey and Elysabeth Enoch Lackey, as tenants in common, each to own a one-half undivided interest therein. All liens and mortgages on any or all of said property will become the joint obligation of both parties.

It is further ORDERED, ADJUDGED and DECREED that for a period of six (6) months from July 19, 1974, the defendant will pay to the plaintiff the sum of Three Hundred ($300.00) Dollars as monthly alimony. The plaintiff is permitted to retain all payments made to her and all payments made in her behalf prior to July 19, 1974. Until further order of the Court the plaintiff will be allowed to collect the rent on Tracts Nos. 2, 3, 4, and 5 above set out. One-half of such rent so to be collected will belong to the plaintiff, she being made by this decree the owner of a one-half undivided interest in same. The other one-half of said collections, which would belong to the defendant, shall be retained by the plaintiff as alimony. All other rental income will belong one-half to the plaintiff and one-half to the defendant. Furthermore, the defendant will pay all mortgage and Deed of Trust notes as may be outstanding. One-half of such payments as may be made will constitute alimony to the plaintiff. The foregoing provision will remain in full force and effect for a period of six (6) months from July 19, 1974, and until further order of this Court. By agreement of counsel the parties will appear back before the Court approximately six months from July 19, 1974, for a re-evaluation of this matter as regards alimony payments.

The Court recognizes that the attorney of record for the plaintiff, James C. Summers, has rendered valuable services to the plaintiff and the Court does hereby take under advisement the amount of a reasonable fee to be awarded to him for his services and to be paid by the defendant, and the Court will hear further proof as to

such reasonable fee when the Court makes a re-evaluation of the monthly alimony payments six months from the date of the entry of this decree.

To the foregoing action of the Court the plaintiff, as well as the defendant, excepts, and prays and is granted an appeal to the next term of the Court of Appeals sitting at Nashville, upon making a proper cost bond within thirty (30) days from the entry of this order, and each is further allowed an additional sixty (60) days for a total of ninety (90) days within which to prepare and file their Bill of Exceptions.

All other matters are reserved.

ENTER: August 13th, 1974.

SCOTT CAMP, Chancellor,
sitting by designation.

Enter This 15 Day of August, 1974

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IDENTIFICATION REFERENCE

Aug 23 11 19 AM '90

FILED & WILSON II REGISTER
DAVIDSON COUNTY, TN

2796 08/23 0101 03CHECK 18.00

Mail

Joseph Lackey
12th Floor
1st Union Center

37238

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* Fifth *Circuit Court for Davidson County, Tennessee, on the* 15th *day of* August, *19* 74, *in Case Number* 73111 *between* Frances Elysabeth Enoch Lackey *Plaintiff, and* Joseph Lee Lackey *Defendant, as same remains of record in Book* 27A, *Page* 690 *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* 14th *day of* August *in the year one thousand nine hundred and* ninety *and in the* 215th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By _____, *D.C.*

Form #GR-117