MAP 6 3J
PAR 86

IN THE GENERAL SESSIONS COURT FOR SUMNER COUNTY, TENNESSEE

DIVISION II

AT GALLATIN

62916

KATHRYN BROWN, REG.
SUMNER COUNTY, TENN.
RECORDING 32.00
STATE TAX $ 1
REG. FEE $
TOTAL $ 32.00
REC. NO. 66351

BARRY GALE MILLER,

PLAINTIFF/
COUNTERDEFENDANT

vs.

NO. 1704-G

BETTY ANN MILLER,

DEFENDANT/
COUNTERPLAINTIFF

FILED 9-5 1990
Date
TIME: 3:30 P M
Mahalliah Hughes, Clerk
By: D.C.

FINAL DECREE

BOOK 8204 PAGE 867

This cause came on to be heard on the 15th day of August, 1990 before the Honorable Charles H. Beaty, Judge, sitting by special election for the General Sessions Court for Sumner County, Tennessee, Division II, upon Plaintiff's Complaint for Absolute Divorce and Defendant's Answer and Countercomplaint for Absolute Divorce. After consideration of testimony of the parties and their witnesses, argument of counsel and the entire record, it is the Court's opinion that Defendant, BETTY ANN MILLER, is entitled to an absolute divorce from Plaintiff, BARRY GALE MILLER, on the grounds of cruel and inhuman treatment and adultery. The Court further found that Plaintiff, BARRY GALE MILLER, is in contempt of previous Court orders and is in arrears in the amount of $1,519.50 in his alimony payments to Defendant, BETTY ANN MILLER, and that said amount shall be paid by 4:30 p.m. on August 15, 1990 or a mittimus shall issue for BARRY GALE MILLER, and BARRY GALE MILLER shall be incarcerated in the Sumner County Jail until such time as he purges himself of said contempt.

It further appears to the Court that the parties have reached a compromise and settlement of their property rights and division as follows:

MAP 141 PARCEL 59.05 32.01
CONT. MAP
GROUP
12th DIST 7th DIST 118

ENTERED

SEP 10 1990

THOMAS C. MARLIN
TAX ASSESSOR

SEND TAX BILLS TO:
Betty Ann Miller
(NAME)
1072 Louisville Hwy
(STREET ADDRESS)
Goodlettsville, Tn. 37072
(CITY) (STATE) (ZIP)

REC'D SEP 7 1990 AT 2:45 REC. IN Record BOOK 156 PAGE 358
KATHRYN BROWN, REGISTER SUMNER COUNTY, TENN.

Ed
PHILLIPS & INGRUM
ATTORNEYS AT LAW
117 EAST MAIN
GALLATIN, TENNESSEE
37066
Mail

I. REAL PROPERTY

1. All right, title and interest in and to real estate property located in the 6th Civil District of Sumner County, Tennessee and more particularly described in Deed Book 491, page 114, Register's Office for Sumner County, Tennessee is divested from BARRY GALE MILLER and vested solely in BETTY ANN MILLER. BETTY ANN MILLER agrees to assume the indebtedness against said property owed to ABQ Financial and hold BARRY GALE MILLER harmless for same. BARRY GALE MILLER further agrees to execute a Quitclaim Deed conveying all of his right, title and interest in and to said property to BETTY ANN MILLER.

2. All right, title and interest in and to real estate property located in the 14th Civil District of Sumner County, Tennessee and more particularly described in Deed Book 499, page 353, Register's Office for Sumner County, Tennessee is divested from BETTY ANN MILLER and vested solely in BARRY GALE MILLER. BARRY GALE MILLER agrees to assume any indebtedness against said property and hold BETTY ANN MILLER harmless for same. BETTY ANN MILLER further agrees to execute a Quitclaim Deed conveying all of her right, title and interest in and to said property to BARRY GALE MILLER.

3. All right, title and interest in and to real estate property located in West St. Clair Township, Bedford County, Pennsylvania, consisting of 74.974 acres, and more particularly described in Book 331, page 118, Recorder of Deeds for Bedford County, Pennsylvania is divested from BETTY ANN MILLER and vested solely in BARRY GALE MILLER. BARRY GALE MILLER agrees to assume any indebtedness against said property and hold BETTY ANN MILLER harmless for same. BETTY ANN MILLER further agrees to execute a Quitclaim Deed conveying all of her right, title and interest in and to said property to BARRY GALE MILLER.

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4. The following described real estate property presently owned by the parties as tenants by the entireties shall be owned by the parties as tenants in common:

Land in the 10th Civil District of said county, being Tract No. 3 of the John Meadors property according to a survey by Bruce Rainey & Associates, dated March 30, 1976, and being more particularly described as follows:

BEGINNING at the S. E. Corner of said tract; thence along the westerly margin of U. S. Highway 41 (Dickerson Pike) N. 24 deg. 41' 41" W. 396 feet to a point, thence N. 31 deg. 48' 17" W. 81.75 feet to a point, thence S. 59 deg. 32' 30" W. 15.31 feet to a point, thence N. 30 deg. 27' 30" W. 11.92 feet to a point, thence S. 65 deg. 50' 15" W. 136.75 feet to a point, thence S. 13 deg. 16' 55" E. 206.17 feet to a point, thence N. 88 deg. 37' 44" W. 250 feet to a point, thence S. 14 deg. 29' 32" E. 402.84 feet to a point, thence N. 65 deg. 18' 19" E. 440 feet, more or less to a point, thence N. 20 deg. W, 50 feet to a point, thence N. 70 deg. E. 50 feet to a point, thence S. 20 deg. E. 50 feet to a stake, thence N. 65 deg. 18' 19" E. 10 feet, more or less, to a point in the westerly margin of said U. S. Highway 41, the point of beginning and containing 4.2 acres more or less.

INCLUDED IN THE ABOVE DESCRIBED PROPERTY, BUT EXCLUDED THEREFROM is .42 acre conveyed to the State of Tennessee by Barry Gale Miller and wife, Betty Ann Miller, leaving 3.78 acres.

Being the same property conveyed to BARRY G. MILLER and wife, BETTY MILLER by Installment Deed from JOHN C. MEADORS and wife, WANDA L. MEADORS, dated January 26, 1977 and recorded in Book 5112, page 389, Register's Office for Davidson County, Tennessee.

BARRY GALE MILLER agrees that he shall finish clearing the property described hereinabove and shall repair the road to prepare said property for sale. The property shall be placed on the market for sale and sold within one year from the date of entry of this Final Decree, and the proceeds from said sale shall be equally divided between BARRY GALE MILLER and BETTY ANN MILLER. In the event this property is not sold within one year from the date of entry of this Final Decree, then the parties agree to sell the property by public auction, and the date of such auction shall be scheduled as soon as possible after the expiration of said one year period.

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5. The following described real estate property is presently owned by BARRY G. MILLER and Terry A. Kemp as tenants in common:

Land in Sumner County, Tennessee, being Lot No. 3 on the Plan of the Joseph T. Neely property of record in Plat Book 11, page 41, Register's office for said County.

Being the same property conveyed to BARRY G. MILLER and Terry A. Kemp by Warranty Deed from Joseph T. Neely and wife, Jean L. Neely dated October 20, 1983 and recorded November 14, 1983 in Deed Book 477, page 309, Register's Office for Sumner County, Tennessee.

BARRY G. MILLER caused a lien or encumbrance to be placed against the property in the amount of $20,000.00, and BARRY G. MILLER shall have full responsibility for payment of said lien, and shall hold BETTY ANN MILLER harmless for said indebtedness. Further, BETTY ANN MILLER shall become a tenant in common in BARRY G. MILLER'S one-half interest in said property. This property shall be held by the parties and sold upon agreement of the parties.

6. The following described real estate property is presently owned by BARRY G. MILLER (1/4 interest), James E. Nichols (1/2 interest) and Donnie Keith (1/4 interest) as tenants in common:

Land in the 6th Civil District of Sumner County, Tennessee and more particularly described as follows:

BEGINNING at an iron pin in the northern margin of Bethel Road, said point located 200.00 feet southwest of the Bethel Road/Highway 31-W intersection; thence leaving said road margin, N 09 deg. 30 min. 00 sec. W 250.96 feet to an iron pin in the margin of Highway 31-W; thence with the road margin, S 53 deg. 00 min. 00 sec. E 184.40 feet to a point in the margin of Highway 31-W; thence with a curve to the right having a radius of 25.00 feet, delta of 100 deg. 39 min. 17 sec. and length of 43.92 feet to a point in the margin of Bethel Road; thence with Bethel Road, S 47 deg. 39 min. 17 sec. W 145.64 feet to the point of beginning, containing 0.42 acres, more or less, as surveyed by Donald R. Carver, March 7, 1988.

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Being the same property conveyed to Donnie Keith and BARRY G. MILLER as tenants in common by Warranty Deed from James H. Hale wherein James H. Hale conveyed his one-half undivided interest, dated July 25, 1988 and recorded August 1, 1988 in Record Book 35, page 481, Register's Office for Sumner County, Tennessee.

The parties acknowledge that there is indebtedness of $2,500.00 owed to Donnie Keith against said property. BETTY ANN MILLER shall hold one-half of BARRY G. MILLER'S one-fourth interest in and to said property as a tenant in common with BARRY G. MILLER. The parties further agree that this property may be sold upon agreement of the parties, and after payment of the $2,500.00 indebtedness to Donnie Keith, the remaining proceeds of their one-fourth share shall be equally divided.

II. TANGIBLE PROPERTY

1. All right, title and interest in and to the following property is divested from BETTY ANN MILLER and vested solely in BARRY G. MILLER:

(a) Family heirlooms consisting of an antique spinning wheel, telephone, two picture frames, some figurines, antique bowl, and green berry set.

(b) Six or seven guns;

(c) 1987 Mobile home, model - Spiral Industri, serial number SIAL0941;

(d) All tools and vehicles used in the business, Barry Miller Construction and Excavating;

(e) The personal vehicle of BARRY GALE MILLER.

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BARRY GALE MILLER agrees to assume any and all indebtedness against the property listed hereinabove and shall hold BETTY ANN MILLER harmless for same.

2. All right, title and interest in and to the following property is divested from BARRY G. MILLER and vested solely in BETTY ANN MILLER:

(a) All household furnishings located in the parties' marital residence at 1072 Louisville Highway, Goodlettsville, Tennessee with the exception of the property listed hereinabove designated at BARRY GALE MILLER'S property;

(b) The balance of funds held in the trust account of F. Dulin Kelly, attorney for BARRY G. MILLER in the amount of $11,310.00 shall be given to BETTY ANN MILLER as her sole property;

(c) The 1982 Buick Regal owned by BETTY ANN MILLER shall remain her separate property, and in addition, the 1990 Ford Thunderbird purchased by BETTY ANN MILLER after the parties' separation, shall remain the sole and separate property of BETTY ANN MILLER.

BETTY ANN MILLER agrees to assume any and all indebtedness against the property listed hereinabove and shall hold BARRY GALE MILLER harmless for same.

III. DEBTS

BARRY GALE MILLER shall be fully responsible for any other indebtedness not specifically listed herein which he may have individually or as BARRY MILLER CONSTRUCTION & EXCAVATION and shall hold BETTY ANN MILLER harmless for same.

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BETTY ANN MILLER shall be fully responsible for any other indebtedness not specifically listed herein which she may have and shall hold BARRY GALE MILLER harmless for same.

IV. MISCELLANEOUS PROVISIONS

1. Neither party shall be liable for alimony payments to the other.

2. Each party shall be responsible for payment of their own attorney's fee, with the exception that BARRY GALE MILLER shall pay $400.00, attorney's fee and $80.00 advanced costs to Robert G. Ingrum, attorney for Defendant as previously ordered by this Court on April 25, 1990.

3. The costs of this cause shall be paid by Plaintiff, BARRY GALE MILLER.

4. Each party shall execute any and all documents or instruments to effectuate the provisions of this agreement.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Defendant, BETTY ANN MILLER, is granted an absolute divorce from Plaintiff, BARRY GALE MILLER, on the grounds of cruel and inhuman treatment and adultery.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff, BARRY GALE MILLER, is in contempt of previous Court orders and is in arrears in the amount of $1,519.50 in his alimony payments to Defendant, BETTY ANN MILLER, and in the event said amount is not paid by 4:30 p.m. on August 15, 1990 a mittimus shall issue for BARRY GALE MILLER, and BARRY GALE MILLER shall be incarcerated in the Sumner County Jail until such time as he purges himself of said contempt.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the compromise and settlement of the parties' property rights as set out herein is approved by this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the costs of this cause shall be adjudged against Plaintiff, BARRY GALE MILLER, for which execution may issue.

SO ORDERED, this 5th day of September, 1990.

Charles H. Beaty

CHARLES H. BEATY, JUDGE
SITTING BY SPECIAL ELECTION
FOR THE GENERAL SESSIONS
COURT FOR SUMNER COUNTY,
TENNESSEE, DIVISION II

AGREED TO AND APPROVED BY:

KELLY & JONES

BY: F. Dulin Kelly by direction RGI
F. DULIN KELLY
ATTORNEY FOR PLAINTIFF

2907 09/28 0101 03CHECK 24.00

PHILLIPS & INGRUM

BY: Robert G. Ingrum
ROBERT G. INGRUM
ATTORNEY FOR DEFENDANT

STATE OF TENNESSEE
SUMNER COUNTY
I, Mahalah Hughes Clerk, do hereby certify that the foregoing is a true and correct copy of the final decree as appears of file or record in the case of Miller vs Miller No. 90 this 5th day of Sept 1990
MAHALAH HUGHES, CIRCUIT COURT CLERK

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SEP 28 8 51 AM '90

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