BOX 35
#262325

STATE OF TENNESSEE 20TH JUDICIAL DISTRICT

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY

FILED MAR 13 PM 12:48

EILEEN RUBY MARTIN

PLAINTIFF AND CROSS-DEFENDANT

VS. DOCKET NO. 89D-400

HERBERT GUY MARTIN

DEFENDANT AND CROSS-PLAINTIFF

91-16-83

BOOK 8215 PAGE 296

ORDER

This cause came on to be heard upon husband's cross-complaint for an absolute divorce on the 1st day of March, 1990. The Court finds that it has jurisdiction over this cuase of action and over the parties. Further The Court finds:

(1) That wife on 31 January, 1989, filed a complaint for an absolute divorce against husband;

(2) That the parties entered into a marital dissolution agreeement; (3) That husband on 21 June, 1989, filed an answer to wife's complaint and a cross-complaint for an absolute divorce; (4) That husband, in his pleadings disavowed the marital dissolution agreement he had signed, and he alleged as ground for divorce that irreconcilable differences had arisen between him and wife and that wife was guilty of such cruel and inhuman treatment or conduct towards him as to rendered cohabitation between the parties unsafe and improper; (5) That wife did not file a response to husband's cross-complaint and that he was awarded judgment by default because of her failure to so respond; and, (6) That both wife and Ted Walker, Attorney, were served with notice of the hearing (trial) of this cause.

The Court, further, finds, based upon the testimony of husband and his witnesses--wife did not appear in court and no witnesses testififed on her behalf--the statment and argument

of Howard M. Taradash, counsel for husband, and a review of the entire record of this cause that wife is guilty of adultrey; and, further, that she is guilty of cruel and inhuman treatment and conduct toward him as render cohabitation unsafe and improper. Therefore, husband should be awarded an absolute divorce from wife. It Is

OREDERED, ADJUDGED AND DECREED, that the Cross-Complaint of husband is hereby amended so as to include therein the ground of divorce of adultrey by wife.

It Is, Further,

ORDERED, ADJUDGED AND DECREED, that husband is hereby awarded an absolute divorce from wife, on the grounds of adultrey and cruel and inhuman treatment; and, that both of the parties have restored unto them the rights and privlelges of an unmarried person.

The Court, further, finds that the homeplace of the parties, located at 4605 Elkins Avenue, Nashville, Tennessee, together with all the personal property in the dwelling thereon and on the premises thereof shall be the sole and exclusive property of husband. However, wife shall have possession of her clothing, jewelry and ornaments of the person and personel papers and books.

It Is, Further,

ORDERED, ADJUDGED AND DECREED, that the real property vested in Herbert Guy Martin and Eileen Ruby Martin, as tenants-by-the-entirities is hereby divested out of them as such tenants-by-the-entirities and conveyed unto Herbert Guy Martin, as his sole and exclusive property and to have and hold the same in fee simple; said real property is described as follows:

> A certain tract or parcel of land in Davdson County, State of Tennessee, more particularly described as:
>
> Land in Davison County, Tennessee, being the westerly 10 feet of Lot No. 504 and the easterly 40 feet of Lot No. 506 of Block No. 23 on the Plan of Charlotte Park Company's First Addition, as of record in Book 57, page 103, Register's Office, Davidosn County, Tennessee.

Said parts of Lots Nos. 504 and 506 front together 50 feet on the southerly side of Elkins Avenue, formerly Second Avenue, and run back between parallel lines 180 feet to an alley.

Being the same property conveyed to Herbert G. Martin and wife,Eileen F. Martin (Eileen F. Martin and Eileen Ruby Martin being one and the same person) by deed from John W. Hatcher, a widower, as of record in Book 4338, Page 452, Register's Office, Davidson County, Tenenssee.

It Is, Further,

ORDERED, ADJUDGED AND DECREED, that all personal property within the dwelling house and any outbuildings and garages situated upon the above described realty, together with any personal proeprty located on the premsies of the said realty, excepting wife's clothing, jewlery and ornamanets of the person, and her personel books, paapers and records, shall be vested in husband as his sole and exclusive property.

It Is, Further,

ORDERED, ADJUDGED ANDDECREED, that the cost of this cause is hereby taxed agaisnt wife, for which execution shall issue, if necessary.

MURIEL ROBINSON, JUDGE

Approved For Entry:

Howard M. Taradash
Howard M. Taradash
Attorney For Husband
P.O. Box 90130
Nashivlle, Tenenssee 37209-0130
Reg. No. 4135

cc: Eileen Ruby Martin
2420 Granny Wright Lane
Nashville, Tennessee 37076,
and,
Ted Walker, Attorney,
404 Parkway Towers
2108 James Robertson Pkwy
Nashville, Tennessee 37219

via The U.S. Mails, postage prepaid, the 6th day of March, 1990.

Howard M. Taradash
Howard M. Taradash

[redacted]

BOOK 8215 PAGE 299

64141

IDENTIF. TREFERENCE

OCT 11 8 43 AM '90

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY TN.

9259 10/11 0101 03CHECK 12.00

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* 13th *day of* March, 19 90, *in Case Number* 89D-400 *between* Eileen Ruby Martin *Plaintiff, and* Herbert Guy Martin *Defendant, as same remains of record in Book* 185A, *Page* 281 *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* 3rd *day of* October *in the year one thousand nine hundred and* ninety *and in the* 215th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By K. Langford *D.C.*

Form #GR-117