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4-19-73
80C/127

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

BARBARA GOTTO)
)
VS.)
)
OTIS EDWARD GOTTO)

BOOK 8384 PAGE 157

NO. 65345

8211 06/26 0101 03CHECK 12.00

FINAL DECREE

This cause came on to be heard on this 12th day of April, 1973, before the Honorable Luther E. Cantrell, Jr., sitting as Special Judge of the Fourth Circuit Court of Davidson County, Tennessee upon the cross complaint of Otis Edward Gotto, the order pro confesso, the testimony of the complainant and his corroborating witnesses in open Court, statements of counsel, and the entire record in this cause; and it appearing to the satisfaction of the Court that the cross defendant, Barbara Gotto, has been guilty of cruel and inhuman treatment or conduct so as to render cohabitation unsafe and improper and that she has also been guilty of adultery as charged and set forth in said cross complaint; and the Court further finds that the property settlement agreement heretofore entered into between the parties is fair and reasonable and the same should be approved in its entirety by the Court, said settlement agreement being in words and figures as follows, to-wit:

"This agreement made and entered into on this 4th day of December, 1972, by and between BARBARA GOTTO, hereinafter referred to as "wife" and OTIS EDWARD GOTTO" hereinafter referred to as "husband"; both citizens and residents of Davidson County, Tennessee:

W I T N E S S E T H:

WHEREAS, unhappy differences have arisen between the parties resulting in the separation; and,

WHEREAS, it is the desire of the parties to enter into this agreement settling their property rights and interest.

Now, therefore, in consideration of the premises and other mutual covenants contained herein the parties agree as follows:

1. The wife agrees that if the husband is granted an absolute divorce by any Court of competent jurisdiction that the Court may divest her of any interest in the residence of the parties which is owned jointly and is located at 205 Theodore Road in Nashville, Davidson County, Tennessee. If necessary the wife shall sign a deed of conveyance vesting title in fee simple in the husband.

2. Parties further agree that the husband shall be entitled to the household furnishings and appliances excepting a few personal items belonging to the wife.

3. The parties further agree that in view of the circumstances existing between them that it is the best interest of the minor children of the parties, Vickie, David and Bobby Gotto, that the husband have the care, custody and control of the minor children with reasonable visitation privileges to be exercised by the wife, all subject to the findings and approval of any Court of competent jurisdiction.

4. The wife does by this agreement waive any right she may have to alimony, homestead and dower or any other right that may exist as a result of the marital relationship. The parties further agree that each shall be solely responsible for their separate debts and obligations and both agree to idemnify and hold harmless the other from any obligation that either may incur.

IN WITNESS WHEREOF, the parties have set their hands the day and date first above written.

/s/ Barbara Gotto
Wife

/s/ Otis Edward Gotto
Husband

IT IS ACCORDINGLY, ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the parties be and the same are forever and perpetually dissolved, and that the Plaintiff, Otis Edward Gotto, be, and is hereby restored all of the rights and privileges of an unmarried person.

IT IS FURTHER ORDERED by the Court that the cross plaintiff, Otis Edward Gotto, be and he is hereby awarded the exclusive

care, custody and control of the three minor children of the parties, Vickie, David and Bobby Gotto.

IT IS FURTHER ORDERED by the Court that the property settlement agreement executed by the Parties herein which is set forth above be, and the same is hereby approved in its entirety, and made the judgment of this court as fully and completely as though each item therein had been separately adjudicated.

IT IS FURTHER ORDERED by the Court that all of the cross defendant, Barbara Gotto's, right, title or interest in and to the homeplace of the parties be divested and all of her said right, title and interest in said real estate is hereby vested in the cross plaintiff, Otis Edward Gotto, to be his in fee simple ownership, said real estate being more particularly described as follows, to wit:

> Land in the 3rd Civil District of Davidson County, Tennessee, being Lot No.62 on the Plan of Walnut Grove, as of record in Book 2133, page 87, Register's Office for said County.
>
> Said Lot No.62 fronts 70 feet on the north side of Theodore Road and runs back between lines, 167 feet on the west line and 157 feet on the east line, to a dead line in the rear, on which it measures 114.4 feet thereon.
>
> Being the same property conveyed to Otis Edward Gotto and wife, Barbara Gotto, by deed found of record in the Register's Office for Davidson County, Tennessee.

IT IS FURTHER ORDERED by the Court that the cross defendant be and she is hereby enjoined from coming about the residence of the cross plaintiff located at 205 Theodore Road for the purposes of or from removing any personal property, furnishings, appliances or other items from said property.

IT IS FURTHER ORDERED by the Court that the costs of this cause be paid by the cross defendant for which amount the execution process of this court may issue, if necessary.

APPROVED BY ENTRY:

ORTALE, KELLEY, HERBERT & CRAWFORD

BY: _____
Solicitors for Cross Plaintiff

_____
JUDGE

Enter This 19 Day of APR

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of this Order has been placed in the United States mail to Mr. Jack Hicks, Solicitor of record for the cross defendant and a copy has been placed in the United States mail to the said cross defendant on this the 13TH day of April, 1973.

26015.

IDENTIFICATION REFERENCE

JUN 26 2 55 PM '91

John W. Keller

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* 4th *Circuit Court for Davidson County, Tennessee, on the* 19th *day of* April, *19* 73, *in Case Number* 65345 *between* Barbara Gotto *Plaintiff, and* Otis Edward Gotto *Defendant, as same remains of record in Book* 80C, *Page* 1275 *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* 26th *day of* June *in the year one thousand nine hundred and* Ninety-one *and in the* 215th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By [signature] *D.C.*

Form #GR-117