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IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

..IET WINIFRED BIRCH	)	BOOK 9617 PG 781
VS.	)	Docket No. 49100
ADOLPHO AUGUSTUS BIRCH, JR., et al	)	

FINAL DECREE

This cause was heard on the Fourth, Fifth, Eighth and Ninth days of January, 1968, before the Honorable Sam E. Boaz, Special Judge, upon the original bill for separate maintenance filed by the complainant, Janet Winifred Birch, the order pro confesso heretofore entered against the defendants, Charles K. Speller and Virginia Lee Speller, the answer of Adolphus Augustus Birch, Sr., the answer, supplemental answer and cross-bill as amended of Adolpho Augustus Birch, Jr., the answer to the cross-bill, the evidence, argument of counsel and the entire record. Thereupon the Court took the case under advisement and after due consideration filed its Memorandum Opinion which will be deemed and treated as a part of the technical record in this case and, in accordance with which the Court finds that the complainant's bill for separate maintenance should be dismissed and that the attachments and injunctions issued in this cause should be dissolved except as hereinafter provided. It further appears to the Court that the facts charged in the cross-bill are true; that is to say, that the complainant, Janet Winifred Birch, has been guilty of such cruel and inhuman treatment or conduct towards the defendant, Adolpho Augustus Birch, Jr., as renders cohabitation unsafe and improper. It further appears to the Court that the rights of the parties in regard to their property and their children should be adjusted as hereinafter provided in this decree.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the bill for separate maintenance filed by Janet Winifred Birch be, and it is hereby, dismissed and the injunctions and attachments issued thereon are dissolved and for nothing held.

It is further ordered, adjudged, and decreed by the Court that

the bonds of matrimony heretofore subsisting between Adolphus Birch, Jr. and Janet Winifred Birch be, and the same JAN, absolutely and forever dissolved and that the parties are hereby restored to all the rights and privileges of unmarried persons.

It is further ordered, adjudged, and decreed by the Court that the exclusive care and custody of the minor children of the parties, Andrea, age eight (8), Angela, age eight (8), and Adolpho Augustus, III, age one (1), be, and it is hereby, awarded to Janet Winifred Birch. Adolpho Augustus Birch, Jr. shall have the right to visit with the said children at reasonable times and places. It is further ordered by the Court that Adolpho Augustus Birch, Jr. pay to complainant for the support of said children of $225.00 on the first (1st) and fifteenth (15th) of each month until further order of the Court. Upon default in any of said payments, execution may issue. It is further orddred by the Cort that Janet Winifred Birch have and recover of Adolpho Augustus Birch, Jr, the sum of $225.00 temporary alimony and child support in arrears, for which execution may issue.

It is further ordered by the Court that all the right, title and interest of Adolpho Augustus Birch, Jr. in and to a certain tract of land, commonly known as 3715 Old Hydes Ferry Road, Nashville, Tennessee, be, and it is hereby, divested out of him and vested in Janet Winifred Birch. Said tract of land is more particularly described as follows:

> Land in the 13th Civil District of Davidson County, Tennessee, described according to a survey made by E. Davis, dated 5th of April, 1963, from Alfred C. Galloway and wife, said property being designated on said survey as "Survey of Lot No. 1," and being described as follows:
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> BEGINNING at a point in the westerly margin of Old Hydes Ferry Pike, said point being the northeast corner of R. Abernathy's Tract; running thence westwardly along the north line of said Abernathy's Tract 266 feet, more or less, to a point the southwest corner of Cornelius Mimms' Lot No. 2; thence easterly with said Mimms' south line 203.5 feet to a point in the westerly margin of said Old Hydes Ferry Pike; thence southerly along the westerly margin of said Pike 172 feet to the beginning.
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> Being the same property conveyed to Adolpho A. Birch and wife, Janet W. Birch, by deed dated the 5th of September, 1963, from Alfred C. Galloway and wife, of record in Book 3646, page 511, said Register's Office.

It is further ordered adjudged and decreed that all right, title and interest of Adolpho Augustus Birch, Jr., in and to the household furniture and equipment of the parties on the premises at 3715 Old Hydes Ferry Road, Nashville, Tennessee, and in and to the 1964 Thunderbird automobile of Janet Winifred Birch be, and it is hereby, divested out of him and vested in Janet Winifred Birch.

It is further ordered, adjudged, and decreed by the Court that any interest that Janet Winifred Birch may have in the 1966 Cadillac automobile of Adolpho Augustus Birch, Jr. be, and is hereby, divested out of her and vested in Adolpho Augustus Birch, Jr. Defendant shall be allowed to pick up all of his personal clothing, tools and equipment and all such effects shall be vested in the defendant and divested from the complainant.

It is further ordered, adjudged and decreed that the property located at 2119 Albion Street is beneficially owned by Rev. Adolphus Birch.

It is further ordered, adjudged, and decreed by the Court that Adolpho Augustus Birch, Jr. pay to Avon N. Williams, Jr., the sum of ONE THOUSAND ($1,000.00) DOLLARS for his services to Janet Winifred Birch as her solicitor in this cause, such payment shall be made within ninety days or execution may issue. The costs in this cause are taxed against Janet Winifred Birch and Adolpho Augustus Birch, Jr., equally.

APPROVED FOR ENTRY:

LOOBY & WILLIAMS

By _____ Attys. for Complt.

_____ Atty. for Defts.

ENTER, this 30th day of March, 1968.

_____
SAM E. BOAZ, SPECIAL JUDGE

CERTIFICATE

The undersigned certifies that carbon copy of the foregoing decree was mailed to David Vincent, Esquire, Stahlman Building, Nashville, Tennessee 37201, this the 30th day of March, 1968.

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STATE OF TENNESSEE BOOK 9617 PG 784

I, **RICHARD R. 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 0 Circuit Court for Davidson County, Tennessee, on the 09 day of APRIL , 19 68 , in the Case Number 49100 between BIRCH, JANET WINIFRED Plaintiff, and BIRCH, ADOLPHO A Defendant, as same remains of record in Book T057 , Page 0409 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 06 day of MARCH in the year one thousand nine hundred and ninety-five and in the 219th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

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IDENTIF. & REFERENCE

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REGISTER
DAVIDSON COUNTY, TN.

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