11-5-73
13A/259

IN THE SIXTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

ANNIE PEARL DRIVER	)	
	)	
VS.	)	NO. 69916
	)	
CLEOPHUS DRIVER	)	

BOOK 9924 PG 855

This cause came on to be heard the 1st day of November 1973 and a former day of the Term before the Honorable James M. Swiggart, Circuit Judge, upon the entire record and the evidence introduced by the parties in open court, from all of which the Court is satisfied that the allegations of plaintiff's petition for divorce are sustained by the proof, that is, to-wit:

That the defendant is guilty of such cruel and inhuman treatment or conduct towards her as renders it unsafe and improper for her to cohabit with him or to be under his dominion and control. The Court also finds from the proof that the plaintiff should be awarded alimony and an equitable division of the property of the parties as hereinafter provided.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the bonds of matrimony heretofore subsisting between the plaintiff, Annie Pearl Driver and the defendant, Cleophus Driver, be and the same are hereby forever and perpetually dissolved and for nothing held and that plaintiff be and she is hereby awarded an absolute divorce from said defendant and is restored to all the rights and privileges of an unmarried person.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as alimony and as equitable division of the property of the parties to the plaintiff, all right, title and interest of the defendant, Cleophus Driver, in and to the following described real estate located at 1626 Emerald Drive, Nashville, Tennessee:

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016-00

Land in the 13th Civil District of Davidson County, Tennessee, being part of Tract No. 1 and part of Lot No. 3 of the Subdivision of the M.W.Brown Farm, not of record, described according to a survey made by Hickerson and Miller, Engineers-Surveyors, August 25, 1958, as follows:

RECORDERS MEMO
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Beginning at a point on the southeasterly margin of Emerald Drive at the most westerly corner of the property conveyed to James Leroy Hayden and wife, by deed from James Utley and wife, as of record in Book 2878, page 255, Register's Office for said County; thence with said Hayden's southwesterly line south 44° 10' east 69.2 feet to a corner post, being the northeast corner of said Tract No. 1; thence with the easterly line of said Tract No. 1, south 7° west 135 feet to an iron pin, being the northeast corner of the second tract of land conveyed to Sam J. Chandler, Jr., and wife, by deed from Sam J. Chandler, III and wife, as of record in Book 2645, Page 156, said Register's Office; thence with said Chandler's northeasterly line north 46° 15' west 147 feet to a concrete monument in the southeasterl margin of said Drive; thence with the same north 43° 45' east 112 feet to the beginning.

Being the same property conveyed to Cleophus Driver and wife, Ann P. Driver, by deed from James Utley and wife, Frances Utley, dated November 16, 1959, filed November 17, 1959, and recorded in Book 2994, Page 71, said Register's Office;

together with all household furniture and equipment of the parties located in said homeplace, be and the same is hereby divested out of said defendant, Cleophus Driver, and isvested in the plaintiff, Annie Pearl Driver, in fee simple. Plaintiff will pay and be responsible for the monthly payments on the first mortgage encumbering said real estate to Fidelity Federal Savings and Loan Association of Nashville, and the defendant will pay and be responsible for all payments on the second mortgage encumbering said real estate to Citizens Savings Bank and Trust Company of Nashville, and the defendant will indemnify the plaintiff from any liability on said second mortgage and prevent same from being foreclosed including the refinancing of any balloon note thereon with such indemnity to plaitiff

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a one-half interest in the two unimproved lots located on 40th Avenue, North and described as follows:

Land in Davidson County, State of Tennessee, TRACT NO. 1. BEING part of Lot No. 2 on the Subdivision of lot No. 27, etc., of the Clifton Plan, as of record in Book 161, Page 68, Register's Office for said County, described according to a survey made by Stephen A. Draper, Surveyor, June 30, 1953, as follows:

BEGINNING at the intersection of the center lines of Albion, formerly Walker Street, and 40th Avenue North, formerly Clifton Street, thence with the center of Albion Street, westwardly 164 feet, more or less, to the corner of lots Nos. 2 and 3; thence with the line between said two lots, south 14 deg. 17' west 109.8 feet to the northwest corner of the property conveyed to Jake Stein and wife, by deed from Julia Armstrong Burton Harris, of record in Book 2152, Page 154, said Register's Office; thence with the northerly line of said Stein property, North 61 deg. 16' East 155.8 feet to the westerly margin of 40th Avenue, North, the northeast corner of said Stein property, continuing in the same direction 33 feet, in all 188.8 feet in the center of 40th Avenue, North; thence with the center of said Avenue, northwestwardly 57 feet to the beginning.

TRACT NO. 2.
BEING part of Lot No. 2 on the Subdivision of lot No. 27, etc. of the Clifton Plan, as of record in Book 161, Page 68, Register's Office for said County, described according to a survey made by Stephen A. Draper, Surveyor, June 30, 1953, as follows:

RECORDER'S MEMO
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BEGINNING on the westerly margin of 40th Avenue North, formerly Clifton Avenue, at a point 46 feet south of the Southwest corner of said Avenue and Albion Street; thence south 61 deg. 16' west 155.8 feet; thence south 14 deg. 17' west 135.2 feet; thence north 61 deg. 16' east 45 feet; thence north 30 deg. 15' east 50 feet; thence north 61 deg. 16' east 150 feet to the westerly margin of 40th Avenue North; thence with said Avenue northwardly 80 feet to the beginning.

Both Tracts 1 and 2 are the same properties conveyed to Cleophus Driver, Sr. Trustee, etc. by deed from Robert E. Henry and wife, Katherine Henry, of record in Book 4407, Page 760, Register's Office for said County.

presently standing in the name of the defendant as trustee, be and the same is hereby divested out of the defendant, he having admitted in open court that he was holding said property for his sole benefit, and is vested in the plaintiff, in fee simple so that said real estate shall be and is now owned by the plaintiff and the defendant in fee simple as tenants in common. If it should become necessary for the plaintiff to make payments upon the mortgage presently encumbering said unimproved lots said payments will be charged against the property as a 100% credit to the plaintiff against the equity of defendant, who is hereby charged with full payment of said mortgage.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant will retain his sole title to the business known as Driver's Beauty and Barber Supply Corporation located at 1037 Jefferson Street, Nashville, Tennessee, the 1965 International Van Truck and the 1964 Pontiac automobile owned by him and will also retain his sole title to the one-fourth interest owned by him in the following described real estate:

A tract of land in the 13th, formerly the 23rd, Civil District of Davidson County, Tennessee, described according to a survey made by Blanchard and Parrish, Engineers, February 27, 1939, as follows:

Beginning at a stake on the easterly margin of the New Hamilton Road; thence south 2 deg. 55' west 108.3 feet to a stake at post; thence north 68 deg. 05' east 960.5 feet to a stake and rock pile, hackberry pointers; thence north 22 deg. 30' west 526 feet to a stake and rock pile; thence north 88 deg. 45' west 363 feet to a stake at post in the easterly margin of the New Hamilton Road; thence with said road, south 23 deg. 25' west 812 feet to the beginning, containing 9.74 acres, more or less.

Being the same real property conveyed to Novella Bass, N. S. Holiday, Sr., Cleophus Driver, Sr. and James A. Smith by deed from George Alfred Gaddis, and wife, Eva Gaddis, of record in Book 3929, Page 390, Register's Office for said County.

The plaintiff will retain her sole title to 1967 Oldsmobile automobile owned by her.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, in addition to the Three Hundred and Fifty Dollars ($350.00) which the plaintiff has already paid her counsel, Avon N. Williams, Jr., the defendant will pay her said counsel the sum of Two Hundred Dollars ($200.00) as his contribution upon the attorney fee for her representation in this case, and for which execution may issue. All costs of the cause are taxed against the defendant.

BOOK 9924 PG 858

FOR ENTRY:

AVON N. WILLIAMS, JR.
Attorney for Plaintiff

JOE P. BINKLEY, SR.
Attorney for Defendant

Enter This 5th Day of Nov. 1973

James M. Beasley
CIRCUIT JUDGE

C E R T I F I C A T E

The undersigned certifies that photocopy of the foregoing Decree was mailed to Joe P. Binkley, Sr., Esquire, 1601 Parkway Towers, Nashville, Tennessee 37219, this the 5th day of November 1973.

STATE OF TENNESSEE
DAVIDSON COUNTY
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY AS APPEARS OF RECORD
11/23 9101 OLCASH
20.00

BOOK 9924 PG 859

STATE OF TENNESSEE

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* Final Decree _____ *heretofore filed in the* Sixth *Circuit Court for Davidson County, Tennessee, on the* 5th *day of* November, *1973, in Case Number* 69916 *between* Annie Pearl Driver, *Plaintiff, and* Cleophus Driver, *Defendant.*

IN TESTIMONY WHEREOF, *I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the* 23rd *day of* January *in the year one thousand nine hundred and* Ninety-six *and in the* 220th *year of American Independence.*

RICHARD R. ROOKER, *Clerk,*

By D. Claxton, *D.C.*

011,3223

IDENTIFICATION REFERENCE

PICK-UP
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FELIX Z. [illegible]
DAVIDSON COUNTY, TN.