IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
1998 SEP 28 PM 3:46
RICHARD R. ROOKER, CLERK

MARY EZELL SUMMERS

PLAINTIFF

V

LEONARD EUGENE SUMMERS

DEFENDANT

NO. 97D-1934

FINAL DECREE OF DIVORCE

This cause came to be heard on the 20th day of July 1998, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court, for final hearing on the Complaint for Absolute Divorce filed by the Plaintiff, Mary Ezell Summers, against the Defendant, Leonard Eugene Summers, and the Answer and Counter-Complaint filed by the Defendant against the Plaintiff; and from the sworn statements of the parties in open court, statements of counsel for the respective parties and announcement by counsel of the terms of the agreement of the parties as to the disposition of the assets and liabilities of the marriage and from the entire record as a whole, the court finds as follows:

1. Pursuant to TCA, Section 36-4-129, both parties ~~are~~ have grounds for ~~entitled to~~ an Absolute Divorce, one from the other, the parties are accordingly declared to be ~~divor~~ divorced and are restored to all the rights and privileges of unmarried persons.

2. All of Defendants right, title and interest in and into the marital residence located at 248 Cedarcreek Drive, Nashville, Davidson County, Tennessee, 37211, shall be divested out of Defendant and vested solely in Plaintiff. Said real property is more particularly described as follows:

Land in Davidson County, Tennessee, being Lot No. 82 on the Plan of Cedarwood Estates, Section 2, as of record in Book 4860, page 58, Register's Office for said county, to which plan reference is hereby made for a more complete an accurate legal description.

Being the same property conveyed to Leonard E. Summers and Wife, Mary E. Summers, by deed from Kerry A. Marx and Wife, Katherine Marx, of record in Book 7830, page 330, Register's Office for Davidson County, Tennessee.

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DAVIDSON COUNTY, TN.

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IDENTIF. # REFERENCE

3. In consideration of this transfer, commencing with the August 1, 1998 payments, Plaintiff shall be solely responsible for and hold Defendant harmless on the mortgage payments to the first and second mortgage creditors holding loans secured by the foregoing real property. Plaintiff shall re-finance the indebtedness secured by the foregoing real property, solely in her own name, within ninety (90) days of July 20, 1998, and if Plaintiff fails to do so, the foregoing real property shall be sold and the net sale proceeds paid solely to Plaintiff.

4. All of Defendants right, title and interest in and to the 1992 Ford Probe automobile, which is titled in the name of Plaintiff and is unencumbered, shall be divested out of him and vested solely in Plaintiff.

5. All of Plaintiffs right, title and interest in and to the 1994 Ford Mustang automobile which is titled in the name of Defendant and is encumbered by a lien to SunTrust Bank, in the approximate amount of $5,000.00 shall be divested out of Plaintiff and vested solely in Defendant. Defendant shall be solely responsible for, and hold Plaintiff harmless on the indebtedness owed on said vehicle. In the event Plaintiff shall be compelled to make payment on such indebtedness, she shall be entitled to take judgement against Defendant in such amount, including reasonable attorney fees and court costs.

6. Defendant shall have as his sole and separate property, free and clear of all claims of Plaintiff, the following described items of personal property presently located at the marital residence at 248 Cedarcreek Drive, Nashville, Davidson County, Tennessee 37211:

a. Master Bedroom Suite

b. Living room suite

c. One-half of dishes and pots and pans.

d. Riding lawn mower

e. Tools

f. Safe and contents thereof.

g. Knife collection

h. Two (2) televisions, one in the den and one in the

garage.

i. Stereo in den

j. One-half of the pictures in the den and living room.

k. Living room curio cabinet

l. All of Defendants clothing, papers and personal effects.

7. Plaintiff shall have has her sole and separate property, free and clear of all claims of Defendant, all items of furniture, furnishings, and personal possessions located at the marital residence not specifically not enumerated above.

8. All right, title and interest Plaintiff may have acquired in the pension of Defendant during the course of the marriage shall be divested out of her and vested solely in Defendant.

9. Any right, title and interest Defendant may have acquired in the pension of Plaintiff during the course of the marriage shall be divested out of him and vested solely in Plaintiff.

10. In order to equalize the cash accounts held by the parties at the time of the filing of the Complaint for absolute divorce, Defendant shall pay to Plaintiff the sum of $6,750.00 payable in one installments, one of $3,750.00 due and payable July 20, 1998 and the installment of $3,000.00 due and payable on or before thirty (30) days thereafter.

11. As rehabilitative periodic alimony, Defendant shall pay directly to Plaintiff the sum of $250.00 per month for thirty-six (36) months, commencing August 1, 1998, with a like amount due and payable on the first day of each of the succeeding thirty-five (35) months thereafter.

12. Each party shall be solely responsible for and hold the other harmless on those indebtedness in the name of the respective party or incurred by the party on any account joint after the date of the filing of the Complaint for Absolute Divorce. If either party shall be compelled to pay any such indebtedness of the other, that party shall be entitled to take judgement in such amount against the other party, including attorneys fees and costs.

13. Costs of this cause shall be taxed to Defendant, for which execution may issue if necessary.

IT IS SO ORDERED, ADJUDGED AND DECREED.

ENTERED this 28th day of September 1998.

HONORABLE MURIEL ROBINSON
JUDGE OF THE FOURTH CIRCUIT COURT

APPROVED FOR ENTRY:

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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 Order heretofore entered in the FOURTH Circuit Court for Davidson County, Tennessee, on the 28 day of SEPTEMBER , 19 98 , in the Case Number 97D1934 between SUMMERS, MARY EZELL Plaintiff, and SUMMERS, LEONARD EUGENE Defendant, as same remains of record in Vol. 308 , Page 56577 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 09 day of NOVEMBER in the year one thousand nine hundred and ninety-eight and in the 223rd year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

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