New Owner: Weltha Jane Curtis
630 Delaware Ave.
Madison, Tenn 37115

Send tax bills to Mortgage Investment Corp
7159 Corkscrew Blvd
Jacksonville, Fla 32258

Map 943-09-0 Par 130

acct # 00004331

1995 APR 19 PM 3:51

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

GARY LEROY CURTIS]
]
Plaintiff,]
]
VS.] No. 93D-2870
]
WELTHA JANE (WILLIAMS) CURTIS]
]
Defendant.

Davidson County DEEDDIV
Recvd: 07/27/01 11:26 10pgs
Fees:52.00 Taxes:0.00
20010727-0079895

FINAL DECREE

This cause came on to be heard on the 15th day of March, 1995, before the Honorable Muriel Robinson, Judge, and upon all of the pleadings heretofore filed in the case. Following the testimony of the husband, and his corroborating witnesses, counsel for the wife made a motion to the effect that the original complaint be dismissed on the ground that the husband had failed to offer any proof to the effect that the wife had been guilty of any conduct that would constitute inappropriate marital conduct, and/or cruel and inhuman treatment, and/or that would afford husband grounds for divorce. The Court was of the opinion that the motion was well taken and should be granted. It is therefore **ORDERED, ADJUDGED and DECREED** that the original complaint of the husband, Gary LeRoy Curtis, is dismissed.

The case was then continued before the Court upon the counter-complaint of the wife, Weltha Jane Curtis. Following the testimony of the wife, her corroborating witnesses, and considering the testimony previously offered by the husband, the Court is of the opinion that the wife successfully proved the allegations made in her counter-complaint to the effect that the husband has been guilty of inappropriate marital conduct. It is therefore **ORDERED, ADJUDGED and DECREED,** that the counter-complainant wife, Weltha Jane Williams Curtis, is awarded an absolute divorce from the counter-defendant, Gary LeRoy Curtis, upon the ground of inappropriate marital conduct and is restored to all rights and privileges of an unmarried person. The bonds of matrimony heretofore existing between the parties

are forever and perpetually dissolved.

The Court then considered the question of the length of the marriage of the parties and as to whether or not the parties had entered into a common law marriage relationship that would be recognized as a valid marriage within the State of Tennessee, prior to the time that the parties were married in a civil service in Las Vegas, Nevada in 1981. After considering briefs filed by counsel of the parties, and the evidence presented to the Court, and the testimony of the husband, Mr. Curtis, the Court finds that the parties did in fact enter into a common law marriage relationship in 1969, and that said marriage relationship should be recognized as a valid marriage within the State of Tennessee. This conclusion of the Court is based upon the testimony of Mr. Curtis, himself, to the effect that he and his wife had cohabitated together as husband and wife on a continuous basis since 1969, and that they had traveled throughout various states within the country that recognized common law marriages and cohabitated and held themselves out therein to be husband and wife. The testimony further revealed that the parties have acquired property as husband and wife, have filed joint income tax returns as husband and wife, have voter registration as husband and wife, have had a child on whose birth certificate the parties identified themselves as being husband and wife, and that the parties continuously represented themselves to their friends, to their acquaintances and to the public in general as being husband and wife. The Court further finds that the parties considred themselves as husband and wife. This relationship was solemnized by a marriage between the parties in Las Vegas, Nevada in 1981 which, in effect, makes the reconition of the common law marriage prior thereto somewhat of a moot issue. The Court specifically finds that the husband is 53 years of age and is in good health and owns his own business, and in addition, has a golf course enterprise. The Court finds that the husband has been a successful business man, and that he has been the owner of an electrical corporation that has generated a substantial income. The Court further finds that the wife, Mrs.

Curtis, is not in good health, that it is admitted that she has heart problems, and that in addition thereto, she has a broken pelvic bone, which requires that she be on crutches and that she is unable to work at the present time. The Court finds that the wife will never be able to earn an income commensurate with that earned by the husband, and the Court makes a threshold finding to the effect that the wife has a need for long term alimony, and that the husband has the ability to pay alimony. It is therefore **ORDERED, ADJUDGED and DECREED** that as alimony in futuro, the husband shall pay to the wife monthly alimony in the amount of Eleven Hundred and Seventy-Six Dollars and Sixty-Four Cents ($1,176.64), plus the clerk's commission of Fifty-Eight Dollars and 83/100 ($58.83). Said payments will be made to the office of the Circuit Court Clerk of Davidson County, Tennessee, on or before the 5th day of each month, and shall continue until the death or remarriage of the wife.

It is further **ORDERED, ADJUDGED and DECREED** that each party shall retain all personal property in their respective possessions, including motor vehicles, household goods and effects, monetary assets or all other personal assets free and clear from any further claim by the nonpossessing party. At all times necessary each party will execute any documents to effectuate this order.

As an equitable division of the marital estate of the parties, it is further **ORDERED, ADJUDGED and DECREED** as follows:

1. All of husband's right, title and interest to the homeplace property of the parties now occupied by the wife and located at 630 Delaware Avenue in Nashville, Tennessee, and lots adjoining thereto, is divested out of husband and is awarded to wife free and clear from any further claim of any nature whatsoever by the husband. Said property is more particularly described as follows:

> Being Lots Nos. 8 to 13 both inclusive of Block F on the Map of Woodlawn Estates, of record in Book 843, page 82, Register's Office for said County.
>
> Said Lots adjoin and front together 150 feet on the east side of Delaware Avenue and extend back between lines, 267.7 feet more or

> less on the north line of Lot No. 8 and 252.7 feet more or less on the south line of Lot No. 13 to a dead line in the rear on which they measure 150 feet.
>
> Being the same property conveyed to Gary L. Curtis, and wife, Jane W. Curtis, by deed of record from Grace Jane Hardin, a widow, of record in Book 5292, page 21, Register's Office of Davidson County, Tennessee.

The wife shall assume the responsibility for the payment of the first mortgage indebtedness now existing against said property in the approximate amount of Eighteen Thousand Dollars and 00/100 ($18,000.00), and shall hold husband harmless from any further responsibility therefor. There is a second mortgage existing against said property in favor of Southern Financial, Inc., and/or a lien in favor of said Southern Financial, Inc. in the approximate amount of Twenty-Seven Thousand Dollars and 00/100 ($27,000.00), and being account number 40007-7. This loan was made for the purpose of repaying income taxes, penalty and interest, assessed against the parties as the result of the electrical business of the husband. This mortgage indebtedness, or lien indebtedness, is payable to Southern Financial, Inc. in the amount of approximately Four Hundred Thirty-Four Dollars and 00/100 ($434.00) per month. It shall be the responsibility of the husband to pay the entire amount of this indebtedness and to hold wife harmless from any responsibility therefor. It shall be the further responsibility of the husband to take all steps as may be necessary to assure the payments of the indebtedness are made on a timely basis, and that the wife's ownership or possession of her homeplace on Delaware Avenue shall not be jeopardized. It is the specific finding of the court that the payment of this obligation in its entirety by the husband is in the nature of a support obligation owed by the husband to the wife. It is the finding of the Court that it is absolutely necessary for the future support and maintenance of the wife that she be able to occupy and enjoy the use of her Delaware Avenue homeplace without the same being jeopardized in any way by this obligation imposed upon the husband. It is the further order of the Court that this support

obligation as to the second mortgage or lien on the Delaware property is not an obligation from which the husband may seek discharge or any other form of relief under any provision of the United States Bankruptcy Code. In the event that the husband should seek any relief under any provision of the United States Code, or otherwise, that causes wife's ownership or possession of her Delaware Avenue property to be jeopardized in any way, then and in that event, the wife may reapply to this Court by motion for further relief and the Court specifically reserves this question for further consideration by the Court if necessary.

All of husband's right, title and interest in and to property located at 1500 Ward Avenue in Nashville, Tennessee, if any, and previously inherited by the wife is divested out of husband and awarded to wife free and clear from any further claim thereon by husband. Said property is more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot Number 5 on the Map of H. W. Ward's Subdivision of part of Brownsville, as of record in Book 974, page 4, as amended, by Plan of record in Book 974, page 24, Register's Office for Davidson County, Tennessee. Said Lot No. 5 fronts 60 feet, more or less, on the southerly side of Ward Avenue, and runs back between parallel lines, along the easterly margin of Little Avenue 153 feet to a dead line.
>
> Being the same property conveyed to Jane W. Curtis by Quitclaim Deed from Jane W. Curtis, Betty Jean Newman and Martha C. Wherry, Trustee, of record in Book 7777, page 400, Register's Office for Davidson County.
>
> This is the same property referred to conveyance between Jane W. Curtis, and husband, Gary Curtis, through Melvin Smalley, and wife, Mary Ann Smalley, by deed of record in Book 8063, page 281, Register's Office for Davidson County, Tennessee.

Wife shall be responsible for the payment of any and all indebtedness that may exist against said property of any nature whatsoever and shall hold husband harmless from any further responsibility therefor.

The parties own three lots in Riverside Estates on Chapmansboro Road in Cheatham County, Tennessee. These are described as Lots Nos. 4, 5 and 6. Lots 4 and 5 are awarded to

the wife, and lot 6 is awarded to the husband. The lots are awarded to each respective party free and clear from any further claim by the opposite party. Each party shall be responsible for the payment of any and all indebtednesses of any nature whatsoever that may exist against either of the lots awarded to that respective party and shall hold the opposite party harmless from any further claim of any nature whatsoever against said property. The lots awarded to the wife are more particularly described as follows:

> Being Lots Nos. 4 and 5 of the Riverside Estates Subdivision, Section I, as shown on Plat of record in Plat Book 1, Page 81, Register's Office for Cheatham County, Tennessee;
>
> Beginning at a point in the northeasterly margin of Old Highway No. 12, the common corner of Lots Nos. 3 and 4; thence leaving said highway, along the common line of said Lots Nos. 3 and 4, N. 21° 45' E. 453 feet to a point in a new barbed wire fence, the common rear corner of Lots Nos. 3 and 4; thence with said fence, S. 51° 30' E. 200 feet to a point, the common rear corner of Lots Nos. 5 and 6; thence along the common line of said lots, S. 21° 45' W. 444 feet to a point in the northeasterly margin of said Old Highway No. 12; thence along said margin, N. 55° 30' W. 200 feet to the beginning.
>
> Being the same property conveyed by Melvin Smalley, and Martha C. Wherry, Trustee, to Jane W. Curtis, individually, by deed of record in Book 302, page 71, Register's Office for Cheatham County, Tennessee, said conveyance having taken place on or about November 30, 1990.

Lot No 6, which is to become the sole and exclusive property of the husband and free and clear from any further claim by wife is more particular described as follows:

> Land in the First District of Cheatham County, Tennessee, described as follows:
>
> Being Lot No. 6 of Riverside Estates Subdivision, Section I, as shown on Plat of record in Plat Book 1, page 81, Register's Office for Cheatham County, Tennessee, more particularly described as follows:
>
> Beginning at a point in the northeasterly margin of Old Highway 12, the common corner of Lots Nos. 5 and 6; thence leaving said highway, along the common line of this lot and said Lot No. 5, N. 21° 45' East 444 feet to a point in new barbed wire fence; thence leaving said Lot No. 5, S. 51° 30' E. 100 feet to a point, the common rear corner of Lots Nos. 6 and 7; thence along said common

line, S. 21° 45' W. 430.5 feet to a point in the northeasterly margin of Old Highway No. 12; thence along said margin, N. 55° 30' W. 100 feet to the point of beginning.

Included in this conveyance is a well which is located on or near the easterly line of Lot No. 5, which well is the exclusive property of the owners of the lot hereinabove described.

Being the same property conveyed by Melvin Smalley to Martha C. Wherry, Trustee, and then by Martha C. Wherry, Trustee, to Jane W. Curtis, individually, by deed of Record in Book 302, page 69, Register's Office for Cheatham County, Tennessee.

Husband shall assume the responsibility for the payment of any and all indebtnesses as might exist against said property above described of any nature whatsoever and shall hold wife harmless from any further responsibility therefor.

All of wife's right, title, and interest in and to approximately ten acres of land located in Cheatham County, Tennessee, and now owned by the parties as tenants by the entirety is divested out of wife and said property shall become the sole and exclusive property of the husband subject to any and all indebtednesses that may exist against said property. Said property is more particularly described as follows:

Land located in the 1st Civil District fronting on the Sandy Run Road in Cheatham County, Tennessee.

Beginning at a point being the common corners of Bud Noe's NE corner and the NW corner of the original Dallas tract in the southerly line of the Sam Newman property thence running S. 83 deg. 40 min. E. 12 ft. to a point; thence 18 deg. 50 min. W. 1530 ft. to a point across the Sandy Run Road in the center of Sandy Run Creek, thence with the meanders of said creek S. 50 deg. 35 min. W. 130 ft. to a point in the center of said creek; thence S. 6 deg. 0 min. W. 171 ft. to a point in the center of said creek; thence S. 29 deg. 30 min. W. 168 ft. to a point in the center of said creek; thence leaving said creek and crossing Sandy Run Road N. 10 deg. 12 min. W. 245 ft. to a point; thence N. 30 deg. 45 min. W. 110 ft. to a point; thence N. 45 deg. 10 min. W. 200 ft. to a point; thence N. 34 deg. 50 min. W. 250 ft. to a point; thence N. 3 deg. 40 min. E. 1170 ft. to the point of beginning and containing 10.5 acres more or less. Being Tract #4 on a plat dated February 23, 1972, by Cummings and Cummings, Registered Land Surveyors.

Being the same property conveyed to Gary L. Curtis, and wife, Jane W. Curtis, by deed

from grantors, Edwin R. Brown, Jr., and wife, Diane Brown; Kenneth L. Brown, a single man; Steven T. Brown, and wife, Teresa Brown; and Johnny M. Brown, and wife, Norissa Brown, in of record in Book 302, page 73, Register's Office for Cheatham County, Tennessee.

Husband shall hold wife harmless from any claims of any nature whatsoever for any indebtedness that may exist against the said above described property. A lien is imposed against this property and against Lot No 6 as above awarded husband, and as is hereinafter set out in this decree.

The husband, Mr. Curtis, is awarded all of the stock and assets in his electrical business known as Star Electrical Company, or any and all other business interest of the husband all free and clear from any further claim by the wife, Mrs. Curtis. Husband shall hold wife harmless from any further responsibility or from any debt or obligation of any nature whatsoever that may exist against said business.

Husband owns a business interest in property known as Gary's Golf Course located in Cheatham County, Tennessee, and that business interest shall hereinafter become the sole and exclusive property of husband free and clear from any further claim of any nature whatsoever by wife.

As additional alimony to wife, husband shall pay to Jack Norman, Jr., attorney for wife as his reasonable fee for services rendered to wife in this case the total sum of $ 7945.00. To assure the total satisfaction of this obligation by husband, a lien is expressly imposed in favor of Jack Norman, Jr., Attorney in the amount of $7,945.00, and against all real properties awarded to husband by the terms and conditions of this decree. This includes Lot 6. of the Riverside Estates as previously described in this decree, and the approximate ten acres of land located in Cheatham County, Tennessee, as previously described in this decree. Said lien shall continue in full force and effect in favor of Jack Norman, Jr., and against the property herein set out until said attorney fee obligation is paid in full.

The costs of this case are assessed against Mr. Curtis,

for which execution may issue, if necessary.

Enter This 19th day of April, 1995.

MURIEL ROBINSON, JUDGE

APPROVED FOR ENTRY:

JACK NORMAN, JR.
Attorney for Defendant/Wife
213 Third Avenue, North
Nashville, Tennessee 37201
(615) 254-0656
Reg. 2702

CERTIFICATE OF SERVICE

I hereby certify that a copy of this final decree has been mailed to the office of Mr. Thomas Edward Nelson, Attorney for Mr. Curtis, 901 Stahlman Building, 211 Union Street, Nashville, Tennessee 37201, on this the 7th day of APRIL, 1995.

JACK NORMAN, JR. Attorney

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 19 day of APRIL , 1995 , in the Case Number 93D2870 between CURTIS, GARY LEROY ET.AL Plaintiff, and CURTIS, JANE WELTHA WILLIAMS Defendant, as same remains of record in Vol. 242C , Page 1974 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 27 day of JULY in the year two thousand one and in the 225th year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By B. Rawls
Deputy Clerk