5/21/81

IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

JAMES W. PICKLE, Plaintiff,	)	
vs.	)	No. 80D-1125
CHARLOTTE C. PICKLE, Defendant.	)	

Davidson County ORDER
Recvd: 10/19/01 10:18 11pg
Fees:57.00 Taxes:0.00
20011019-0114183

ORDER

This cause came on to be heard this 21st day of May, 1981, before the Honorable Stephen North, Judge of the Fifth Circuit Court for Davidson County, Tennessee, upon the Complaint heretofor filed by plaintiff, James W. Pickle, personal service of process on the defendant, Charlotte C. Pickle, and the entire record herein, the court was of the opinion that the allegations contained in the original Complaint had been sustained, that is, that the marriage of the parties suffers from irreconcilable differences.

It is, therefore, ORDERED by the court that the plaintiff be and is hereby granted an absolute divorce from the defendant and is restored to all the rights and privileges of an unmarried person.

It is further ORDERED by the court that the Agreement entered into by the parties be incorporated into this Order, the court having found said Agreement reasonable in all respects. Said Agreement reads in words and figures as follows:

PROPERTY SETTLEMENT AGREEMENT

THIS AGREEMENT between JAMES W. PICKLE, hereinafter referred to as husband, and CHARLOTTE C. PICKLE, hereinafter

referred to as wife, witness that:

WHEREAS, as a result of unfortunate differences between the parties, they have separated and are now living apart from each other, and

WHEREAS, husband has instituted a domestic proceeding in the Fifth Circuit Court for Davidson County, Tennessee, and the parties have no expectation of resuming their marital relationship, and

WHEREAS, the parties desire to define their obligations with respect to each other, and their property rights with respect to the various properties now owned by them jointly and individually, and to record their agreement.

NOW, THEREFORE, in consideration of the execution by each of the parties of this agreement, and the mutual covenants and conditions contained therein, the parties agree as follows:

1. Both parties agree that all of the household furniture and furnishings presently in the possession of each respective party shall be and become the sole property of the party in possession, with no further claim thereto by the other party. Further, the parties agree that the 1979 BMW automobile shall become the sole property of wife, with no further claim thereto by husband, and the 1972 Mercury automobile, and all other trucks and vehicles presently owned by husband shall become the sole property of husband, with no further claim thereto by wife.

2. Husband agrees to pay wife as alimony the sum of Eight Hundred Dollars ($800) per month for twenty (20) years, such payments to cease if wife dies or remarries. Husband agrees, and hereby binds his estate and personal representatives, that husband's obligation to pay alimony hereunder shall survive his death, and further agrees that upon his death any remaining alimony not paid shall be accelerated and paid to wife in a lump sum.

3. Husband hereby transfers and conveys all of his interest to wife, Charlotte C. Pickle, her heirs and assigns, in certain real property described as follows:

> LAND in the 7th formerly the 11th Civil District of Davidson County, Tennessee, being parts of Lots 12 and 13 on the plan of Carter and King Lands, as of record in Book 57, page 99, Register's Office for said county, being Lot No. 19 of Block "A" on the unrecorded subdivision of Tyne Meade, Section 2, described according to a survey made by Z. J. Wilkinson, Surveyor, as follows:
>
> BEGINNING on the easterly margin of Lynwood Boulevard at the southwest corner of the property conveyed to Robin L. Beard and wife, by deed from Goodloe S. Chaffin and wife of record in Book 1760, page 99, said Register's Office being the corner of Lots Nos. 18 and 19 on the unrecorded plan; thence with the line between said two lots eastwardly 250 feet; thence

southwardly 100 feet to the corner of Lots Nos. 19 and 20; thence with the line between said two lots, westwardly 250 feet to the easterly margin of Lynwood Boulevard; thence with said Boulevard, northwestwardly 100 feet to the beginning.

BEING the same property conveyed to James W. Pickle and wife, Charlotte Pickle, by deed from Mark S. Whitty and wife, Pat M. Whitty, of record in Book 5596, page 281, Register's Office for Davidson County, Tennessee.

Husband further agrees to pay the balance owing on the note to Mark S. Whitty and wife, Pat M. Whitty, in the original amount of Fifty-Four Thousand Dollars ($54,000), said note being secured by a Deed of Trust of record in Book 5596, page 284, and to hold wife harmless therefrom.

4. Wife hereby transfers and conveys all of her interest to husband, James W. Pickle, his heirs and assigns, in certain real property described as follows:

(a) TRACT ONE: LAND in Davidson County, Tennessee, being Lots Nos. 94, 164, and 165, on the plan of Forrest View Park, Section 1, of record in Book 3700, pages 109 and 110, said Register's Office, to which plan reference is made for a more complete description.

TRACT TWO: LAND in Davidson County, Tennessee, being Lots Nos. 308, 354, 355, and 357, on the plan of Forrest View Park, Section 2, of record in Book 3842, page 238, said Register's Office, to which plan reference is made for a more complete description.

TRACT THREE: LAND in Davidson County, Tennessee, being Lots Nos. 1 and 2 on the resubdivision of Lot No. 2 of Block "A" on the map of Tim H. Moore's Subdivision of parts of Lots Nos. 2, 3, 4, and 5, A. W. Johnson and G. P. Smith's property, of record in Book 4470, page 71, said Register's Office, to which plan reference is made for a more complete description.

TRACT FOUR: LAND in Davidson County, Tennessee, being Lots Nos. 1 and 2, Block 13, plan of H. J. Yarbrough's Subdivision of Woodland, of record in Book 161, page 87, said Register's Office, to which plan reference is made for a more complete description.

TRACT FIVE: LAND in Davidson County, Tennessee, being Lots Nos. 728 and 751, on the plan of Edge-O-Lake Estates, Section 17, of record in Book 4460, page 44, said Register's Office, to which plan reference is made for a more complete description.

BEING the same property conveyed to James W.

Pickle and wife, Charlotte C. Pickle, from Home Federal Savings and Loan Association of Nashville, of record in Book 4989, page 559, Register's Office for Davidson County, Tennessee.

(b) BEING Lot No. 38 on the plan of the Highlands, as of record in Book 2663, page 127, Register's Office for Davidson County, Tennessee.

BEGINNING at a point in the easterly margin of Ermac Drive, said point being the southwest corner of Lot No. 38; thence along the westerly margin of Ermac Drive in a northerly direction, a distance of 165.17 feet to a point; thence in an arc in an easterly direction a distance of 39.27 feet to a point in the southerly margin of an unnamed road; thence along the southerly margin of said unnamed road in an easterly direction 103.54 feet to a point; thence south 2°47' west a distance of 171.3 feet to a point; thence along the common line between Lots 37 and 38 in a westerly direction a distance of 127.0 feet to the beginning.

BEING the same property conveyed to James W. Pickle, et ux, from Donald J. Stover and wife, Mary W. Stover, of record in Book 4323, page 760, Register's Office for Davidson County, Tennessee.

(c) LAND in Davidson County, Tennessee, being Lot No. 377 on the plan of Hillbrook, Section 6, as of record in Book 4175, page 7, Register's Office for said County.

SAID Lot 377 fronts 69 feet on the easterly margin of Sherman Oaks Drive and runs back 188.4 feet on the southerly line and 181.2 feet on the northerly line to a dead line in the rear on which it measures 111.59 feet.

BEING the same property conveyed to James W. Pickle and wife, Charlotte C. Pickle, from D. H. Payne, Jr. and wife, Mary S. Payne, of record in Book 4615, page 695, Register's Office for Davidson County, Tennessee.

(d) LAND in Davidson County, Tennessee being Lot No. 30 on the plan of the Highlands as of record in Book 2663, page 127, Register's Office for Davidson County, Tennessee.

SAID Lot No. 30 fronts 90 feet on the easterly side of Ermac Drive and extends back 150.6 feet on the northerly line, 153.7 feet on the southerly line to a line in the rear that measures 90 feet.

BEING the same property conveyed to James

W. Pickle and wife, Charlotte C. Pickle, by Donald J. Stover and wife, Mary Stover, of record in Book 4612, page 202, Register's Office for Davidson County, Tennessee.

(e) LAND in Davidson County, Tennessee, being Lot No. 36 on the plan of Lockwood as of record in Book 2900, page 144, Register's Office for said County.

SAID Lot No. 36 fronts 165 feet on the easterly side of Lockwood Drive and extends back 388.57 feet on the northerly line and 365.43 feet on the southerly line, which is a broken line, to a dead line in the rear, measuring 62 feet thereon.

BEING the same property conveyed to James W. Pickle and wife, Charlotte C. Pickle, from Donald J. Stover and wife, Mary Stover, of record in Book 4612, page 200, Register's Office for Davidson County, Tennessee.

(f) LAND in Davidson County, Tennessee, being the east 69 feet of Lot No. 191 on the Map of Belmont Land Company's plan of Lots, called Belmont Heights, of record in Book 421, page 34, Register's Office for said County. Said part of said Lot No. 91 fronts 69 feet on the south side of Beechwood Avenue and runs back between parallel lines 188 feet to an alley.

BEING the same property conveyed to James W. Pickle and wife, Charlotte C. Pickle, from Franklin Spencer Ward and wife, Cecelia Ward, of record in Book 4796, page 505, Register's Office for Davidson County, Tennessee.

(g) BEING Lots Nos. 1 and 1A on the Plan of the Resubdivision of Lot No. 1, Billuray, Section 2, as of record in Book 4350, page 166, Register's Office for Davidson County, Tennessee, and described as follows, to wit:

Lot No. 1: BEGINNING at a point in the easterly margin of Wallace Lane, the common front corner of Lots Nos. 1 and 1A thence northwardly with said margin of said Wallace Lane, 92.68 feet to a concrete monument, the beginning of a curve to the right; thence around said curve having a radius of 25 feet northeastwardly, a distance of 48.05 feet to a concrete monument in the southerly margin of Abbott Martin Road; thence southeasterly along said margin of said Abbott Martin Road 242.35 feet to a concrete monument; thence southwardly 90.55 feet to a point, the common rear corner of Lots 1 and 1A; thence southwestwardly 265.6 feet to the point of beginning.

Lot No. 1A: Said Lot No. 1A fronts 90 feet on the eastwardly side of Wallace Lane and runs back between parallel lines 265.6 feet on the northerly line and 262.80 feet on the southerly line to a dead line in the rear on which it measures 90.05 feet.

BEING the same property conveyed to James W. Pickle and wife, Charlotte C. Pickle by deed from Mark R. Moore and wife, Clarice E. Moore, of record in Book 4635, page 577, Register's Office for Davidson County, Tennessee.

(h) LAND in Davidson County, Tennessee, being Lots Nos. 70, 77, and 34, on the Plan of Harpeth Valley Park, Section I, as of record in Book 3600, pages 93 and 94, Register's Office for Davidson County, Tennessee, to which plan reference is here made for a more particular description of said lots.

BEING the same property conveyed to James W. Pickle and wife, Charlotte C. Pickle, by deed from Hudson and Driver Construction Company, Inc., of record in Book 4186, page 666, Register's Office for Davidson County, Tennessee.

(i) BEING Lot No. 185 on Block "S" on the Map of the Subdivision of the Home Place of record in Book 2, page 92, Chancery Court at Nashville.

SAID Lot No. 185 fronts 50 feet on the northerly side of Boscobel Street and runs back between parallel lines 105 feet to an alley.

BEING the same property conveyed to James W. Pickle and wife, Charlotte C. Pickle, by deed from Clifford H. Sutton and wife, Phyllis Sutton, of record in Book 4518, page 191, Register's Office for Davidson County, Tennessee.

(j) LAND in Davidson County, Tennessee, being Lot No. 21, Block "C" on the Plan of East Lawn, as of record in Book 547, pages 153 and 154, Register's Office for Davidson County, Tennessee.

SAID Lot No. 21 fronts 50 feet on the northerly side of Odette Street, and extends back between parallel lines 120 feet to a dead line in the rear measuring 50 feet thereon.

BEING the same property conveyed to James W. Pickle et ux Charlotte Pickle by deed from L. L. Hulme, Jr. et ux Annie M. Hulme, of record in Book 4326, page 711, Register's Office for Davidson County, Tennessee.

(k) BEING Lot No. 100 on the plan of Harpeth Valley Park, Section I, as of record in Book 3600, pages 93 and 94, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete description.

BEING the same property conveyed to James W. Pickle and wife, Charlotte C. Pickle, by deed from James T. McLean and wife, Carol L. McLean, of record in Book 4615, page 693, Register's Office for Davidson County, Tennessee.

(l) LAND in Davidson County, Tennessee being Lots 22 and 23 on the Plan of Glendale Park, Section II, of record in Book 1130, page 61, Register's Office for Davidson County, Tennessee.

SAID Lots join and front together 207.5 feet in the westerly margin of Gray Oaks Road and extend back on the northerly line 204.3 feet and 230.8 on the southerly line to a dead line in the rear on which it measures 164.4 feet.

BEING the same property conveyed to James W. Pickle and wife, Charlotte C. Pickle, by deed from D. E. Chapman, Jr. and wife, Joanna Chapman, of record in Book 4575, page 775, and by deed from William C. McCullough and wife, Araminta McCullough, of record in Book 4707, page 317, Register's Office for Davidson County, Tennessee.

(m) LAND in Davidson County, Tennessee being Lots Nos. 9, 10, 11 and 12 of Block "B" on the revised Plan of Life and Casualty Insurance Company Subdivision of Woodmont Acres, as of record in Book 843, page 102, Register's Office for said County.

SAID Lots Nos. 9, 10, 11 and 12 front together 105 feet on the southerly side of Woodmont Boulevard and run back between lines, with the westerly margin of Grazewood, formerly Stokes Avenue, 150 feet to the northerly line of Lot No. 13, measuring 103.9 feet thereon.

BEING the same property conveyed to James W. Pickle and wife, Charlotte C. Pickle, by deed from Irene Longhurst Hoover, of record in Book 4512, page 451, Register's Office for Davidson County, Tennessee.

(n) LAND in Davidson County, Tennessee being Lots Nos. 70, 77 and 34 on the Plan of Harpeth Valley Park, Section I, as of record in Book 3600, pages 93 and 94, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more particular description of said lots.

BEING the same property conveyed to James W. Pickle and wife, Charlotte C. Pickle, by deed from Hudson and Driver Construction Company, Inc. of record in Book 4186, page 666, Register's Office for Davidson County, Tennessee.

(o) LAND in Davidson County, Tennessee being Lot No. 6 on the westerly one-half of Lot No. 5, Block 11 on the Plan of Charlotte Park Company, second edition as of record in Book 57, page 160, Register's Office for said County.

SAID Lot No. 6 and part of Lot No. 5 front together 75 feet on the southerly side of Park, formerly First Avenue and run back between parallel lines 150 feet to an alley.

BEING the same property conveyed to James W. Pickle and wife, Charlotte C. Pickle, by deed from Elmer L. Vanatta and wife, Jackie A. Vanatta, of record in Book 4326, page 324, Register's Office for Davidson County, Tennessee.

(p) TRACT ONE: LAND in the Seventh Civil District of Davidson County, Tennessee being Lot No. 33 on the Plan of Cheekwood Estates, Section II, as of record in Book 3106, page 64, Register's Office for said County, to which plan reference is made for a more complete description.

BEING the same property conveyed to James W. Pickle and wife, Charlotte C. Pickle, by deed from Douglas C. Gilmore and wife, Betty Gilmore, of record in Book 4256, page 685, Register's Office for Davidson County, Tennessee.

(q) LAND in Wilson County, Tennessee, being Lot 21 on the Plan of Twin Groves Subdivision, Section I, as of record in Plat Book 4, page 51, to which reference is hereby made for a more complete description.

BEING the same property conveyed to James W. Pickle and wife, Charlotte Pickle, of record in Book 176, page 530, Register's Office for Wilson County, Tennessee.

(r) TRACT ONE: LAND in Davidson County, Tennessee being Lot 35 on the Plan of West End Annex as subdivided by Sullivan Park Land Company of record in Book 332, page 61, Register's Office for Davidson County, Tennessee.

SAID Lot fronts 100 feet on the north side of Colorado Avenue and runs back between parallel lines with the easterly margin of 42nd Avenue North, 162.9 feet to an alley.

TRACT TWO: BEING Lot No. 402 of Block 18 on the Plan of Charlotte Park Company's addition of record in Book 57, page 103,

Register's Office for Davidson County, Tennessee.

SAID Lot No. 402 fronts 60 feet on the south side of Park Avenue and runs back between parallel lines along with the margin of 45th Avenue North, 150 feet to an alley in the rear.

BEING the same property conveyed to James W. Pickle and wife, Charlotte Pickle, by deed from Donald J. Stover and Jerry Kemp of record in Book 4326, page 320, Register's Office for Davidson County, Tennessee.

(s) LAND situated in the 9th Civil District of Cheatham County, Tennessee, described as follows, to wit:

BEING Lot No. 15 on the Plan of R.R., Hugh Harris, Riverview Subdivision, as seen on the Plan of record in Book 114, page 157, Register's Office for Cheatham County, Tennessee, to which reference is here expressly made.

BEING the same property conveyed to James W. Pickle and wife, Charlotte Pickle by deed from Earl H. Drake and wife, Margaret Drake, of record in Book 172, page 632, Register's Office for Cheatham County, Tennessee.

5. Wife hereby transfers and conveys all of her interest to husband, James W. Pickle, his heirs and assigns, in and to an installment deed note dated November 30, 1977, from William C. McCullough and wife, Araminta M. McCullough, in the original principal amount of Forty-Eight Thousand Dollars ($48,000).

6. The parties desire to enter into this Agreement and desire that it be incorporated as part of any final order of divorce that may be hereinafter entered in the Fifth Circuit Court of Davidson County, Tennessee.

7. Wife hereby relinquishes all claims whatsoever for alimony, support and maintenance under the laws of the State of Tennessee except to demand the performance of all undertakings of husband contained in this Agreement.

8. Each party accepts this Agreement in lieu of and in full settlement of all claims against the other or against his or her heirs at law, next of kin, or personal representatives, and each party expressly waives the right of inheritance from the estate of the other under the laws of descent and distribution of the State of Tennessee or any other state.

Each party expressly agrees that he or she has entered into this Agreement after mutual consideration, and that consent to the execution of this Agreement has not been obtained by duress, fraud, or undue influence of any person.

9. This Agreement shall be binding upon the respective heirs, next of kin, executors, administrators and assigns

of the parties.

10. Each of the parties agrees to execute and deliver to the other party any deeds or other documents that may be reasonably required to accomplish the intention of this Agreement and shall do all other things necessary to this end. If either party shall fail to comply with the provisions of this paragraph, this Agreement shall constitute an actual transfer, grant, assignment and conveyance of property and rights in such manner, and with such force and effect as shall be necessary to effectuate the terms of this Agreement.

IN WITNESS WHEREOF, the parties have signed this Agreement this 18th day of June, 1980.

/s/ James W. Pickle
JAMES W. PICKLE

/s/ Becky Judd
WITNESS

/s/ Charlotte C. Pickle
CHARLOTTE C. PICKLE

WITNESS

It is further ORDERED that the plaintiff shall pay the costs of this cause, all for which execution may issue if necessary.

ENTERED this 28th day of May, 1981.

JUDGE

APPROVED FOR ENTRY:

CHARLES A. LEACH
Attorney for Plaintiff
Harris & Leach, P.C.
2 Music Circle South
Nashville, TN 37203
(615) 259-4507

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 FIFTH Circuit Court for Davidson County, Tennessee, on the 29 day of MAY , 1981 , in the Case Number 80D1125 between PICKLE, JAMES W Plaintiff, and PICKLE, CHARLOTTE C Defendant, as same remains of record in Vol. 042C , Page 01797 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 15 day of OCTOBER in the year two thousand one and in the 225th year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk