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JULIANA KELLY HARNED] IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

VS.] NO. 48356

FRANK WAYNE HARNED]

D E C R E E

This cause came on to be heard on this the 11th day of October, 1966, before the Honorable Benson Trimble, Judge, Division IV, Circuit Court of Davidson County, Tennessee, upon the original bill filed by the complainant and the answer thereto filed by the defendant. At the conclusion of the testimony of the parties and their witnesses, and of argument of counsel representing the respective parties, the matter was taken under advisement by the Court, and by memorandum opinion under date of October 11, 1966, the Court found as follows:

That from the evidence before the Court at this juncture in this cause of action, it is evident that these parties, in all probability, will never reconcile their differences and provide a wholesome environment for the two minor children. With this principally in mind, the Court is of the opinion that the complainant has sufficiently proven her cause of action for an absolute divorce upon the statutorily alleged ground of cruel and inhuman treatment and the resulting decree shall so reflect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the complainant, Juliana Kelly Harned, be awarded an absolute divorce from the defendant, Frank Wayne Harned, and restored to all the rights and privileges of an unmarried person. The bonds of matrimony heretofore existing between the parties are forever and perpetually dissolved.

It further appearing to the Court that the complainant is the fit and proper person to have the principal custody of the two minor children, it is ORDERED, ADJUDGED AND DECREED that the custody of the said aforementioned minor children shall be vested in the complainant, with the right and privilege in the defendant to see and visit with the children at reasonable times and places. In addition thereto, the defendant will pay to the complainant as support for said aforementioned children the sum of $32.50 each week. Said payments shall be made directly to complainant by appropriate check or money order. In the event, however, that it becomes necessary that the payments be

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made through the Clerk's Office, then, in that event, the defendant will have to bear the 5% charge made by the Clerk.

As alimony, it is ORDERED, ADJUDGED AND DECREED that all right, title and interest the defendant may have in and to the real property of the parties, along with the household furnishings therein, should be divested from him and reinvested in the complainant, to be hers in fee simple title, said property being described as follows:

> Land in Davidson County, Tennessee, being Lot No. 70 on the Map of Caldwell Hall, Section I, Revised, as of record in Book 2900, page 59, Register's Office for Davidson County, Tennessee.
>
> Said Lot No. 70 fronts 80 feet on the north margin of Blackman Road and extends back 156.4 feet on the west line and 155.1 feet on the east line to a deadline, measuring 80 feet thereon.
>
> Being the same property conveyed to Rodney I. Wise and wife, Shirley R. Wise, by warranty deed from Woodbine Homes, Inc., as of record in Book 3103, page 55, Register's Office for Davidson County, Tennessee.

That all right, title and interest the complainant may have in and to the 1965 Volkswagen, as well as the Pontiac motor vehicle, should be divested from her and reinvested in the defendant, to be his in fee simple title.

That, of course, the defendant will have no claim on the 1966 motor vehicle owned solely by the complainant herein.

The Court is further of the opinion that the parties hereto should become tenants in common insofar as the Mutual fund is concerned, as well as the American Frontier stock. The Court is further of the opinion that the defendant herein shall execute whatever documents are necessary to create a joint tenancy in the Heritage Industrial stock that was purchased with funds from the family group but placed in the name of the defendant only. The defendant will be granted 10 days from the resulting decree within which time to effectuate this change of status insofar as this stock is concerned.

Further, the Court is of the opinion that all outstanding bills as testified to by the defendant should be paid from the savings account of the parties. After the payment of said bills, the resulting amount in said savings

account shall be arithmetically divided in half and to the one-half interest that the defendant may have in and to said banking account the amount of $1,700.00 will be allowed from the other one-half. It being the intention of the Court to grant to the defendant one-half of the bank account after all bills have been paid plus the amount of $1,700.00.

The Court has arrived at this figure by giving credit to the complainant herein for the amount of her inheritance that was testified to and at the same time attempting to do equities by and between the parties insofar as the real property and household furnishings are concerned.

The Court is further of the opinion that a fee in the amount of $450.00 should be allowed the solicitor representing the complainant herein and this fee should be assessed against the defendant herein, for which execution may issue. The amount of this fee will be and become a lien upon the defendant's interest in and to the joint banking account until it is satisfied in toto.

The costs of the cause will be paid by the defendant herein for which execution may issue if necessary.

JUDGE

O.K. FOR ENTRY:

J. W. Rutherford, Attorney for Complainant

Jack Norman, Jr., Attorney for Defendant

I certify that I have mailed a copy of this Decree to Mr. J. W. Rutherford, attorney, Nashville Bank and Trust Building, Nashville, Tennessee.

Attorney

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STATE OF TENNESSEE

I, GEORGE L. ROOKER, *Clerk of the Circuit Court for the County of Davidson, in the State aforesaid, do certify that the foregoing is a ~~correct transcript~~ of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* Juliana Kelly Harned *Plaintiff, and* Frank Wayne Harned *Defendant, as same remain of record in said Court.*

IN TESTIMONY WHEREOF, *I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the* 16th *day of* March *in the year one thousand nine hundred and* Seventy-Nine *and in the* 203rd *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By Candy Jennings, D. C.

Form #GR-117