IN THE PROBATE COURT OF DAVIDSON COUNTY, TENNESSEE

ELSIE JEAN BERG,
Complainant

vs

NO. 45746

WALTER ERNEST BERG,
Defendant

Davidson County DEEDDIV
Recvd: 09/06/07 10:21 4 pgs
Fees:22.00 Taxes:0.00
20070906-0106919

FINAL DECREE

This cause came on to be heard on this the 12th day of October, 1965, before the Honorable Shelton Luton, Judge of the Probate Court of Nashville, Davidson County, Tennessee, at which time the Complainant moved the Court to be permitted to amend her Petition by adding to the third paragraph after the first sentence, "That they were married lawfully on June 7, 1949, at Council Bluff, Iowa.", which application the Court was pleased to grant.

And the cause coming on to be further heard upon the Original Bill, the answer of the Defendant, and the testimony of witnesses heard in open Court. The Court is of the opinion that the Defendant has been guilty of such cruel and inhuman treatment or conduct toward the Complainant as renders it unsafe and improper for her to cohabit with him and remain under his dominion and control and that she is entitled to an absolute divorce from the Defendant.

The Court further found that the care, custody and control of said minor child heretofore mentioned in this cause be committed to the Complainant with the right in the Defendant to see and be with said child at reasonable times and places. That the Defendant should pay to the Complainant the sum of Thirty ($30.00) Dollars per week as maintenance and support for Complainant and her said minor child and that he should further pay one-half of the attorney's

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fee to Complainant's solicitor of record, Samuel J. Galloway, and further the Defendant be divested of any interest he has in the home located at 901 Rexdale Drive, Nashville, Davidson County, Tennessee and same be vested in Complainant as part of her maintenance and support.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court:

1. That the bonds of matrimony heretofore subsisting between the Complainant, Elsie Jean Berg, and the Defendant, Walter Ernest Berg, be and the same are hereby expressly and perpetually dissolved and Complainant restored to all the rights and immunities of an unmarried person.

2. That the care, custody and control of the said minor child, Gail Jean Berg, mentioned in this petition be committed to the Complainant with the right in the Defendant to see and be with said child at reasonable times and places.

3. That Complainant be awarded maintenance and support in the sum of Thirty ($30.00) Dollars per week, same to be paid by Defendant to the Complainant.

4. That the real property owned as tenants by the entirety by the parties and discribed as follows, be divested out of the Defendant, Walter Ernest Berg, and vested in the Complainant, Elsie Jean Berg.

> Land in Davidson County, Tennessee, being Lot No. 76, on the plan of Patricia Heights, Section 1, of record in Book 2331, Pages 130 and 131, Register's Office for said County.
>
> Said Lot No. 76, begins at a point on the easterly margin of Patricia Drive between Lots 76 and 75 and extends thence in a northerly direction 116.5 feet with the easterly margin of Patricia Drive to a point, the beginning of a curve with a radius of 25 feet; thence with said curve in a northeasterly direction 39.3 feet to a point on the southerly margin of Rexdale Drive; thence with the southerly margin of Rexdale Drive, 120.8 feet to a point in the southerly margin of Rexdale Drive between lots 76 and 77; thence southwesterly 134.2 feet to a line between said Lots 76 and 77 to a point, the common corner of Lots 76, 77 and 75; thence with the line between Lots 76 and 75, westerly 94.1 feet to the point of beginning.
>
> Being the same property conveyed to Earl T. Holton and wife, Wanda S. Holton by deed from Henry B. Harrison and wife, Frankie S. Harrison, of record in Book 2856, Page 581, Register's Office for Davidson County, Tennessee.

5. That all the furniture and personal property items consisting of and making up the household furniture and other miscellaneous items now in the possession of the Complainant be divested out of the Defendant, Walter Ernest Berg and vested in the Complainant, Elsie Jean Berg.

6. That Defendant pay Complainant's attorney, Samuel J. Galloway, the sum of One Hundred Fifty ($150.00) Dollars as one-half attorneys fee.

7. That the costs in this cause be adjudged against the Defendant for which execution may issue if necessary.

Skelton Luton
JUDGE

APPROVED FOR ENTRY:

Samuel J. Galloway
Attorney for Complainant

I, Samuel J. Galloway, hereby certify that a copy of this Final Decree has been mailed to Claude Callicott, Attorney for the Defendant, Nashville Bank and Trust Building, Nashville, Tennessee, this _____ day of October, 1965.

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 _ Circuit Court for Davidson County, Tennessee, on the 12 day of OCTOBER , 1965 , in the Case Number 45746 between BERG, ELSIE JEAN Plaintiff, and BERG, WALTER E Defendant, as same remains of record in 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 05 day of SEPTEMBER in the year two thousand seven and in the 231st year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

