R.E. Evans

No.796 In the Circuit Court of Fentress County, Tennessee

vs.

Judgment

Byrd Evans

This case cames on to be heard on the 25th day of February, 1949, being an adjourned session of the Circuit Court of Fentress County, Tennessee, before Hon. Wm. I. Davis Jr. Circuit Judge, without the intervention of a jury, upon the pleading filed by the parties, and upon oral and documentary evidence offered by the parties, and at the conclusion of all the evidence and after argument of Council, the Court took the case under advisement until the 11th day of April, 1949, being the first day of Regular April 1949 Term of the Circuit Court of Fentress County, Tennessee, at which time the Court filed a written opinion and finding of facts in the following words and figures, to wit:

File for Divorce

It is therefore ordered, adjudged and decreed by the Court for the reason and grounds stated in the findings of facts that the Complainants bill be and the same is hereby dismissed, and that the cross bill be and the same is hereby sustained in so far as it seeks an absolute divorce upon the grounds contained in Section 8426, Sub. Section 3, and Section 8427, Sub. Section 1 of Williams Code of Tennessee, and restored to all the rights and privileges of an unmarried person.

It is further ordered, adjudged and decreed by the Court that the separation agreement entered into between the complainant and cross defendant, R.E. Evans and the defendant and cross Complainant, Byrd Evans, Is a valid and binding contract between the parties, and that in so far as the Cross Complainant, Byrd Evans, seeks a judgment or decree for alimony for her support and maintenance, she is estopped by said contract on separation agreement, and in so far as the cross bill prays for alimony the same is dismissed. Said separation agreement, or contract was filed as an Exhibit to the testimony of the complainant and cross defendant, R.E. Evans, and is as follows, to-wit:

Agreement made Dec. 1944.

It is further ordered, adjudged, and decreed by the Court that the complainant and cross defendant, R.E.Evans, Pay all cost of the case, together with an attorney fee in the amount of Five Hundred (\$500.00) Dollars for the Attorneys of cross Complainant, Byrd Evans, for which an execution is awarded.

To which action of the court in holding that the defendant and cross Complainant, Byrd Evans, is estopped by said contract or separation agreement and holding that said contract or separation agreement is valid and binding and holding that said defendant and Cross Complainant, Byrd Evans is not entitle to a decree against Complainant and cross defendant, R.E. Evans, for her support and maintenance and dismissing her cross bill in so far as it prays a judgment or decree for alimony, the defendant and cross Complainant, Byrd Evans, excepted and her and now excepts, and moves the court to grant her a new trial, said motion for a new trial being in the following words and figures to wit:

Motion for a new trial

And after the argument of council and due consideration by the court, the motion for a new trial is over ruled by the court, to which action of the court the defendant and cross complainant, Byrd Evans, excepted and now excepts, and excepts to all adverse action of the Court, and prays an Appeal to the court of appeals at Nashville, Tennessee, which is granted by the court, and after application by defendant and cross complainant, Byrd Evans, a period of thirty (30) days from and after this date is allowed within which to file an appeal bond conditioned as provided by Law, and a period of sixty (60) days from and after this date is allowed within which to prepare, tender and file bill of exception, and otherwise perfect Appeal.

0.K.

Reagan & Neal

For R.E. Evans

Enter: Vm. I. Davis. Jr.

Turner & Case

Circuit Judge

For Byrd Evans

Therefore Court adjourned until April 13th 1949, 9 o'clock, a.m.

Wm. I. Davis. Jr.

State of Tennessee

Fentress County

I, Albert Bowden, Circuit Court Clerk certify the above to be a true and correct copy of the original as filed in my office.

This 29th day of Sept. 1950.

Albert Bowden, Circuit Court Clerk

RiEedEvanshe office of the Probate Judge on Was

VS.

No. 746 Circuit Court

Byrd Evans

Byrd Evans did except an Appeal to the Court of Appeals at Nashville, Tennessee, but the Appeal was not perfected, and there is no other place on the Minute Book where Byrd Evans ever excepted to any certain rulings of the court in this case that she did not perfect the appeal.

Yours truly,

Albert Bodwen

Circuit Court Clerk

State of Tennessee

Fentress County

I, Albert Bowden, Circuit Court Clerk, certify the above to be a true and correct copy of the original as filed in my office.

his 9 day of Oct. 1950.

Albert Bowden, Circuit Court Clerk

Filed in the office of the Probate Judge on the 19 day of October, 1950 at 10:00 A.M. and recorded in Deed Record 143 on page 45 this the 27 day of October, 1950.

L.C Walker, Judge of Probate/

NO TAX DUE ON THIS INSTRUMENT.