IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
1983 FEB 14 PM 3:27
GEORGE L. HOOKER, CLERK
D.C.

APRIL DEBORAH EATHERLY FREEMAN,

Plaintiff,

VS.

JOHN PHILLIP FREEMAN,

Defendant.

NO. 82D-2039

BOOK 6161 PAGE 158

FINAL DECREE OF DIVORCE

This cause came on to be heard on the 3rd day of February, 1983, before the Honorable Walter C. Kurtz, Judge of the Fifth Circuit Court, upon Complaint of the Plaintiff for absolute divorce, answer and counterclaim of the Defendant for absolute divorce and answer of the Counter-Defendant, testimony of the parties in open Court, testimony of witnesses for the Plaintiff, exhibits and statements of counsel, and from all of which the Court finds as follows:

1. The Plaintiff, April Deborah Eatherly Freeman, is entitled to an absolute divorce from the Defendant on the grounds of cruel and inhuman treatment.

2. The counterclaim of the Defendant, John Phillip Freeman, for absolute divorce should be dismissed.

3. Custody of the three minor children of the parties should be vested in the Plaintiff with the Defendant being granted specific visitation rights as set forth herein.

4. That all right, title and interest in the real property of the parties located at 2520 Woodberry Drive, Nashville, Davidson County, Tennessee, and more particularly described hereinafter, should be divested from the Defendant and vested solely in the Plaintiff subject to the existing first and second mortgage. Said real property being more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No.19, on the Plan of Woodberry Park, as of record in Book 2133, page 117, 118, and 119, Register's Office for said county.
>
> Said Lot No. 19 described as beginning at a point on the westerly margin of Hibbitts Road, at the common corner of Lots 19 and 20; thence with the line between said lots, westwardly 130 feet to a corner of Lot No. 18; thence with the line between Lots 18 and 19, southwardly 155 feet to the northerly

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248

margin of Woodberry Drive; thence with the margin of the same eastwardly 74.9 feet to the beginning of a curve; thence along said curve northeastwardly 39.3 feet to the westerly margin of Hibbits Road; thence with the margin of the same, northwardly 92 feet to the beginning.

Being the same property conveyed to John Phillip Freeman, Sr., and wife, A. Deborah Freeman, by deed from Ruth A. Roberts of record in Book 5403, page 410, Register's Office of Davidson County, Tennessee.

5. The Plaintiff should be awarded all of the household furnishings of the parties located in the aforesaid residence at 2520 Woodberry Drive, Nashville, Davidson County, Tennessee, and all right, title and interest of the Defendant in the same should be divested from him and vested solely in the Plaintiff.

6. The Plaintiff should be awarded all right, title and interest in the 1982 Pontiac Stationwagon automobile and all right, title and interest of the Defendant in said vehicle should be divested from him and vested solely in the Plaintiff. The Defendant should be awarded as his absolute property the 1972 Datsun automobile and all right, title and interest in said automobile should be divested from the Plaintiff and vested solely in the Defendant. All insurance and lisned indebtedness on vehicles shall be the responsibility of the party herein granted ownership of the same and they shall hold the other party harmless from such indebtedness or expense.

7. The Defendant should continue to maintain health and dental insurance for the three minor children of the parties. Additionally, he should continue to maintain in full force and effect life insurance in the minimum amount of Thirty Thousand Dollars ($30,000.00) with the minor children of the parties, or their mother as their trustee, named as beneficiaries until the youngest child reaches eighteen (18) years of age.

8. The Defendant shall be required to file an annual statement with the Court in January of each year commencing in January of 1984 setting a description of each and every run or trip with the railroad that he declines to accept when called by his

employer with the date of said run and the reason for his declining each such run set forth in said statement.

9. Each of the parties should be responsible for their own attorney fees.

10. The Defendant shall pay directly to the Plaintiff on or before the 15th and 30th day of each month (except for the month of February wherein the second payment shall be made on the last day of the month) the sum of Two Hundred Fifty Dollars ($250.00) per month wck as child support. Provided further, that the Defendant shall further pay to the Plaintiff one-third (1/3) of all gross income in excess of Nine Hundred Dollars ($900.00) on each bi-weekly payroll to a maximum child support payment of Three Hundred Dollars ($300.00) every two weeks. Said child support payments shall commence on February 15, 1983, and continue every two weeks thereafter on the 15th and 30th day of each month pending further Orders of the Court.

It is therefore ORDERED, ADJUDGED and DECREED as follows:

1. That the Plaintiff, April Deborah Eatherly Freeman, be, and she is hereby, granted an absolute divorce from the Defendant and restored to all rights and privileges of an unmarried person.

2. That the counter-complaint for absolute divorce filed by the Defendant, John Phillip Freeman, be, and the same is, hereby dismissed.

3. That the Plaintiff, April Deborah Eatherly Freeman, be, and she is hereby, awarded custody of the three minor children of the parties with the Defendant John Phillip Freeman granted specific visitation on the first Monday and Tuesday of each month from 7:30 a.m. until 7:00 p.m. commencing February 7, 1983, and on the third weekend of each month from 7:00 p.m. Friday until 7:00 p.m. Sunday commencing February 18, 1983. The Defendant will be responsible for picking up the children at the Plaintiff's residence and delivering them back to the same. He shall be

responsible for the children's supper on the respective Tuesday and Sunday evenings when he is returning them from visitation. The Defendant shall give the Plaintiff reasonable advance notice of his intention not to exercise these visitation rights, said notice to be in all events not less than twenty-four (24) hours unless it is impossible to give such notice due to the Defendant being called in to his employment on shorter notice than twenty-four (24) hours at which point he shall give the earliest notice possible. The Defendant shall further have visitation rights with the minor children on certain alternating holidays. In 1983, he shall have the children for Easter weekend and for Christmas from December 26 through January 1. The following year (1984) he shall have the children on Thursday and Friday of Thanksgiving and on December 20 through December 25. Said holiday visitation shall continue to rotate on an alternating basis each and every year thereafter during the children's minority. Additionally, the Defendant shall have visitation rights with the minor children for two weeks each summer during the months of June or July as mutually agreed upon by the parties. In the event they are unable to agree, they may petition the Court for instructions. If the Plaintiff knows of any conflict in schedules that would render the specific visitation of the Defendant impossible, she shall give him a reasonable amount of advance notice to be not less than forty-eight (48) hours prior to his scheduled exercise of visitation rights.

4. The Plaintiff is awarded as alimony in solido all right, title and interest in the real property heretofore owned by the parties as tenants by the entirety and described above and all right, title and interest in said real property is hereby divested from the Defendant and vested solely in the Plaintiff.

5. The Defendant shall continue to maintain in full force and effect existing health and dental insurance on the minor children of the parties and shall cooperate with the Plaintiff in the filing of claims and allowing her to seek reimbursement from the insurance company for covered medical or dental expenses advanced by her.

6. The Defendant shall maintain in full force and effect a minimum of Thirty Thousand Dollars ($30,000.00) in life insurance payable to the minor children at his death or to their mother, April Deborah Freeman, as trustee for their benefit.

7. All right, title and interest in the 1982 Pontiac automobile is divested from the Defendant and vested in the Plaintiff subject to the liened indebtedness for which the Plaintiff shall be responsible and hold the Defendant harmless from in addition to the insurance for said vehicle. All right, title and interest in the 1972 Datsun automobile is divested from the Plaintiff and vested solely in the Defendant subject to any liened indebtedness for which he will hold the Plaintiff harmless and he shall further be responsible and hold the Plaintiff harmless from insurance premiums for said vehicle.

8. All of the household furnishings of the parties located at their residence at 2520 Woodberry Drive is divested from the Defendant and vested solely in the Plaintiff.

9. The Plaintiff is awarded as child support the sum of Two Hundred Fifty Dollars ($250.00) payable on the 15th and 30th of each month (except for the month of February in which case the second payment for the month shall be made on the last day of the month). Said child support payments shall commence on February 15, 1983. Additionally, on said days (15th and 30th), the Defendant shall pay to the Plaintiff one-third (1/3) of his gross income during the preceding bi-weekly pay period in excess of Nine Hundred Dollars ($900.00) to a maximum child support payment of Three Hundred Dollars ($300.00) every two weeks.

10. The Defendant shall file with the Court in January of each year commencing in January of 1984 a yearly statement for the preceding twelve (12) months wherein he describes each run or trip with the railroad that he declines to accept including the date of such run, a description of the same and the terms of miles, and the reason he has declined to accept such run.

11. Each party shall be responsible for their respective attorney fees.

12. The costs of this cause are taxed against the Defendant. For this and the other matters set forth herein let execution issue if necessary.

BOOK 6161 PAGE 163

ENTER THIS 14 DAY OF FEBRUARY, 1983.

JUDGE

APPROVED FOR ENTRY:

Larry R. Williams
Attorney for the Plaintiff

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IDENTIF. REFERENCE
Oct 21 12 58 PM '83
FELIX Z. MILLER, REGISTER
DAVIDSON COUNTY, TN

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CERTIFICATE OF SERVICE

I hereby certify that an exact copy of this Final Decree has been forwarded this 9th day of February, 1983, to the Honorable Jude T. Lenahan, attorney for the Defendant.

Larry R. Williams

82D-2039 February 14, 1983 46B/248

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 true copy *of the record and proceedings had in said Court in the case heretofore prosecuted and determined therein, between* APRIL DEBORAH EATHERLY FREEMAN, *Plaintiff, and* JOHN PHILLIP FREEMAN, *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* 20th *day of* October *in the year one thousand nine hundred and* eighty-three *and in the* two hundred eighth *year of American Independence.*

GEORGE L. ROOKER, *Clerk.*

By W. L. Rowland, *D. C.*

Form #CGR-317