1311/362

JOAN WEAVER REINHART) IN THE FOURTH CIRCUIT COURT FOR
) DAVIDSON COUNTY, TENNESSEE
)
VS.) NO. 97466
)
)
WILLIAM J. REINHART)

ORDER BOOK 6913 PAGE 819

This cause came on to be heard on the 17th day of May upon Joan Reinhart's Rule 59 Motion for New Trial or to Alter and Amend Judgment and having taken under advisement, the Court issued the following Memorandum decision:

This cause came on to be heard on the 17th day of May, 1983, upon Joan Reinhart's Rule 59 Motion for New Trial or to Alter and Amend Judgment. Upon consideration of the pleadings, the Briefs of the parties, argument of counsel, and the entire record in this cause, the Court finds as follows:

The real estate located at 713 Greymont Drive, Nashville, Tennessee, is found to be jointly owned and remains divided as per Judge Benson Trimble's Memorandum Opinion of June 11, 1982, with William J. Reinhart vested with an undivided two-thirds (2/3) interest and Joan W. Reinhart vested with an undivided one-third (1/3) interest. As to the lists of personal property referred to as "Item #1" in Judge Trimble's opinion, the property listed under the heading "To Joan Reinhart" is the sole property of Joan Reinhart and is awarded to Joan Reinhart; the property listed under the heading "To William Reinhart" is the sole property of William Reinhart and is awarded to William Reinhart.

As to the inherited and remaining property not heretofore divided, this Court in making this division is not held to record title in making said division, but it must take into consideration all the facts and circumstances of the case. See Langford v. Langford, 421 S.W.2d 632 (Tenn. 1967) and Jones v. Jones, 597 S.W.2d 886 (Tenn. 1979). In the case at bar, William Reinhart received as inheritance from his parents, $8,000.00 in 1964; an inheritance from his uncle, $6,000.00 in 1968; an inheritance from his aunt, $1,892.00 in 1979; and an additional $6,000.00 from his father which is located in a special account. Further, William Reinhart withdrew from his State Retirement Account $3,162.00 in 1967, and he withdrew from his Metro Retirement $2,893.00 in 1969.

Based on the facts that this was a marriage of rather long duration and during the time of the marriage, Joan Reinhart, as wife of William Reinhart, contributed to the marriage her own labor and efforts enabling the parties to accrue a substantial personal estate, this Court affirmatively finds that all property, with the exception of the $15,892.00 inherited property, the $6,055.00 withdrawal from the State and Metro Retirement Accounts, the HR-10 (Keogh) account, the special account which consists of the $6,000.00 inheritance from William's father, and the lists of personal property as "Item #1", is jointly held property. The real estate located at 713 Greymont Drive has been previously divided; the remaining property will be divided one-half (1/2) to William Reinhart and one-half (1/2) to Joan Reinhart.

In summary, William Reinhart is awarded $15,892.00 representing inherited property, and $6,055.00 representing the State and Metro Retirement Accounts, which total amount of $21,947.00 will be

satisfied from the two (2) Treasury bills, the HR-10 (Keogh) account, and the special account which consists of the $6,000.00 inheritance from William's father. The remainder of the $20,000.00 and $30,000.00 Treasury bills is to be divided one-half (1/2) to William Reinhart and one-half (1/2) to Joan Reinhart; the houseboat, Ford van and camper, fishing boat, and the items on the list labeled "Exhibit" to the Supplemental Rule 59 Motion filed by Joan Reinhart on August 17, 1982, will be divided one-half (1/2) to William Reinhart and one-half (1/2) to Joan Reinhart.

The parties will have sixty (60) days from the date of the Order to reach an agreement whereby either party may agree to buy the other party's interest in any or all of the personal property, to wit: the houseboat, Ford van and camper, fishing boat, and the items on the list labeled "Exhibit". The personal property, upon which no agreement can be reached, is to be sold at auction after the sixty (60) day period has expired, and proceeds from said auction are to be divided one-half (1/2) to William Reinhart and one-half (1/2) to Joan Reinhart.

Further, William Reinhart has the option of buying Joan Reinhart's interest in the real property located at 713 Greymont Drive, Nashville, Tennessee, during the same sixty (60) day period. If the parties cannot agree to a value of that interest, then the attorneys for the parties are to choose an appraiser to appraise the property for the purpose of determining the value of Joan Reinhart's one-third (1/3) interest in the said real property. If at the end of the sixty (60) day period the option has not been exercised, then the real property is to be placed on the market and sold, and the proceeds from the sale are to be divided two-thirds (2/3) to William Reinhart and one-third (1/3) to Joan Reinhart.

This Court respectfully overrules the Motion for a New Trial. The decrees of July 12, 1982, will be amended to conform to this Opinion.

The costs of this action will be taxed equally between the parties.

The solicitor for William Reinhart will prepare an Order accordingly.

This the 22nd day of June, 1983.

/s/ Muriel Robinson
MURIEL ROBINSON
Judge of the Fourth Circuit Court
of Davidson County, Tennessee

It is, therefore, ORDERED and ADJUDGED by the Court that:

1. The real estate located at 713 Greymont Drive, Nashville, Tennessee, is found to be jointly owned and remains divided as per Judge Benson Trimble's Memorandum Opinion of June 11, 1982, with William J. Reinhart vested with an undivided two-thirds (2/3) interest and Joan Reinhart vested with an undivided one-third (1/3) interest.

2. Referring to the lists of personal property referred to as Item #1 in Judge Trimble's Opinion, the property listed under

the heading "To Joan Reinhart" is the sole property of Joan Reinhart and is awarded to Joan Reinhart; the property listed under the heading "To William Reinhart" is the sole property of William Reinhart and is awarded to William Reinhart.

3. The $15,892.00 inherited property, the $6,055.00 withdrawal upon the State and Metro Retirement Accounts, the HR-10 (Keogh) account, and the special account which consists of an additional $6,000.00 inheritance from William Reinhart's father is the sole property of William J. Reinhart and is awarded to William Reinhart.

4. The $15,892.00 inherited property and the $6,055.00 withdrawal from the State and Metro Retirement accounts will be satisfied from the $20,000.00 and $30,000.00 Treasury bills. The remainder of these two Treasury bills is to be divided one-half (1/2) to William Reinhart and one-half (1/2) to Joan Reinhart; the houseboat, Ford van and camper, fishing boat, and the items on the list labeled "Exhibit" to the Supplemental Rule 59 Motion filed by Joan Reinhart on August 17, 1982, will be divided one-half (1/2) to William Reinhart and one-half (1/2) to Joan Reinhart.

5. The parties will have sixty (60) days from the date of the Order to reach an agreement whereby either party may agree to buy the other party's interest in any or all of the personal property, to wit: the houseboat, Ford van and camper, fishing boat, and the items on the list labeled "Exhibit". The personal property, upon which no agreement can be reached, is to be sold at auction after the sixty (60) day period has expired, and proceeds from said auction are to be divided one-half (1/2) to William Reinhart and one-half (1/2) to Joan Reinhart.

6. William Reinhart has the option of buying Joan Reinhart's interest in the real property located at 713 Greymont Drive, Nashville, Tennessee, during the same sixty (60) day period. If the parties cannot agree to a value of that interest, then the attorneys for the parties are to choose an appraiser to appraise the property for the purpose of determining the value of Joan Reinhart's one-third (1/3) interest in the said real property.

If at the end of the sixty (60) day period the option has not been exercised, then the real property is to be placed on the market and sold, and the proceeds from the sale are to be divided two-thirds (2/3) to William Reinhart and one-third to Joan Reinhart.

7. The Motion for a New Trial is overruled.

8. The costs of this action will be taxed equally between the parties.

This the 11th day of July, 1983.

JUDGE

cc: William H. Lassiter, Jr.
Attorney for William J. Reinhart

Jude T. Lenahan
Attorney for Joan Weaver Reinhart

IDENTIFICATION REFERENCE
19189

FELIX Z. WILSON JR. REGISTER
DAVIDSON COUNTY, TN
JUL 10 3 57 PM '86

STATE OF TENNESSEE

I, **GEORGE L. 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* Fourth *Circuit Court for Davidson County, Tennessee, on the* 11th *day of* July, *1983, in Case Number* 97466 *between* Joan Weaver Reinhart *Plaintiff, and* William J. Reinhart *Defendant, as same remains of record in Book* 131A, *Page* 362 *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* 8th *day of* July *in the year one thousand nine hundred and* eighty-six *and in the* two-hundred eleventh *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By K. Hartman, *D.C.*

Form #GR-117