155B/148

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

K. Langford

CONSTANCE LORRAINE HILL,

Complainant,

v.

TERRY ALBERT HILL,

Defendant.

No. 85D-1555

MAP/PARCEL 102-3/187

FIELD BOOK 8DZ08768

FINAL DECREE

BOOK 7043 PAGE 941

This cause came on to be heard on the 18th day of August, 1986, and for final argument on the 21st day of August, 1986, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the original and Amended and Supplemental Complaint for Absolute divorce filed by Constance Lorraine Hill, answer and counter-complaint for absolute divorce filed by Terry Albert Hill, testimony of the parties, testimony of the witnesses, submission to the Court of exhibits, statement of counsel in open Court, and from the entire record in this cause. From all of which the Court finds that the Defendant, Terry Albert Hill, has been guilty of such cruel and inhuman treatment or conduct towards the Complainant as renders further cohabitation unsafe and improper.

It is therefore ORDERED and ADJUDGED by the Court that the counter claim for absolute divorce filed by Terry Albert Hill is hereby dismissed.

It is further ORDERED and ADJUDGED by the Court that the bonds of matrimony heretofore subsisting between the parties be, and the same are, hereby forever and perpetually dissolved, and the Complainant, Constance Lorraine Hill, is granted an absolute divorce and restored to all the rights and privileges of an unmarried person.

It is further ORDERED and ADJUDGED that the absolute care, custody and control of the two minor children of the parties, namely, Ashley Gale Hill and Chad Albert Hill, shall be awarded to the Complainant, Constance Lorraine Hill, with reasonable visitation privileges awarded to the Defendant, Terry Albert Hill, every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m., and one afternoon per week.

The parties will alternate holidays with the minor children, said holidays being Easter, Fourth of July, Labor Day, Thanksgiving, one week before Christmas through 10:00 p.m. on Christmas Eve shall be spent with one parent, from 10:00 p.m. on Christmas Eve to one week after Christmas Day shall be spent with the other parent, and New Year's Day. Mr. Hill shall have the children on Labor Day, and holidays shall thereafter alternate.

It is further ORDERED and ADJUDGED that the Defendant, Terry Albert Hill, shall pay the sum of $1,000 per month for the support and maintenance of the minor children, said payments to be made directly to the Complainant Constance Lorraine Hill, and be due and payable on the 1st day of each month, commencing September 1, 1986. Said child support payments shall not be reduced or prorated unless specifically ordered by this Court. Constance Lorraine Hill resides at 6544 Upton Court, Nashville, Tennessee 37209. Terry Albert Hill resides at 161 Jefferson Square Condominiums, Hillsboro Road, Nashville, Tennessee 37215.

It is further ORDERED and ADJUDGED by the Court that the Defendant, Terry Albert Hill, shall pay directly to the Complainant, Constance Lorraine Hill, the sum of $1,000 per month as alimony in futuro, until her death or remarriage, said payments to be made on the 15th day of each month commencing on September 15, 1986.

It is further ORDERED and ADJUDGED that all right, title and interest which Terry Albert Hill has in and to the home of the parties located at 6544 Upton Court, Nashville, Davidson County, Tennessee, more specifically described as follows:

> Land in Davidson County, Tennessee, being Lot No. 12 on the Plan of Charlotte Park, Section 26-B, as of record in Book 3842, page 203, said Register's Office.
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> Said Lot No. 12 fronts 41 feet on the northerly side of North Upton Court and extends back 199.19 feet, more or less, on the easterly line and 262.58 feet, more or less, on the westerly line, to the southerly margin of the Cumberland River in the rear.
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> Being the same property conveyed to Linda Faye Walker by deed from Lucy Carline Dunn of record in Book 4730, page 822, Register's Office for Davidson County, Tennessee.

shall be divested from him, and the sole and exclusive ownership in said property shall be vested in the Complainant, Constance Lorraine Hill, in fee simple, and she shall assume the balance of mortgage indebtedness thereon, commencing with the September 1986 payment. As a result of the divesting of Mr. Hill's interest in the residence property, Constance Lorraine Hill shall indemnify and hold harmless Terry Albert Hill with respect to the mortgage obligation on said property.

It is further ORDERED and ADJUDGED by the Court that the Defendant, Terry Albert Hill, shall be allowed to remove from the home all of his personal belongings, clothes, books and tools. All other items of household furniture and furnishings located at the residence of the parties shall be awarded solely and exclusively to Mrs. Hill.

It is further ORDERED and ADJUDGED by the Court that the 1982 Chevrolet Van shall be awarded to Mrs. Hill and the 1986 Mercedes Benz and 1968 Ford convertible shall be awarded to Mr. Hill.

It is further ORDERED and ADJUDGED by the Court that the Defendant, Terry Albert Hill, shall maintain in full force and effect hospital and medical insurance coverage for the benefit of both minor children, and shall pay any and all orthodontic expenses for the children that may arise. Mr. Hill shall be allowed to choose the orthodontist in keeping with what he feels would be the best service to the children.

It is further ORDERED and ADJUDGED by the Court that the Defendant, Terry Albert Hill, shall maintain in full force and effect $100,000 life insurance on his life, payable to Mrs. Hill as beneficiary thereof, so long as the daughter, Ashley, is residing with her or under her care and supervision. The Court recognizes that Ashley Gale Hill is a handicapped child and it is not known at this time as to whether or not she will be able to function on her own as an adult. Until we know that, this life insurance policy will have to be kept in full force and effect. The other insurance policies may be used as Mr. Hill elects.

It is further ORDERED and ADJUDGED by the Court as an additional division of the marital estate, that Mrs. Hill shall be awarded a judgment against Mr. Hill for $30,000, which judgment shall be due and payable $15,000 within ninety (90) days of the entry of the decree, and the balance

of $15,000 within one (1) year of the first payment. This judgment shall draw interest at the legal rate on judgments commencing thirty (30) days after the entry of the Decree.

It is further ORDERED and ADJUDGED by the Court that as a further division of the marital estate, Mr. Hill shall be awarded the sole and exclusive ownership of the condominium located at Jefferson Square (and all furniture therein), his partnership interest in Marlin & Edmondson, the limited partnerships known as Chelsea Place, Limited, Springdale Limited, E & H Properties, and any and all interest which he has in Hill Properties.

It is further ORDERED and ADJUDGED that Mrs. Hill shall receive sole ownership of the bank accounts in her name, i.e., Third National Bank of approximately $40, Metropolitan Federal Savings of approximately $200, and the IRA at Merrill Lynch in the sum of $2,548.42. All other bank accounts in Mr. Hill's name or joint accounts shall be awarded to Mr. Hill.

It is further ORDERED and ADJUDGED that all of the stocks and bonds shall be awarded as the sole and exclusive property of Mr. Hill.

It is further ORDERED and ADJUDGED that the Defendant, Mr. Hill, can take the minor children around his girlfriend, Kim Wall, socially, but cannot have them around her when she is an overnight guest.

It is further ORDERED and ADJUDGED that Complainant's Solicitor of Record, Robert L. Jackson, shall be awarded an attorney fee of $10,000, with $5,000 to be awarded as a judgment and paid by Mr. Hill, and the remaining $5,000 to be awarded as a judgment and paid by Mrs. Hill.

It is further ORDERED and ADJUDGED that the costs of this cause are taxed to Mr. Hill, for all of which execution may issue, if necessary.

ENTERED this 3rd day of Sept, 1986.

Muriel Robinson

MURIEL ROBINSON, Judge
Fourth Circuit Court for
Davidson County, Tennessee

APPROVED FOR ENTRY:

WOODS & WOODS
A Professional Law Association

By: Kim L. Kirk
Kim L. Kirk
Attorney for Mr. Hill
121 Seventeenth Avenue South
Nashville, Tennessee 37203
(615) 259-4366

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree has been mailed, first-class postage prepaid, to Robert L. Jackson and Laura Y. Goodall, Attorneys for Mrs. Hill, 216 Third Avenue North, Nashville, Tennessee 37201, this 27th day of August, 1986.

Kim L. Kirk

Kim L. Kirk

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IDENTIFICATION REFERENCE

Nov 19 10 22 AM '86

FELIX Z. WILSON JR. REGISTER
DAVIDSON COUNTY, TN

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* 3rd *day of* September, *19* 86, *in Case Number* 85D-1555 *between* Constance Lorraine Hill *Plaintiff, and* Terry Albert Hill *Defendant, as same remains of record in Book* 155B, *Page* 1483 *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* 19th *day of* November *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