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IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE

BOOK 7261 PAGE 873

FILED

MAY 13 1987

GEORGE L. ROONER, Clerk

By K. Langford Deputy

MARILYN KAY CRAWFORD BROWN

NO. 86D-2221

VS.

MARVIN JAMES BROWN

Map 150-03-02C
Grid 02D-39/93

FINAL DECREE OF DIVORCE

This cause came on to be heard on the 5th day of May, 1987, before the Honorable James Everett, Judge, upon the original Complaint for Absolute Divorce filed by Mrs. Brown, Answer and Counter Complaint filed by the Defendant, Mr. Brown, Answer to Counter Complaint filed by Mrs. Brown, upon testimony of the parties, testimony of witness for Mrs. Brown, argument of counsel in open Court, and from the entire record in this cause. From all of which the Court finds that the Defendant, Mr. Brown, has been guilty of such cruel and inhuman treatment or conduct towards Mrs. Brown as renders further cohabitation unsafe and improper.

It is therefore 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, Marilyn Kay Brown, is granted an absolute divorce on the grounds of cruel and inhuman treatment, and is restored to all the rights and privileges of an unmarried person.

It is further ORDERED AND ADJUDGED by the Counter Complaint filed by Mr. Brown is hereby dismissed.

The Court further finds that the following property is determined to be marital property: the homeplace located at 3405 Harpeth Court in Antioch, Davidson County, Tennessee, the furniture accumulated during the marriage, the 1986 income tax refund, the 1985 Pontiac automobile, and $2,500.00 accumulated in Mr. Brown's pension plan since the parties' marriage.

The Court further finds that the black and white television presently in Mr. Brown's possession is found to be the separate property of the parties' minor child, and further, the Defendant, Mr. Brown, is ordered to return said black and white television within ten (10) days from the entry of the Final Decree. The Court dismisses the Counter Complaint filed by Mr. Brown.

It is further **ORDERED AND ADJUDGED** by the Court that all right, title and interest which Mr. Brown has in and to the homeplace located at 3405 Harvest Court in Antioch, Davidson County, Tennessee, more specifically described as follows:

> Land in Davidson County, Tennessee, being Lot No. 6 on the Plan of The Country, Section 1 of record in Book 4955, Page 48, Register's Office for said County, to which reference is made for a more complete description.
>
> Being the same property conveyed to Marvin J. Brown and wife, Marilyn K. Brown, of record in Book 6811, page 862, in the Register's Office for Davidson County, Tennessee.

shall be divested from him and vested solely and exclusively in Wife. The Court further finds that there is no equity accumulated in the homeplace, however, any equity which there may be in said homeplace shall be awarded to Mrs. Brown, as alimony in solido. Mrs. Brown shall assume the outstanding mortgage indebtedness on the home and further agrees to hold Mr. Brown harmless thereon.

It is further **ORDERED AND ADJUDGED** by the Court that there is approximately $2,800.00 owing in delinquent mortgage payments on said property. Mrs. Brown shall be responsible for payment of the delinquent mortgage, however, she shall be awarded a lien against Husband's profit sharing plan maintained with Xerox Corporation in the name of Marvin James Brown. The Court further finds that Mrs. Brown shall be allowed to immediately execute upon said retirement profit sharing plan, and further, Mr. Brown shall be ordered to sign any and all documents necessary to allow Mrs. Brown to execute upon said profit sharing plan. If, for any reason, Xerox Corporation is unable to allow Mrs. Brown to immediately receive funds accumulated in Mr. Brown's profit sharing plan, the Court shall grant Mrs. Brown a lien in the sum of $2,500.00 plus interest on Mr. Brown's profit sharing plan, to receive as soon as permissible.

It is further ORDERED AND ADJUDGED by the Court that each party shall retain the sole and exclusive ownership of any property in his or her possession as of the date of the final hearing.

It is further ORDERED AND ADJUDGED by the Court that the 1985 Pontiac automobile shall be divested from Mr. Brown and vested in fee simple in Mrs. Brown. Mrs. Brown shall pay the outstanding mortgage indebtedness owing on said vehicle, and further, she agrees to hold Mr. Brown harmless therefrom.

It is further ORDERED AND ADJUDGED by the Court that Mrs. Brown shall be awarded the absolute care, custody and control of the parties' two minor children, with reasonable visitation privileges reserved to Mr. Brown.

It is further ORDERED AND ADJUDGED by the Court that Mr. Brown shall pay the sum of $100.00 per week as child support, by wage assignment, through the Office of the Circuit Court Clerk for Davidson County, Tennessee. Further, the Complainant, Mrs. Brown, is awarded a judgment for arrearage against Mr. Brown in the sum of $625.00 for unpaid child support. Said arrearage shall be payable at a rate of $25.00 per week by wage assignment through the Office of the Circuit Court Clerk for Davidson County, Tennessee.

It is further ORDERED AND ADJUDGED by the Court that Xerox Corporation, 50 Vantage Way, Nashville, Tennessee, is directed to withhold from Defendant's wages the sum of $125.00 per week, plus a 5% Clerk's fee of $6.25, making a total deduction of $131.25 and remit payments to the Office of the Circuit Court Clerk for Davidson County, Metropolitan Courthouse, Nashville, Tennessee 37201. The Defendant is presently under a wage assignment in the sum of $125.00 per week plus the 5% Clerk's fee pursuant to the pendente lite Order entered in this cause on December 12, 1986. After the expiration of twenty-five (25) weeks from the date of this Order, the employer, Xerox Corporation, is directed to withhold the sum of $100.00 plus the 5% Clerk's fee of $5.00, making a total deduction of $105.00, and remit payments to the Office of the Circuit Court Clerk for Davidson County.

It is further ORDERED AND ADJUDGED by the Court that Mr. Brown shall maintain his current life insurance through his employer, Xerox Corporation, on his life payable to Mrs. Brown as trustee for the parties' two minor children. Further, Mr. Brown shall provide Mrs. Brown with proof of said designation.

It is further ORDERED AND ADJUDGED by the Court that Mr. Brown shall maintain major medical and hospitalization insurance for the parties' two minor children. Any hospital, medical, orthodontal, dental, optical or pharmaceutical expenses not covered by said insurance shall be divided equally between the parties.

It is further ORDERED AND ADJUDGED by the Court that the parties owe Nissan Corporation the sum of $4,000.00. Mr. Brown shall be responsible for one-half (½) of said indebtedness. Further, he shall hold Mrs. Brown harmless from his one-half (½) of said obligation and indemnify her from any responsibility thereon.

It is further ORDERED AND ADJUDGED by the Court that the parties shall divide equally any income tax refund from the parties' 1986 Federal Income Tax Return.

It is further ORDERED AND ADJUDGED by the Court that Mr. Brown shall pay Laura Y. Goodall, Attorney for Mrs. Brown, the sum of $750.00 for her services rendered in this cause.

It is finally ORDERED AND ADJUDGED by the Court that the costs of this cause are taxed to Mr. Brown, for all of which execution may issue if necessary.

Enter this 13 day of May, 1987.

JAMES R. EVERETT, JUDGE

APPROVED FOR ENTRY:

JACKSON, TANNER & REYNOLDS

BY: LAURA Y. GOODALL
SOLICITOR FOR MS. BROWN
216 Third Avenue, North
Nashville, Tennessee 37201
615/256-2694

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Decree has been hand delivered to Mr. Edward C. White, Attorney for Mr. Brown, 5203 Charlotte Avenue, Nashville, TN 37209, this 8th day of May, 1987.

LAURA Y. GOODALL

34067

IDENTIFT. REFERENCE

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FELIX Z. WILSON II, 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* Probate *Circuit Court for Davidson County, Tennessee, on the* 13th *day of* May, *19*87*, in Case Number* 84D-2221 *between* Marilyn Kay Crawford Brown *Plaintiff, and* Marvin James Brown *Defendant, as same remains of record in Book* 36 C, *Page* 225 *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* 7th *day of* June *in the year one thousand nine hundred and* 87 *and in the* 211th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By J. Clyne *D.C.*

Form #GR-117