133A/508

FILED

1987 JUN -1 AM 11:27

GEORGE L. ROOKER, CLERK

D.C.

IN THE ~~FOURTH~~ THIRD CIRCUIT COURT FOR THE 20TH JUDICIAL DISTRICT
DAVIDSON COUNTY, TENNESSEE

ROBERTA BAUER JOHNSON,
PLAINTIFF

v. No. 86D-158

PAUL EUGENE JOHNSON,
DEFENDANT

83-1406
83-1-406

BOOK 7269 PAGE 547

FINAL DECREE

This cause came on to be heard before the Honorable Matthew J. Sweeney, III, Judge of the Third Circuit Court, on the 24th. day of April, 1987, on petition of the Plaintiff, ROBERTA BAUER JOHNSON, for an absolute divorce from the Defendant, PAUL EUGENE JOHNSON. Now, based upon the petition, the answer thereto, evidence presented in open court and the entire record in this cause, the Court prepared a Memorandum which is reproduced hereafter in its entirety and incorporated as part of this Final Decree as follows:

MEMORANDUM

This case is before the Court on the petition of Roberta Bauer Johnson for an absolute divorce and upon the answer of the defendant Paul Eugene Johnson. This case was tried before the Court on April 24, 1987 on the petition for absolute divorce, the testimony of the parties, and the testimony of the plaintiff's witness and upon the entire record. Based upon the evidence presented the Court finds that the plaintiff is entitled to an absolute divorce on the grounds of cruel and inhuman treatment.

The parties were married in October, 1970. Three children were born of this marriage ages 11, 15 and 7. The plaintiff is gainfully employed. The defendant presently is not employed and for many years during the marriage has failed to engage in regular and gainful employment. The defendant has completed several years of college but has not obtained a degree. The defendant is in good physical condition and fully able to obtain and maintain gainful employment.

The plaintiff has provided information regarding her need for financial support for herself and the parties' three minor children. The Court finds that the plaintiff should be granted absolute custody of the parties' children with the defendant having reasonable rights of visitation. The defendant being presently unemployed, the Court finds that the defendant should be required to pay child support in the amount of $258.00 per month through December, 1987 with such payments being made through the Clerk of the Court not later than the 5th day of each month. Additionally the defendant is required to pay the Clerk's fee for handling such payments. Beginning January, 1988 support shall increase to $430.00 per month. The Court intentionally does not apportion these payments among the children. The fact that a child gains majority shall not have the effect of automatically reducing the monthly amount of support. Support shall be reduced only by order of this Court for good cause shown.

The Court further finds that the defendant is in arrears in the amount of $1,249.96 on previously ordered support. Said amount is reduced to judgment. The defendant shall be required to pay said sum in installments over a 19 month period beginning June, 1987 and such payments shall be in addition to monthly support. Each payment shall be

made with the monthly child support payment through the Clerk of the Court, paying in addition thereto any handling charge required by the Clerk. Each payment shall be in the amount of $65.00 per month except the last payment due in December, 1988 shall be in the amount of $79.96.

The parties have also incurred certain bills or obligations the payment of which is apportioned by the Court one-half each to the parties. They are as follows:

ACCOUNT	AMOUNT DUE	AMOUNT TO BE PAID BY EACH PARTY
Credit Union	$3,955.00	$1,977.50
Credit Union	430.00	215.00
Credit Union	390.35	195.18
Allstate	300.00	150.00
Child's Counseling	250.00	125.00

The defendant shall also be required to pay the telephone bill in the amount of $150.00. Furthermore, the defendant shall be responsible for one half of all dental bills, including those for braces, incurred for the benefit of the children which are not covered by the plaintiff's insurance. Recently the plaintiff has puchased a new home. The defendant is divested from any and all interest which he might have in said home.

The plaintiff has also requested the Court to make an apportionment of a potential tax liability to the parties. The Court finds that it has insufficient information at this time upon which to make any apportionment.

Counsel for the plaintiff is requested to prepare the order.

Costs are taxed to the defendant.

/s/
MATTHEW J. SWEENEY, III
JUDGE

Now, therefore,

IT IS ORDERED that the Plaintiff, ROBERTA BAUER JOHNSON, be, and she hereby is, granted an absolute divorce from the Defendant, PAUL EUGENE JOHNSON, on the grounds of cruel and inhuman treatment.

IT IS FURTHER ORDERED that the absolute care, custody and control of the parties' minor children is vested in the Plaintiff with the Defendant having reasonable visitation rights.

IT IS FURTHER ORDERED that the Defendant pay to the Plaintiff as child support the amount of $258.00 per month through the Clerk of the Court, with the Clerk's Commission being the responsibility of the Defendant; these payments shall be due no later than the 5th. day of each month.

IT IS FURTHER ORDERED that beginning January, 1988, these payments shall increase to $430.00 per month and shall continue to be paid

through the Clerk's office under the same terms as ordered in the previous paragraph.

IT IS FURTHER ORDERED that the payments of child support shall not be apportioned among the children and that support shall be reduced only by order of the Court for good cause shown.

IT IS FURTHER ORDERED that the Plaintiff have judgment against the Defendant for $1,249.96, representing child support arrearage as of the date of trial.

IT IS FURTHER ORDERED that the arrearage shall be paid with the monthly child support in installments over 19 months, beginning in June, 1987, in addition to monthly support, at the rate of $65.00 per month plus the Clerk's commission for 18 months with a final installment of $79.96 plus the Clerk's commission in the 19th. month.

IT IS FURTHER ORDERED each party shall be responsible for 1/2 of certain bills, each paying the following: $1,977.50, $215.00, and $195.18 to the Credit Union; $150.00 to Allstate; and $125.00 for one of the children's counseling; in addition, the Defendant shall pay the $150.00 telephone bill.

IT IS FURTHER ORDERED that the Defendant shall be responsible for 1/2 of all dental bills, including those for braces, incurred for the benefit of the children and which are not covered by the Plaintiff's insurance.

IT IS FURTHER ORDERED that all right, title and interest in the Plaintiff's new home be divested out of the Defendant and fully vested in the Plaintiff. Said property is described as follows:

> Land in Davidson County, Tennessee, being Lot No. 51 on the Map of J. B. Hancock's East End Addition, of record in Book 57, page 133, Register's Office of said County.
>
> Said Lot No. 51 fronts 50 feet on the southerly side of Granada Avenue, formerly Grand Avenue, and runs back between lines, 137.4 feet on the easterly line and 138.5 feet on the westerly line, to an alley in the rear on which it measures 50 feet, more or less.
>
> Being the same property conveyed to Roberta B. Johnson by deed of record in Book _____, page _____, Register's Office for Davidson County, Tennessee, from Johnny E. Biggs and wife, Barbara J. Biggs.

IT IS FURTHER ORDERED that no apportionment as to potential tax liability can be made at this time.

Costs of this cause are taxed to the Defendant for which execution may issue if necessary.

DATED this _____ day of _____, 1987.

MATTHEW J. SWEENEY, III, JUDGE

APPROVED FOR ENTRY:

JOHN D. KITCH,
ATTORNEY FOR PETITIONER
Kitch & Addlestone
An Association of Attorneys
Suite 102
2300 Hillsboro Road
Nashville, Tennessee 37212
385-9911

CERTIFICATE OF SERVICE

The undersigned certifies that he has mailed a true and accurate copy of the foregoing document by postage prepaid mail to the Hon. H. Philip Sadler, Attorney for the Defendant, 2623 Lebanon Road, Nashville, Tennessee, 37214, this 14th day of May, 1987.

JOHN D. KITCH

Mail

JOHN D. KITCH
KITCH & ADDLESTONE
AN ASSOCIATION OF ATTORNEYS
SUITE 102
2300 HILLSBORO ROAD
NASHVILLE, TENNESSEE 37212
615-385-9911

36790

IDENTIFICATION REFERENCE

JUN 16 1 46 PM '87

FELIX Z. [illegible] REGISTER
DAVIDSON COUNTY, TN

BOOK 7269 PAGE 551

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* Third *Circuit Court for Davidson County, Tennessee, on the* first *day of* June, *19* 87, *in Case Number* 86D-158 *between* Roberta Bauer Johnson *Plaintiff, and* Paul Eugene Johnson *Defendant, as same remains of record in Book* 133A, *Page* 568 *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* 16th *day of* June *in the year one thousand nine hundred and* eighty-seven *and in the* 211th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Theresa Ingram *D.C.*

Form #GR-117