MAP = 80-8 Par 312

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GEORGE L. ROOKER, CLERK

D.C.

IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

PATRICIA MILLICENT GREGORY PETITIONER	)	
VS	)	NO. 86D-2800
ROBERT HOUSTON GREGORY RESPONDENT	)	BOOK 7304 PAGE 355

FINAL JUDGMENT OF DIVORCE

This cause came on to be heard this 29th day of April, 1987, before the Honorable James R. Everett, Jr., Judge of the Probate Court for Davidson County, Tennessee, upon the origianl complaint for absolute divorce, personal service of process on the defendant on the 23rd day of September, 1986, the sworn testimony of the parties and witnesses in open Court, statement of counsel, and the entire record herein, from all of which the Court finds that the allegations of the complaint are sustained by the proof; that is, the defendant, Robert Houston Gregory, is guilty of cruel and inhuman treatment.

The Court issued a Memorandum Opinion dated May 5, 1987 which is incorporated herein verbatim as follows:

MEMORANDUM OPINION

This cause came on to be heard by the Court on April 29, 1987. After hearing testimony of the parties and their witnesses in open Court, the Court took the matter under advisement, pending the Court making a final disposition in this case. The Memorandum Opinion constitutes the Court's finding of facts and conclusion of law in this case.

FINDING OF FACTS

The Court finds that these parties have been married since March of 1966 and that there were children born of this marriage which are now of legal age and two minor children which will become of legal age in approximately one (1) year. Both parties have worked during the marriage and Mr. Gregory presently runs 4 A's Janitorial Service. The parties have accumulated an estate which basically consists of a house and household furniture. It is uncontradicted that the marital estate was accumulated after the marriage of the parties. There is very little separate property owned by the parties and the Court will deal with that in a subsequent paragraph of this Memorandum. Both parties have acknowledged that serious marital problems have existed in their marriage for a number of years which subsequently lead to Mr. Gregory leaving the marital home. While the Court does not deem it necessary or in the best interest of these parties to recite by chapter and verse all the details of the testimony heard by the Court, suffice it to say that the marriage has deteriorated to such a degree that these parties are no longer living together as man and wife.

DIVORCE

As stated in the foregoing paragraph, the Court does not

feel it necessary to set out all the facts in this Memorandum, stating the grounds for granting a divorce. The record was clear that these parties are not going to live together as man and wife and it is the Court's considered opinion that the wife has established by the preponderance of the evidence that the husband has been guilty of such cruel and inhuman treatment that she should be awarded a divorce, and accordingly the wife is awarded an absolute divorce on those statutory grounds.

DISTRIBUITION OF MARITAL PROPERTY

Pursuant to the provisions of Tennessee Code Annotated, Section 34-4-121 (a), it is the Court's obligation to distribute the marital property between these parties without regard to marital fault. In adjudicating the distribution of marital property, the Court has considered all the relevant factors under the proof of the case, specifically included, but not necessarily limited to those matters set forth in Tennessee Code Annotated, Section 36-4-121 (c) 1-10, inclusive. In making an equitable distribution of marital property, the Court did consider all relevant factors including the duration of the marriage, age, physical and mental health, vocational skills, employability, earning capacity, financial liabilities and financial needs of each of the parties, tangible or intangible contributions of one party to the education, training, or increased earning power of the other party, the realiability of each party for future acquisition, preservation, appreciation of marital property or separate property including contributions of the parties to the marriage as homemaker, wage earner or parent, the value of separate property of each party, the state of each party at the time of their marriage, the economic circumstances of each party at the time of division of the property is to become effective, the tax consequences of to each party and such other facts as were necessary to consider the equities between the parties.

With the foregoing facts in mind, the Court concludes and finds that the marital property owned by the parties are the home located at 3216 Hinkle Drive, Nashville, Tennessee and the household furnishings in said home, the 4 A's Janitorial Service, and the automobiles owned by the parties. The Court finds that all of the above mentioned property is marital property and is subject to an equitable distribution between the parties without regard to marital fault and proportions of the Court under the proof deems necessary. Considering the many relevant factors applying to these parties, the Court notes and finds that they have been husband and wife since 1966. The Court further finds that the wife has made a valuable and substantial contribution to the acquisition, preservation and appreciation of marital property, and when comparing the wife's separate property holdings to the husband's separate property holdings, the wife would certainly be less financially responsible than the husband after the divorce. On the other hand, the husband is in good health; he possesses expert professional skills; he is gainfully employed; he has an unlimited earning capacity; he is also made valuable a substantial contribution to the acquisition, preservation and appreciation of the marital property; he has an almost unlimited ability for the future acquisition of capitol assets and income. After the divorce, the husand will be able to provide for himself and his interests. Therefore, the Court is going to award the home owned by the parties as the sole and separate property of the wife, Patricia Millicent Gregory, free from any claims of the husband. Said wife will be responsible for any mortgage owing on said home. The Court is going to award as his sole and separate property and free from any claims of the wife, the 4 A's Janitorial Service to be his free and clear. Any liabilities owing on siad 4 A's Janitorial Service shall be the responsibility of the husband. The court is going to leave the child support as has been previously ordered by this Court. The Court is further going to award the household furniture owned by the parties to the wife for her and the childrens' use and benefit. Each party will retain the automobile they have in their possession as their sole and separate property. The Court is giong to order the attorney representing the wife the fee of

$500.00 for representing her in this cause.

The custody of the parties' minor children will be vested in the mother with reasonable visitation rights to the father. The restraining order previously entered in this cause will be made a permanent injunction.

The costs of this cause will be taxed against the defendant and the attorney representing the wife will draw an Order according to the terms of this Memorandum.

It is, therefore, **ORDERED, ADJUDGED and DECREED,** that the plaintiff, Patricia Millicent Gregory, be and is hereby awarded an absolute divorce from the defendant, Robert Houston Gregory, upon the grounds of cruel and inhuman treatment, and the parties are restored to all of the rights and privileges of unmarried persons.

It is, further, **ORDERED, ADJUDGED and DECREED,** that the plaintiff be and is hereby awarded the exclusive care, custody and control of the minor children of the parties, Anita Rochelle Gregory and Annetta Michelle Gregory with reasonable visitation to the defendant.

It is, further, **ORDERED, ADJUDGED and DECREED,** that the defendant's employer, The Steeplechase Restaurant, 5115 Harding Road, Nashville, Tennessee 37205, shall continue deducting from any wages, salary or other monies due Robert Gregory, the sum of Four Hundred Thirty One Dollars and Seventy Five Cents ($431.75), plus a 5% Clerk's commission in the amount of Twenty-One Dollars and Fifty-Nine Cents ($21.59) for a total of Four Hundred Fifty Three Dollars and Thirty-Four Cents ($453.34) as child support. Such payment shall be paid to the Clerk of the Circuit Court, 506 Metro Courthouse, Nashville, Tennessee, 37201 and the Clerk shall disburse said payment to Patricia Gregory, 3216 Hinkle Drive, Nashville, Tennessee 37218.

It is, further, **ORDERED, ADJUDGED and DECREED,** that the plaintiff is awarded all right, title and interest of the parties household furnishings free from any claims of the husband.

It is, further, **ORDERED, ADJUDGED and DECREED,** that the plaintiff is awarded all right, title and interest of the parties homeplace located at 3216 Hinkle Drive, Nashville, Tennessee 37218 free from any claims of the husband, which property is more specifically described as follows:

LAND in Davidson County, Tennessee, being Lot NO. 10, as shown on the Bordeaux Hills Addition Plan, of record in Book 4460, page 9, Register's Office for said County, to which plan reference is hereby.

BEING the same property acquired by the party of the first part pursuant to the provisons of the National Housing Act, as amended (12 USC 1701 et seq.) and the Department of Housing and Urban Development Act (79 Stat. 667), by deed dated May 12, 1976 and recorded in Book 5024, Page 626 Office of this Register, County of Davidson, State of Tennessee.

BEING the same property conveyed to Robert H. Gregory and wife, Patricia M. Gregory by Patricia Roberts Harris, Secretary of Housing and Urban Development of Washington, D.C. by James W. Ray, Director, Office of Housing Management, HUD Insuring Office, Nashville, Tennessee, by deed dated June 26, 1977 and recorded in Book 5114, Page 272, Office of the Register, County of Davidson, State of Tennessee.

It is, further, **ORDERED, ADJUDGED and DECREED,** that the defendant be awarded the sole and separate property, the 4 A's Janitorial Service free from any claims of the plaintiff. Any liabilities owing on said 4 A's Janitorial Service shall be the responsibility of the defendant.

It is, further, **ORDERED, ADJUDGED and DECREED,** that each party will retain the automobile they have in their possession as their sole and separate property and hold the other party harmless for the payment of any indebtedness on the respective vehicles .

It is, further, **ORDERED, ADJUDGED and DECREED,** that the defendant shall pay to the plaintiff's attorney, Janice Stanley Walden, a fee of Five Hundred Dollars ($500) for representing the plaintiff in this cause for which execution may issue.

It is, further, **ORDERED, ADJUDGED and DECREED,** that the the defendant is permanently enjoined and prohibited from molesting, harassing, assualting, threatening or harming the plaintiff in any manner whatsoever or from coming about the home at 3216 Hinkle Drive or her place of employment or the place of employment or school of the minor children.

It is, further, **ORDERED, ADJUDGED and DECREED,** that the costs of this cause are taxed to the defendant.

The address of Patricia Millicent Gregory is:

3216 Hinkle Drive
Nashville, Tennessee 37218

The address of Robert Houston Gregory is:

310 McMillan Drive
Nashville, Tennessee 37203

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ENTER this 20 day of May, 1987.

JAMES R. EVERETT, JR. / JUDGE

APPROVED FOR ENTRY:

Janice Stanley Walden

JANICE STANLEY WALDEN
ATTORNEY FOR PATRICIA MILLICENT GREGORY
SUITE 1601, PARKWAY TOWERS
NASHVILLE, TENNESSEE 37219
(615) 256-4747

mail

JUL 23 11 30 AM 1987
REGISTER'S OFFICE
DAVIDSON COUNTY, TN

IDENTIFICATION REFERENCE

48436

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Judgment of Divorce has been mailed to Don Arkovitz, Attorney at Law, 332 White Bridge Road, Nashville, Tennessee 37209, this 13th day of May, 1987.

JANICE STANLEY WALDEN

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* 21st *day of* May, 1987, *in Case Number* 86D-2800 *between* Patricia M. Gregory *Plaintiff, and* Robert Houston Gregory *Defendant, as same remains of record in Book* 37A, *Page* 92 *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* 21st *day of* July *in the year one thousand nine hundred and* eighty-seven *and in the* 212th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Karen Rooker *D.C.*