IN THE PROBATE COURT FOR DAVIDSON COUNTY

JUDITH CAROL PEEK,
Complainant/Counter-Defendant,

vs.

ELVIN WAYNE PEEK,
Defendant/Counter-Complainant.

BOOK 7375 PAGE 231

No. 86D-700

7288.1

IDENTIFICATION

DAVIDSON COUNTY, TN

OCT 8 2:40 PM '87

FINAL DECREE

This cause came on to be heard on the 2nd day of June, 1987 before the Honorable James R. Everett, Jr., Judge, upon Complaint for Absolute Divorce filed by Judith Carol Peek, Counter-Complaint filed by Elvin Wayne Peek, Jr., Answers of the parties, testimony of the parties and witnesses, exhibits, statements of counsel for the parties and the entire record in this cause. From all of which the Court finds that the Complainant, Judith Carol Peek, should be awarded an absolute divorce on the ground of cruel and inhuman treatment.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Complainant, Judith Carol Peek, shall be and she is hereby awarded an absolute divorce from the Defendant Elvin Wayne Peek, Jr. on the ground of cruel and inhuman treatment and that the parties are restored to all of the rights and privileges of unmarried persons.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties shall be and they are hereby awarded joint legal custody of their minor son Jonathan Jason Peek with primary physical custody being vested in the Complainant, Judith Carol Peek.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Elvin Wayne Peek, Jr. shall and he does hereby specifically have the right to consent to medical care and treatment for the minor child and to have access to the child's school and educational records.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Elvin Wayne Peek, Jr. shall be and he is hereby awarded visitation privileges

to include every other weekend, Father's day, one (1) week during the Christmas Holidays, alternate major holidays and such time as he and the minor child may agree upon in the summer.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Elvin Wayne Peek, Jr. shall and he will hereby pay to Judith Carol Peek child support in the amount of **EIGHTY DOLLARS ($80.00)** per week and that unless specifically ordered by the Court such child support shall not be pro-rated or reduced.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judith Carol Peek shall and she will hereby maintain medical and hospitalization insurance on the minor child and that Elvin Wayne Peek, Jr. shall be responsible for the payment of all medical expenses of the said child which are not covered by such insurance.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Elvin Wayne Peek, Jr. shall and he will hereby maintain his life insurance with Connecticutt Mutual Insurance Company, in the amount of $10,000.00, with the minor child as beneficiary, until such time as the said child reaches the age of eighteen (18).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judith Carol Peek shall be and she is hereby awarded as her sole and separate property all of the parties' household furnishings with the exception of a dining room suite which shall be awarded to Elvin Wayne Peek, Jr. as his sole and separate property and that each party shall be awarded as his or her sole and separate property his or her personal clothing and effects.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judith Carol Peek shall be and she is hereby awarded as her sole and separate property the parties' 1983 Honda automobile and that Elvin Wayne Peek, Jr. shall be awarded as his sole and separate property the 1977 Chrysler automobile.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Elvin Wayne Peek, Jr. shall be awarded as his sole and separate property any interest he may have in J. C.'s Corporation, A.T.& T. stock and the duplexes or the proceeds from the sale of the duplexes on Evelyn Avenue in Nashville, Tennessee, including all odd numbered

addresses from 1631 through 1645 Evelyn Avenue.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judith Carol Peek shall be and she is hereby awarded as her sole and separate property all of the parties' interest in the marital residence situated at 910 Tuckahoe Drive, Nashville, Tennessee, said property being described more fully as:

> Land in Davidson County, Tennessee, being lot No. 67 on the Plan of Kemper Heights, Section 2, as of record in Book 2331, page 104, Register's Office for said County.
>
> Said lot No. 67 fronts 100.0 feet on the northerly side of Tuckahoe Drive and extends back between lines 257.1 feet on the westerly side and 313.7 feet on the easterly side to a broken line in the rear on which it measures 105.3 feet.
>
> Being the same property conveyed to E. Wayne Peek, Jr. and wife, Judy Peek by deed from Robert P. Ziegler, Trustee, dated August 17, 1966 and of record in Book 4180, page 446, in the Register's Office for Davidson County, Tennessee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judith Carol Peek shall be and she is hereby responsible for paying the first mortgage note on the marital residence, said note being payable to O. B. Hoffstetter, Trustee and in the approximate amount of $13,250.00, and that she shall hold Elvin Wayne Peek, Jr. harmless on the said indebtedness.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judith Carol Peek shall and she will hereby pay to Elvin Wayne Peek, Jr. **SEVEN-THOUSAND DOLLARS ($7,000.00)** for any interest he may have in the marital residence at 910 Tuckahoe Drive, Nashville, Tennessee, said amount to be paid within six (6) years of the entry of this decree, without interest, and that Elvin Wayne Peek, Jr. shall have a lien on the said property to secure the payment of such amount.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judith Carol Peek shall be and she is hereby responsible to pay the following indebtednesses incurred during the marriage and shall hold Elvin Wayne Peek, Jr. harmless on the same:

Sears charge account

J. C. Penney's charge account

Castner Knott account

Leader account

Loan on 1983 Honda automobile

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Elvin Wayne Peek, Jr. shall be responsible to pay the following indebtednesses and shall hold Judith Carol Peek harmless on the same:

Any loan on 1977 Chrysler automobile

Account with Dr. Mobley

Commercial Credit Plan in approximate amount of $25,900.00

Commercial Credit Plan in approximate amount of $20,800.00

Nashville Electric Service Power Board in approximate amount of $15,700

First Union Mortgage in approximate amount of $15,000.00

Mastercard in approximate amount of $2,800.00

Mastercard in approximate amount of $900.00

Visa account in approximate amount of $1,700.00

Commerce Union Bank Personal Line of Credit in approximate amount of $7,000.00

First American Bank Personal Line of Credit in approximate amount of $300.00

Firestone account in approximate amount of $350.00

General Electric Credit Corporation in approximate amount of $350.00

Commerce Union Bank Educational Loan in approximate amount of $9,500.00

Any tax liability which the parties may have with the Internal Revenue Service for all tax years through 1985

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party shall be and is hereby responsible for one-half (1/2) of the note owed to Third National Bank in the approximate amount of $15,000.00, however, Elvin Wayne Peek, Jr. shall be responsible, as alimony in solido, for paying Judith Carol Peek's one-half

(1/2) of the said note and shall hold her harmless on the entire indebtedness.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judith Carol Peek's attorneys of record shall be and they are hereby awarded a reasonable fee in the amount **ONE-THOUSAND TWO-HUNDRED FIFTY DOLLARS ($1,250.00)** which shall be paid by Elvin Wayne Peek, Jr.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the costs of this cause shall be and they are hereby assessed against the Defendant, Elvin Wayne Peek, Jr.

For all of which execution may issue if necessary.

The addresses of the parties are as follows:

1. Judith Carol Peek
   910 Tuckahoe Drive
   Nashville, TN 37115

2. Elvin Wayne Peek, Jr.
   P. O. Box 23842
   Nashville, TN 37202

ENTER this the 24th day of June, 1987.

PHILLIP R. ROBINSON
SPECIAL JUDGE

APPROVED FOR ENTRY:

JAMES R. TOMKINS

ROBERT H. JENNINGS, JR.
Attorneys for Complainant Wife
JENNINGS, BRADLEY & VAN SANT
21st Fl. First American Ctr.
Nashville, TN 37238-0069
(615) 244-0847

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing FINAL DECREE has been forwarded to Mr. John M. L. Brown, Attorney for Defendant Husband, 932 Stahlman Building, Nashville, TN 37201 on this the 14th day of June, 1987.

JAMES R. TOMKINS

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* TWENTY-FOURTH *day of* JUNE, *19* 87, *in Case Number* 86D-700 *between* JUDITH CAROL PEEK *Plaintiff, and* ELVIN WAYNE PEEK *Defendant, as same remains of record in Book* 37B, *Page* 1114 *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* 18th *day of* SEPTEMBER *in the year one thousand nine hundred and* EIGHTY-SEVEN *and in the* 212th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By _____, *D.C.*

Form #GR-117