IN THE PROBATE COURT FOR THE STATE OF TENNESSEE

20TH JUDICIAL DISTRICT, DAVIDSON COUNTY

FILED
1988 FEB 11 PM 3:28
GEORGE L. ROOKER, CLERK
D.C.

Mary Ellen Roe

Plaintiff

vs.

Donald Eugene Roe, Sr.

Defendant

Docket No. 87D2180

BOOK 7472 PAGE 558

AMENDED FINAL DECREE

On the 5 day of January, 1988, the above listed cause of action was heard in the Probate Court of Davidson County, Tennessee, with Special Judge Phillip Robinson presiding. After testimony from witnesses and both parties, arguments by counsel for both parties, and presentation of all proof concerning the Complaint and Counter-complaint filed in the above-listed cause of action, the Court held that the Plaintiff Mary Ellen Roe shall be granted a divorce based upon cruel and inhuman treatment, that a judgment in favor of the Counter-Defendant shall be granted in the Counter-complaint filed in this action, that Court costs shall be assessed against the Defendant Donald Eugene Roe, Sr., and that Donald Eugene Roe, Sr., shall pay the Wife's attorney fees of $1,500.00.

The Court further held that Defendant Donald Eugene Roe, Sr., shall pay to Mary Ellen Roe at 229 Bonnabrook Dr., Hermitage, Tn, the amount of $500.00 per month as alimony by the 5th of each month beginning on February 5, 1988. Additionally, the Court held that Donald Eugene Roe, Sr., shall pay to Mary Ellen Roe at 229 Bonnabrook Dr., Hermitage, Tn, the amount of $300.00 in alimony on January 15, 1988. The Court further ruled that said alimony award is made by the Court in contemplation that the Plaintiff Mary Ellen Roe shall become employed and contribute to her own maintenance

and support.

Based upon the relative earning capacities of the two parties and not upon any fault of either party, the Court divided the marital property as follows:

The Plaintiff Wife, Mary Ellen Roe shall have all right, title and interest to the parties' house and lot located at 229 Bonnabrook Dr., Hermitage, Tn, and the Defendant Donald Eugene Roe, Sr., shall be divested of any right, title and interest to said properties, with the exception of a $5,000.00 lien on said real property which shall accrue interest at the rate of 10% per year to be repaid within two years from the trial date (January 5, 1990).

The Court further distributed marital property as follows:

Each party shall keep all amounts in their own checking and savings accounts;

The Defendant Husband shall keep all savings bonds, amounts accumulated in an IRA account, Banker's life insurance, NAS savings plus plan, NAS profit sharing, NAS stock bonus plan, the sailboat, the canoe and motor, the camper, the computers and electronic equipment, and the Husband's hobby equipment and tools, and the Husband shall have full title to the 1986 Toyota 4/Runner;

The Wife shall have full title to the 1982 Buick Skylark, all furniture in the home, the organ, the washer and dryer and all other appliances and household goods which are located in the home.

All injunctions and restraining orders shall be lifted by a separately filed Order of this Court.

It is ORDERED, ADJUDGED AND DECREED that the Plaintiff Mary Ellen Roe shall be granted a divorce based upon cruel and inhuman treatment, that a judgment in favor of the Counter-Defendant shall be granted in the Counter-Complaint filed in this action, that Court costs shall be assessed against the Defendant Donald Eugene Roe, Sr., and that Donald Eugene Roe, Sr., shall pay the Wife's

attorney, Ellen Taylor Turley the sum of $1,500.00.

It is further ORDERED that Defendant Donald Eugene Roe, Sr., shall pay to Mary Ellen Roe at 229 Bonnabrook Dr., Hermitage, Tn., the amount of $500.00 per month as alimony by the 5th of each month beginning on February 5, 1988. Additionally, Donald Eugene Roe, Sr., shall pay to Mary Ellen Roe at 229 Bonnabrook Dr., Hermitage, Tn, the amount of $300.00 in alimony on January 15, 1988. It is further ORDERED that said alimony award is made by the Court in contemplation that the Plaintiff Mary Ellen Roe shall become employed and contribute to her own maintenance and support.

It is ORDERED, ADJUDGED AND DECREED that based upon relative earning capacities of the two parties and not upon any fault of either party, the Court divided the marital property as follows:

That all of the right, title and interest of Donald E. Roe, Sr., in and to the following described real property is divested from Donald E. Roe, Sr., and is vested in Mary Ellen Roe, subject to any and all mortgages, restrictions, easements and liens of records and subject to the lien of Donald E. Roe., as described herein below, said property described as follows, to-wit:

> Land in Davidson County, Tennessee, being Lot No. 424 on the plan of Hermitage Hills, Section 5, as of record in Book 3300, Pages 1 and 2, in the Register's Office for said County.
>
> Said Lot No. 424 fronts 84 feet on the southerly side of Bonnabrook Drive and extends back 158.75 on the westerly line and and 152.40 feet on the easterly line to a dead line, measuring 70.44 feet thereon.
>
> Being the same property conveyed to Donald E. Roe and wife, Mary E. Roe, by deed from Jack Valentine Hayes and wife, Wilma S. Hayes, as of record in Book 4607, Page 24, in the Register's Office for Davidson County, Tennessee.
>
> This is improved property, known as 229 Bonnabrook Drive, Hermitage, Tennessee 37076: Map 74-16, Par. 61, 4D-32492.

That Donald E. Roe., has a lien on the above described real property in the amount of five thousand dollars ($5,000.00) which shall accrue interest at the

rate of ten percent (10%) per year, said lien to be paid within two years from the trial date, that is on or before January 5, 1990.

Each party shall keep all amounts in their checking and savings accounts.

The Defendant Husband shall keep all savings bonds, amounts accumulated in an IRA account, Banker's life insurance, NAS savings plus plan, NAS profit sharing, NAS stock bonus plan, the sailboat, the canoe and motor, the camper, the computers and electronic equipment, and the Husband's hobby equipment and tools, and the Husband shall have full title to the 1986 Toyota 4/Runner.

The Wife shall have full title to the 1982 Buick Skylark, all furniture in the home, the organ, the washer and dryer and all other appliances and household goods which are located in the home.

It is further ORDERED, ADJUDGED AND DECREED that all injunctions and restraining orders shall be lifted by a separate order of this Court.

Entered this the 11th day of Feb, 1988.

Honorable Phillip Robinson

Approved for Entry:

Ellen Taylor Turley
Attorney for Plaintiff
2626 Old Lebanon Rd.
Suite 4
Nashville, Tn 37214
889-5350

Frank Newman
Attorney for Defendant
2623 Lebanon Rd.
Nashville, Tn 37214

9174 02/19 0101 03CHECK 15.00

BOOK 7472 PAGE 562

Mail

ELLEN TAYLOR TURLEY
—Attorney at Law—

2626 OLD LEBANON ROAD, SUITE 4
NASHVILLE, TENNESSEE 37214 (615) 889-5350

DAVIDSON COUNTY, TN
FEB 19 9 58 AM '88

IDENTIFICATION REFERENCE

06110

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* Eleventh *day of* February, *19* 88, *in Case Number* 87D-2180 *between* Mary Ellen Poe *Plaintiff, and* Donadl Eugene Roe, Sr. *Defendant, as same remains of record in Book* 40C, *Page* 1688 *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* 19 *day of* February *in the year one thousand nine hundred and* Eighty-Eight *and in the* 212 *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Barbara Eddings *D.C.*

Form #GR-117