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FILED BOOK 7531 PAGE 884

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

GEORGE L. ROOKER, CLERK

K. Langford

WARREN VANCE STEWART,
Plaintiff

vs.

No. 86D-3388

MAXINE STEWART,
Defendant

MAY 2 2 54 PM '88

PEGGY Z. WILSON, REGISTER
DAVIDSON COUNTY, TN

IDENTIFICATION REFERENCE

26322

FINAL DECREE OF DIVORCE

This cause came to be heard on April 20, 1987, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court of Davidson County, Tennessee on the Complaint for Divorce filed by the plaintiff and answer and counter complaint filed by the defendant and answer to the counter complaint having been filed. Upon hearing the testimony of the plaintiff and defendant, depositions filed with the Court, testimony of witnesses in open court and statements of counsel for both parties and upon the record as a whole, from which the Court finds as follows:

The defendant, Maxine Stewart, is entitled to an absolute divorce on the grounds that the plaintiff, Warren Vance Stewart, is guilty of such cruel and inhuman treatment or conduct toward the defendant as to render cohabitation unsafe and improper.

The complaint of the plaintiff, Warren Vance Stewart, is dismissed.

The defendant, Maxine Stewart, should be awarded as separate property any items that belonged to her prior to the marriage. The defendant shall also be awarded her personal items and jewelry and the household furniture and furnishings in her possession. The defendant shall receive the two sets of china, along with any crystal and flatware. The defendant should be awarded her stock and the proceeds thereof to be hers absolutely.

The plaintiff, Warren Vance Stewart, should be awarded his personal items and his jewelry and the furniture and

furnishings in his possession with the exception of the bed which he and the defendant agreed to exchange. The plaintiff is awarded his stock to be his absolutely. The plaintiff is awarded the three automobiles including a 1979 Pontiac, a 1983 Dodge Omni and a 1986 Nissan Maxima leased vehicle. The plaintiff shall be responsible for any liens thereon and Maxine Stewart shall be held harmless by the plaintiff on whatever outstanding indebtedness remains on the vehicles.

Both parties shall divide the baby pictures.

The homeplace of the parties shall be sold and pending the sale, the plaintiff, Warren Vance Stewart, will continue to pay both mortgage notes. After the proceeds of the sale and the satisfaction of the two mortgages, the entire proceeds will be the property of Maxine Stewart.

Warren Vance Stewart should be awarded his pension/profit sharing plan. One-half of the death benefits of the plaintiff, currently in the amount of $43,103.99 total, shall be assigned to Maxine Stewart or her estate as division of marital property.

The defendant, Maxine Stewart, will assume responsibility for the debts to Castner Knott, Harveys, Leon's, Bank Americard of California, and one-half of the Sears indebtedness. Warren Vance Stewart will be responsible for all other debts. For any debts in joint names, the plaintiff will hold the defendant harmless and such payments shall be alimony to Maxine Stewart.

The defendant needs and the plaintiff has the ability to earn income to the extent that the plaintiff is capable and able to pay alimony to the defendant in the amount of two hundred fifty dollars ($250) a month as alimony in futuro for a period of two years following the sale of the parties homeplace. Warren Vance Stewart shall maintain Maxine Stewart as the beneficiary on his other life insurance policy in the amount of $18,000 until such time as the alimony is paid in full.

The plaintiff, Warren Vance Stewart, will pay one-half of the attorney's fee incurred by the defendant, Maxine Stewart.

It is therefore, **ORDERED, ADJUDGED** and **DECREED** as follows:

The defendant, Maxine Stewart, is hereby awarded an absolute divorce from the plaintiff, Warren Vance Stewart, and the parties are restored to all the rights and privileges of unmarried persons.

The complaint of the plaintiff, Warren Vance Stewart, is dismissed.

It is further **ORDERED, ADJUDGED,** and **DECREED** that the personal property at 166 Lake Chateau Drive, Hermitage, Davidson County, Tennessee shall be sold and pending the sale of the homeplace, the plaintiff shall continue to pay both mortgage notes. The proceeds of the sale following the satisfaction of the two mortgages shall be the property of Maxine Stewart and all the rights, title and interest is divested out of the plaintiff and vested into the defendant as distribution of marital property.

It is further **ORDERED, ADJUDGED,** and **DECREED** that the plaintiff is awarded the following as distribution of marital property: his personal items and jewelry, the furniture and furnishings in his possession with the exception of the bed which the parties agreed to exchange, his stock and the proceeds thereof, the 1979 Pontiac, 1983 Dodge Omni and the 1986 leased Nissan Maxima. The plaintiff, Warren Vance Stewart, shall pay all outstanding indebtedness on the property awarded to him and Maxine Stewart shall be held harmless thereon.

It is further **ORDERED, ADJUDGED,** and **DECREED** that the defendant is awarded the following as separate property: all items that belonged to her prior to the marriage. The defendant is awarded the following as distribution of marital property: her personal items and jewelry, the household furniture and furnishings in her possession, the two sets of china, crystal and flatware, and her stock and the proceeds thereof, all to be hers absolutely. Maxine Stewart is further awarded as division of marital property one-half of the death benefits of the plaintiff, Warren Vance Stewart, not less than one-half of the current death benefits of $43,103.99 assigned to Maxine Stewart or her estate.

It is further **ORDERED, ADJUDGED,** and **DECREED** that the defendant, Maxine Stewart, shall pay the following debts: Castner-Knott, Leon's, Harveys, Bank Americard of California #5254-0022-2966-0251 and one-half the Sears bill.

It is further **ORDERED, ADJUDGED,** and **DECREED** that the plaintiff, Warren Vance Stewart, shall pay as alimony the following debts as due: all other debts and for any debts in joint names, Warren Vance Stewart will hold Maxine Stewart harmless and such shall be alimony to Maxine Stewart.

It is further **ORDERED, ADJUDGED,** and **DECREED** that the plaintiff shall pay to the defendant the sum of two hundred fifty ($250) dollars per month as alimony, such payments to commence the month immediately following the sale of the homeplace and to continue for two years. Until such time as alimony shall be paid in full, Warren Vance Stewart shall and is hereby **ORDERED** to maintain Maxine Stewart as beneficiary on his Life of Georgia insurance policy, or the equivalent, in the amount of $18,000 unencumbered to Mrs. Stewart.

The parties are **ORDERED** to divide the baby pictures.

It is further **ORDERED, ADJUDGED,** and **DECREED** that the plaintiff shall pay to the defendant as alimony in solido the following amounts to defray her expenses in this lawsuit: attorneys fees to wife's attorney of record in the amount of one thousand nine hundred forty dollars ($1,940) and each shall pay one-half the expenses for the court reporter.

With the entry of this decree, Anne Russell, attorney of record for defendant, is relieved from any further responsibility as counsel of record.

The addresses of the parties are:

Warren Vance Stewart
166 Lake Chateau Drive
Hermitage, Tennessee 37076

Maxine Stewart
510 Heritage Drive, #67
Madison, Tennessee 37115

Unless specifically ordered by this Court, such support shall not be reduced or prorated.

The costs of this cause are assessed against the plaintiff, Warren Vance Stewart, for which execution may issue.

This 8th day of June, 1987.

JUDGE

APPROVED FOR ENTRY:

ANNE RUSSELL
Attorney for Defendant,
Maxine Stewart
Suite 350
2021 Richard Jones Road
Nashville, Tennessee 37215
(615) 383-3332

PHILLIP ROBINSON
Attorney for Plaintiff,
Warren Vance Stewart
213 Third Avenue, North
Nashville, Tennessee 37201

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* FOURTH *Circuit Court for Davidson County, Tennessee, on the* 8th *day of* JUNE, *19* 87, *in Case Number* 86D-3388 *between* WARREN VANCE STEWART *Plaintiff, and* MAXINE STEWART *Defendant, as same remains of record in Book* 162A, *Page* 40 *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* 28th *day of* APRIL *in the year one thousand nine hundred and* eighty-eight *and in the* 212th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By _____ *D.C.*