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GEORGE L. ROOKER, CLERK
D. Spurlock D.C.

IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE

CHRISTINE JOY DENNISON,
PLAINTIFF/COUNTER-DEFENDANT

v. No. 87D-1846

PHILLIP RAY DENNISON,
DEFENDANT/COUNTER-PLAINTIFF

161-6
168

AMENDED FINAL DECREE OF DIVORCE

This cause came on to be heard on the 10th and 12th days of November, 1987, before The Honorable James Everett, Jr., Judge, upon the original Complaint for Absolute Divorce filed by the Plaintiff (hereinafter called Wife) and the Counter-complaint filed by the Defendant (hereinafter called Husband), the testimony of parties and witnesses in open court, the statements of counsel, and the entire record in this cause, from all of which the Court finds that the allegations of the Complaint are sustained by the proof, in that Husband is guilty of adultery, and makes the further Findings of Fact and Conclusions of Law attached hereto and incorporated herein by reference, and,

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that Wife, Christine Joy Dennison, be and is hereby awarded an absolute divorce from Husband, Phillip Ray Dennison, and the parties are restored to all the rights and privileges of unmarried persons.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Wife be and is hereby awarded the exclusive care, custody and control of the parties' four (4) minor children, Phillip Andrew Dennison, Stephanie Ann Dennison, Aaron Patrick Dennison, and Adam Jonathan Dennison.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Husband is awarded visitation with said children on his day off work each week, and shall notify Wife forty-eight (48) hours in advance of his intent to exercise such visitation rights. Husband shall be responsible for taking the children to school and/or other activities during periods of visitation. Husband's visitation rights shall be subject to modification upon the recommendation of William Mealer, CMSW, therapist for the minor children.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the parties' minor children should continue in therapy with William Mealer, CMSW, so long as it is deemed advisable by Mr. Mealer.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Husband pay to Wife as child support $1,208.22 per month to be paid on the first day of each month commencing on December 1, 1987, and that Husband's employer, CSX TRANSPORTATION, P. O. Box 110038, Nashville, Tennessee 37211, shall deduct $1,208.22, plus the Clerk's lawful fee of five percent ($60.41), or a total of $1,268.63, from Husband's paycheck each month and shall forward said sum on a monthly basis to the Office of the Circuit Court Clerk, Room 506 Metro Courthouse, Nashville, Tennessee 37201, pursuant to T.C.A. Section 50-2-105; upon receipt of said payments, the Clerk shall send $1,208.22 per month to Wife at 637 Vivian Drive, Nashville, Tennessee, Nashville, Tennessee 37211, or to any subsequent address given the Clerk by Wife.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that until said payments are deducted from Husband's wages and/or if Husband is no longer employed by CSX TRANSPORTATION, Husband shall pay $1,268.63 on the first day of each month to the Clerk of the Circuit Court, and shall inform the Clerk of the name and address of any subsequent employer.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that this wage assignment shall be binding on any and all employers of Husband fifteen (15) days after service upon the employer by certified mail from the Clerk of the Circuit Court.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the child support ordered herein shall not be reduced or prorated without the specific order of the Court.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Wife shall be and is hereby made the owner of Husband's life insurance policy maintained thorough his employer, as trustee for the parties' four children, until the youngest child turns eighteen (18) or his class graduates from high school, whichever occurs last, at which time the ownership of said life insurance policy shall revert to Husband. Wife shall administer said life insurance policy for the benefit of said children, to ensure the continued payment of child support in the event of Husband's death.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Husband shall continue to maintain health and hospitalization and dental insurance for the benefit of the parties' four minor children, until said children reach the age of majority or until each child's respective class graduates from high school, whichever event occurs last. Husband shall be responsible for all medical, dental and vision expenses not covered by insurance.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Husband shall pay and continue to pay the tuition and all costs associated with the participation of the minor child, Phillip Andrew Dennison, in Richland Village, until said child reaches the age of eighteen (18) or his class graduates from high school, whichever event occurs last.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Husband shall immediately pay the past due October 1987, and November 1987, mortgage payments, and all late charges incident thereto, on the property located at 637 Vivian Drive, Nashville, Tennessee, for which execution may issue if necessary.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Wife is awarded all right, title and interest in the house and real property located at 637 Vivian Drive, Nashville, Tennessee, as alimony in solido and shall own said property in fee simple absolute. Husband is hereby divested of all right, title and interest in said property, and the filing of this Amended Final Decree shall operate to divest him of such right, title and interest and vest the property totally in the Wife. The legal description of said property is as follows:

> LAND in Davidson County, Tennessee, being Lot No. 233 on the plan of Section Two, Huntington Park, of record in Book 4175, page 108, Register's Office for said County.
>
> SAID Lot No. 233 fronts 108.00 feet on the southeasterly margin of Vivian Drive and extends back 158.03 feet on the easterly line and 113.48 feet on the southwesterly line to a dead line in the rear, measuring 81.60 feet thereon.
>
> BEING the same property conveyed to C. Robert Fisher and wife, Eleanor A. Fisher by deed from Walter V. Troxel, Jr. and wife, Nancy B. Troxel, of record in Book 4853, page 64, Register's Office for Davidson County, Tennessee.

The property herein conveyed is subject to restrictive covenants of record in Book 4393, page 383, said Register's Office, and to the matters set forth in the above referenced plan of record.

Possession of the described property will be given to Grantee on or before August 4, 1984.

Being the same property conveyed to Phillip R. Dennison and wife, Christine J. Dennison, by deed from C. Robert Fisher and wife, Eleanor A. Fisher of record in Book page Register's Office of Davidson County, Tennessee.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Susan Garner, attorney for the Plaintiff, have a lien against the real estate previously described in this Amended Final Decree to secure the payment of her attorney's fees in the total amount of $3,408.00, the sum of money owed to her by the Plaintiff in this cause for legal representation.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Wife is awarded all of the contents of the marital home, and Husband is divested of all right, title and interest therein, except that Husband is awarded one-half of the family photographs, the walnut chest of drawers, the queen-sized bed headboard, and his toolbox, and Wife is divested of all interest in these specified items. Husband shall also be entitled to the items of personalty which he removed from the home and which were in his possession on November 12, 1987. Wife shall be entitled to any proceeds from the sale of the marital home, and shall be resonsible for paying any indebtedness due on said property after entry of this Decree.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Christine Joy Dennison is awarded, and the Railroad Retirement Board is directed to pay, an interest in the portion of Phillip Ray Dennison's benefits under the Railroad Retirement Act (45 U.S.C. Sec. 231, et seq.) which may be divided as provided in Section 14 of that Act (45 U.S.C. Sec. 231m). Christine Joy Dennison's share shall be computed by multiplying the divisible portion of Phillip Ray Dennison's monthly benefit by a fraction, the numerator of which is the number of years Phillip Ray Dennison works for a Railroad employer during the period of the marriage (May, 1969 through November, 1987), and the denominator of which shall be Phillip Ray Dennison's total number of years employed by a Railroad

employer at retirement, and then dividing the product by two (2). It is specifically ordered, however, that Wife's share of Husband's pension beneifts, as determined by the aforesaid formula, shall be in addition to, and not deducted from, the divorced spouse benefit to which Wife would be entitled in her own right under the Railroad Retirement Act.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Wife shall pay and continue to pay all medical bills for the parties' minor children which were in existence on November 12, 1987, and shall hold Husband harmless from liability thereon. Husband shall pay and continue to pay all other debts made during the marriage which were in existence on November 12, 1987, and shall hold Wife harmless thereon.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the 1985 GMC Van shall be vested solely in Husband, and Husband assumes full responsibility for the payment of the indebtedness due on said automobile and shall hold Wife harmless thereon. The 1986 Plymouth Reliant shall be vested solely in Wife, and Wife assumes full responsibility for the payment of the indebtedness due on said automobile, and shall hold Husband harmless thereon.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the CSX Corporation Tax Savings Thrift Plan and amounts therein shall be vested solely in Husband, and shall be his sole and separate property. It is further ordered that Husband shall be awarded his credit union savings account and any amounts therein.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Attorney Susan Garner is awarded a judgment for attorney's fees against Husband in the amount of $2,000, such judgment bearing interest at the rate of ten percent (10%) per annum from date of entry of judgment until paid, for which execution may issue if necessary.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Husband is permanently enjoined from harassing, molesting, assaulting, or threatening Wife, and from coming around Wife at any place and for any reason except insofar as necessary to exercise the visitation rights awarded to Husband herein.

BOOK 7536 PAGE 999-A

27999

IDENTIFICATION REFERENCE

MAY 6 9 54 AM '88

FELIX Z. WILSON III REGISTER
DAVIDSON COUNTY, TN

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* 11th *day of* April, *19* 88, *in Case Number* 87D-1846 *between* Christine Joy Dennison *Plaintiff, and* Phillip Ray Dennison *Defendant, as same remains of record in Book* 41B, *Page* 1204 *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* 2nd *day of* May *in the year one thousand nine hundred and* Eighty- Eight *and in the* 212th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By D. Rooker *D.C.*

Form #GR-117