IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

ANGELA LEE SLATE,
Complainant,
VS.
JAMES MICHAEL SLATE,
Defendant.

Map 72-12
Par 126

NO. 86[illegible]08/22 0101 03CHECK 15.00

BOOK 7632 PAGE 727

FINAL DECREE

This cause came on to be heard on the 26th day of April, 1988, upon the original and amended complaints for divorce filed by Wife, upon the answer and counter-complaint filed by Husband, and answer thereto filed by Wife, upon the testimony of the parties and their witnesses, and upon the record as a whole from all of which the Court finds and it is ORDERED, ADJUDGED and DECREED as follows:

1. Wife is entitled to a divorce on the grounds of cruel and inhuman treatment based upon the admissions of adultery and physical abuse by the Husband and the corroborating testimony of the witnesses. It is therefore ORDERED that Wife is granted a divorce on the grounds of cruel and inhuman treatment and restored to all the rights and privileges of an unmarried person.

2. That Wife shall have the temporary custody and control of the parties' minor child, Jason Slate, subject to Father's visitation rights which will be every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m. Father shall further have a week night visitation with the minor child every other Wednesday from 5:00 p.m. until 8:00 p.m. The Father shall further have one (1) month of summer visitation during which Wife shall have one (1) weekend visitation with the minor child in the middle of the month. The parties shall alternate Christmas as follows:

a) Beginning in 1988 and the even numbered years thereafter Husband shall have one (1) week Christmas visitation beginning at 9:00 p.m. on December 24 on the even numbered years

and on the odd numbered years Husband shall have one (1) week Christmas visitation prior to Christmas and ending at 9:00 p.m. on December 24.

b) The Mother shall always have the child on Mother's Day and the Father shall always have the child on Father's Day.

c) The child's birthday may be alternated or split by the parties.

d) The Court expressly reserves the final determination of custody for a period of thirty (30) days in order for the Defendant to present to the Court the testimony of Becky Holt, who was subpoened but not served prior to the date of the divorce hearing.

3. The Court finds that the parties own as tenants by the entirety realty located at 2100 Fernwood Drive and that the fair market value of the property is sixty-nine thousand nine-hundred dollars ($69,900.00). There is currently an outstanding mortgage in the amount of forty-four thousand dollars ($44,000.00), therefore, leaving equity in the homeplace of twenty-five thousand nine-hundred dollars ($25,900.00).

As a division of the marital property, The Court expressly finds that all right, title and interest in the the homeplace located at 2100 Fernwood Drive, Nashville, Tennessee shall be vested in Wife and more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 172 on the Plan of Dalewood Section 3, as of record in Book 1835, page 20, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate legal description.
>
> Being the same property conveyed to James M. Slate and wife, Angela Lee Slate, from Clifford Overby and wife, Joni Coleman Overby, by deed recorded in Book 6401, Page 329, in the Register's Office for Davidson County, Tennessee.

The Husband is awarded the sum of ten-thousand dollars ($10,000.00) as his interest in the homeplace and based upon Husband's greater earning capacity. Wife is hereby awarded the balance of the equity in the homeplace.

Husband shall be responsible for the payment of the monthly mortgage payment through the month of May 1988, and shall vacate the homeplace in good condition on May 20, 1988. Husband shall be expressly responsible for the mortgage arrearages which he is currently paying through his Chapter 13 Bankruptcy plan and shall further be responsible for the remaining debts which he is currently paying through his Chapter 13 Bankruptcy plan, with the exception of the monthly mortgage payment which Wife shall pay beginning June 1, 1988. Wife shall have six (6) months from June 1, 1988, in which to pay Husband's equity interest in the amount of ten-thousand dollars ($10,000.00) and shall be allowed to sell the property in order to pay Husband's interest.

4. The following items of personalty shall remain with the home: the minor child's bedroom suite, four (4) ceiling fans and any other items that are affixed to the homeplace.

5. Wife is awarded the following items of personalty:

Chest of drawers
Stove
Refrigerator
Couch and tables
Compact disc player
China and silverware
One (1) living room lamp
Microwave and cabinet
Blender
One-half of the dishes, plates and bowls
One-half of the pictures of Jason Slate
One-half of the household plants
Riding lawnmower
Dining room suite
Large mirror in the living room
One-half of the pots and pans
One-half of Jason Slates' toys
1982 Pontiac Firebird automobile
Any items which were gifts from her relatives
One-half of the household pictures
One (1) stereo and set of stereo speakers of her choice

5. The Court further finds that the proof is inadequate to show that the parties have any interest whatsoever in Frontier Enterprises.

6. Husband shall continue to pay Wife the sum of sixty dollars ($60.00) per week child support until Friday, June 3, 1988, at which time the child support shall be increased to seventy-five dollars ($75.00) per week. Husband shall be

responsible for paying the seventy-five dollars ($75.00) per week plus the clerk's commission of three dollars and 75/100 ($3.75) per week through the Circuit Court Clerk's office for Davidson County, Tennessee.

Husband shall be responsible for the hospitalization insurance on the minor child. The medical, eyeglasses, dental and orthodontic expenses in excess of the amounts that Husband's insurance pays will be divided equally between the parties.

The Court finds that Wife may continue her hospitalization through Husband's employeer, Det Distributing Company pursuant to the COBRA Act for eighteen (18) months at the rate of sixty-four dollars and 42/100 ($64.42) per month. Wife shall be responsible for the premium of sixty-four dollars and 42/100 ($64.42) per month.

7. Wife's attorney is hereby granted a judgment against the Defendant in the amount of one-thousand one-hundred dollars ($1,100.00) for attorneys fees incurred by Wife in this divorce proceeding. Wife shall be responsible for the balance of her attorney's fees and Husband shall be responsible for the payment of his attorney's fees.

8. The parties are hereby restrained and enjoined from using illegal drugs in the presence of their minor child, from alienating the affections of the child toward the other parent and from making derogatory remarks about the other party in the presence of the minor child. The parties are further Ordered to treat each other with respect and dignity in the presence of the minor child.

It is further ORDERED that the parties shall sign any and all titles, deeds or releases in order to effectuate the terms and intent of this decree.

It is accordingly, ORDERED, ADJUDGED, and DECREED. The costs of this cause are taxed against the Defendant for all of which let execution issue if necessary.

Enter this the 5th day of May, 1988.

JUDGE

APPROVED FOR ENTRY:

FELIX Z WILSON TR REGISTER
DAVIDSON COUNTY, TN
AUG 22 1 45 PM '88
IDENTIFICATION REFERENCE
608.59

Clara Willis Byrd
CLARA WILLIS BYRD
Attorney for Complainant
12th Floor, First American Center
Nashville, Tennessee 37238
244-5772
Registration # 9914

Mail

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree has been mailed with proper postage affixed to Mr. Terry McNabb, Attorney for Defendant, 311 East Main, Suite 4, Hendersonville, Tennessee 37075 on this the 2nd day of May, 1988.

Clara Willis Byrd
CLARA WILLIS BYRD

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* Sixth *day of* May, *19* 88, *in Case Number* 86D-273 *between* Angela Lee Slate *Plaintiff, and* James Michael Slate *Defendant, as same remains of record in Book* 169B, *Page* 658 *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* 22nd *day of* August *in the year one thousand nine hundred and* Eighty-eight *and in the* 213th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By L Wyatt *D.C.*