File Box 43

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

KATHLEEN PAINTER NEWMAN,)
PLAINTIFF,)
VS.) NO. 88D-317
TED MARCUS NEWMAN,)
DEFENDANT.)

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FINAL DECREE BOOK 7748 PAGE 524

This cause came on to be heard on the 29th day of November, 1988, before the Honorable Muriel Robinson, Judge, upon the Amended and Supplemental Complaint for Absolute Divorce filed by Kathleen Painter Newman, and the Answer and Counter-Claim thereto filed by Ted Marcus Newman. Based upon the statements and argument of counsel, the testimony of the parties under oath, their witnesses, the exhibits, and the entire record, the Court finds that the grounds of Cruel and Inhuman Treatment, as alleged by the Plaintiff, Kathleen Painter Newman, have been fully proven and sustained and she should be entitled to a divorce on those grounds. The Counter Complaint for Divorce should be dismissed.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. That the Plaintiff, Kathleen Painter Newman, is hereby awarded an Absolute Divorce from Ted Marcus Newman, on the grounds of Cruel and Inhuman Treatment and the parties are restored to all rights and privileges of unmarried persons.

2. That the sole and permanent custody of the parties' two (2) minor children, Ted Marcus Newman, II, and Michael James Newman, is vested in Ms. Newman, with reasonable rights of visitation as is normally set by this Court, granted to the father, Ted Marcus Newman, those rights of visitation being as follows: visitation shall be every other weekend commencing at 6:00 P.M. on Friday and ending at 6:00 P.M. on Sunday evening and, he shall be allowed visitation on Wednesday nights from 6:00 P.M. until 8:00 P.M. Holiday visitation will include Mother's Day with the children to be with the Mother, and Father's Day with the children to be with the Father, and all other holidays (Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Easter) to be alternated each year between the parties. Christmas Holidays will be divided between the parties. One parent shall exercise visitation for one week before Christmas

until 8:30 P.M. on Christmas Eve with the children and the other parent shall have the children from 8:30 P.M. on Christmas Eve for one week after Christmas, with this Christmas schedule to be alternated each year between the parties. The Wife shall exercise Christmas visitation with the parties' minor children for the year 1988 for one week before Christmas until 8:30 P.M. on Christmas Eve, and Husband shall exercise visitation from 8:30 P.M. Christmas Eve for one (1) week thereafter. Thereafter, each year, Christmas Holidays shall be alternated as above set out. The children's birthdays will be split between the parties each year. The Husband is hereby granted extended summertime visitation of two (2) weeks during the summer with the children and the previous weekend and weekday visitation as hereinabove set out shall be exercised by the Wife during the extended summer visitation.

3. For the next ninety (90) days, Mr. Newman is Ordered to pay the sum of Four Hundred Dollars ($400.00) per month as child support. Thereafter, child support shall be fixed at the rate of Five Hundred Dollars ($500.00) per month, and shall continue until such time as the youngest child shall attain his eighteenth (18th) birthday or shall graduate from high school with his graduating class, whichever event last occurs, or until further Orders of this Court. Unless approved by this Court, such support shall not be reduced nor prorated. There is an arrearage of Three Hundred Seventy Five Dollars ($375.00) regarding temporary support at the present time, and Mr. Newman is Ordered to catch up that arrearage immediately.

4. The current address and social security numbers of the parties are as follows:

Kathleen Painter Newman
5945 New Hope Court
Hermitage, TN 37076
S.S. [redacted]-6002

Ted Marcus Newman
109 Stewarts Ferry Parkway
Nashville, TN 37214
S.S. [redacted]-7087

5. All right, title and interest in the parties' real estate, comprising a house and lot more particularly described hereinbelow, but generally known as 5945 New Hope Court, Hermitage, Davidson County, Tennessee, 37076, was owned by the parties as tenants by the entirety at the time of the hearing. This property is more particularly described as follows:

> Being Lot 155 on the Plan of Lake Park, Section 5, of record in Book 4660, Page 198, Register's Office, Davidson County, Tennessee.
>
> Said Lot No. 155 fronts 48.80 feet on the northwesterly line of New Hope Court and extends back 148.12 feet on the northeasterly line and 227.91 feet on the southwesterly line to a dead line in the rear measuring 234.04 feet thereon.
>
> Being the same property conveyed to Ted M. Newman and wife Kathleen P. Newman (Ted Marcus Newman and Kathleen Painter Newman being one and the same), by Deed from Richard Leon Boyett and wife, Jo Ann Boyett, of record in Book 5747, Page 697, Register's Office, Davidson County, Tennessee.
>
> This conveyance is subject to any and all existing restrictions and easements of record.

This is improved property known as 5945 New Hope Court, Hermitage, Davidson County, Tennessee, 37076.

All right, title and interest of the Defendant, Ted Marcus Newman, in the aforestated real estate is herein divested out of him and reinvested in the sole name of the Plaintiff, Kathleen Painter Newman, in fee simple title. It is further the Order of this Court that Ms. Newman shall be responsible for the first and second mortgage payments encumbering this property from this date forward. Mr. Newman shall be responsible for all taxes owed to the Internal Revenue Service as testified by him in Court, and shall be responsible to remove any liens that may be filed against the parties' homeplace to collect such assessments.

6. All interest in the parties' real estate, comprising an unimproved lot in Benton County, Tennessee, being more particularly described as: Lot No. 15, Section 36, Sugartree Resort, Route 1, Holladay, Tennessee, 38341, was titled in the name of the Defendant, Ted Marcus Newman, at the time of this hearing. It is the Order of this Court that all right, title and interest that the Plaintiff, Kathleen Painter Newman, has in this

unimproved real estate is herein divested out of her and reinvested in the Defendant, Ted Marcus Newman, in fee simple title. Mr. Newman shall be responsible for any encumbrance on this property, and shall hold Ms. Newman harmless therefrom.

7. With regard to health insurance, it is the Order of this Court that Mr. Newman shall be responsible to maintain in full force and effect health insurance coverage on the parties' two (2) minor children as dependents, and he shall further be responsible for one-half of all medical, dental, eye care, orthodontic, or orthodontic expenses rendered to the children.

8. Regarding life insurance maintained by Mr. Newman, as testified to by him in Court in the amount of $140,000.00, the Court Orders that Mr. Newman shall maintain this coverage in full force and effect and shall name as beneficiary, Kathleen Painter Newman, as Trustee, to provide a fund for support until the youngest child reaches the age of eighteen (18) or is emancipated, whichever event last occurs.

9. Ms. Newman shall retain all personal property, including the Eight Thousand Dollar ($8,000.00) Note receivable from Norm Rollins in the present balance of Seven Hundred Dollars ($700.00), which is hereby assigned and invested in the sole name of Ms. Newman, and all furniture and possessions, presently in her possession, and as set out in the Plaintiff's proposed suggestion of property division, which was filed as an Exhibit by Ms. Newman, with the exception that Ms. Newman shall turn over to Mr. Newman the Lovelace art print and the frames and pictures of the Presidents' homes, as requested by Mr. Newman. Likewise, Mr. Newman shall retain all personal property, furniture, and possessions presently in his possession, including separate and inherited property and as set out in the Plaintiff's proposed suggestion of property division, free of any further claim of Ms. Newman. All right, title and interest in the parties' 1986 Isuzu I-mark automobile is herein divested out of Mr. Newman and reinvested in Ms. Newman in fee simple title. She will be responsible for any indebtedness on this vehicle, and shall hold

Mr. Newman harmless therefrom. Likewise, Mr. Newman shall be entitled to all right, title and interest in his 1988 Chevrolet Beretta GTU, free of any further claim of Ms. Newman, and he shall be responsible and hold Ms. Newman from any liability on any debt encumbering this vehicle.

10. The Court awards an attorneys fee of Five Hundred Dollars ($500.00) to Philip W. Duer, Attorney for Ms. Newman. This attorneys fee is reduced to judgment, for which execution may issue if necessary, against Mr. Newman. The costs of this cause are also assessed against Mr. Newman, for which execution may issue if necessary.

11. All Savings Bonds owned by the children shall remain in the custody and control of Ms. Newman for the benefit of the children. All of the Stock in Newpaint, Inc., shall be invested in the sole name of Mr. Newman, free of any further claim of Ms. Newman.

ENTER this 7th day of December, 1988.

JUDGE

APPROVED FOR ENTRY:

PHILIP W. DUER
ATTORNEY FOR PLAINTIFF
214 Third Avenue, North
P. O. Box 3348
Nashville, TN 37219-0348
(615) 244-2070
Tennessee Supreme Court
Registration No. 4647

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been mailed by U. S. Mail, postage pre-paid, on this the 2nd day of Dec., 1988, to the following:

Robert L. Jackson, Esq.
Laura Goodall, Esq.
One Washington Square
214 Second Avenue, North
Nashville, TN 37201

PHILIP W. DUER

00372

IDENTIFICATION REFERENCE

JAN 10 1 22 PM '89

FELIX Z. WILSON CLERK & REGISTER
DAVIDSON COUNTY, TN

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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* 7th *day of* December, *19* 88, *in Case Number* 88D-317 *between* Kathleen Newman *Plaintiff, and* Ted Newman *Defendant, as same remains of record in Book* 173C, *Page* 1883 *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* 10th *day of* January *in the year one thousand nine hundred and* eighty-nine *and in the* 213th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By K Langford *D.C.*

Form #GR-117