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BOOK 7768 PAGE 275

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
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GEORGE L. ROGERS, CLERK
D.C.

GLORIA JEAN CATO,

Plaintiff,

vs.

THOMAS CURTIS CATO,

Defendant.

No. 87D-3551

Map 69-A
146

FINAL DECREE

This cause came to be heard before the Honorable Muriel Robinson on the 18th day of October, 1988, and the Court having taken a brief respite to discover more evidence, considered the matter further on January 6, 1989, upon the original complaint, counter-complaint, amended complaint and answers, testimony of the parties, statements of counsel, and the record as a whole from all of which the Court is of the opinion that the complaint and amended complaint of plaintiff, Gloria Jean Cato, is well-taken and,

It is, therefore, ORDERED that Gloria Jean Cato is granted a divorce from Thomas Curtis Cato upon the grounds of cruel and inhuman treatment, T.C.A. §36-4-102 (1), and is restored to all the rights and privileges of an unmarried person. The counter-complaint of Thomas Curtis Cato is hereby dismissed.

The Court further finds that Gloria Jean Cato is entitled to all right, title and interest in the parties' home and is vested to Gloria Jean Cato. The property description of the aforesaid home is as follows:

Land in Davidson County, Tennessee, being Lot No. 166 on the Plan of Haynes Park Subdivision, Section II, as of record in Book 4460, page 51, Register's Office for Davidson County, Tennessee

Said Lot No. 166 fronts 89 feet on the westerly side of Haynes Park Drive and runs back between lines, 105 feet on the southerly side and 102.01 feet on the northerly side, to a broken line at the rear on which it measures 113.37 feet thereon.

Being the same property conveyed to Thomas C. Cato and wife, Gloria D. Cato, by warranty deed from W. L. Bainbridge Company, of record in Book 4630, page 298, Register's Office for Davidson County, Tennessee.

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It is further ORDERED that Gloria Jean Cato is entitled to all of the parties personal property and said property shall be vested in Wife.

It is further ORDERED that Thomas Curtis Cato shall be responsible for all debts incurred in his own name and shall hold Gloria Jean Cato harmless for any of said debts.

It is further ORDERED that the Court finds that Thomas Curtis Cato has a pension fund with the Central States Southeast and Southwest Areas Pension Fund, and he intentionally misled the Court regarding said pension fund. Gloria Jean Cato is entitled to participate in 50% of said pension fund benefits. The Court hereby ORDERS Thomas Curtis Cato to pay the necessary amount of money to fully vest said pension fund since he presently has nine of the ten years necessary for said pension fund to be vested. Thomas Curtis Cato is hereby ORDERED to make self contributions to said pension fund within 30 days to gain the necessary credits needed to vest said fund.

The Court hereby ORDERS that it is the intent of this Court to allow Gloria Jean Cato to become a participant in said pension fund and this order shall constitute a qualified domestic relations order in order to meet the requirements of Section 414(p) of the Internal Revenue Code of 1954, as amended, and Section 206(d)(3) of the Employee Retirement Security Act of 1974, as amended. In furtherance of this purpose, the following information is provided to qualify as follows:

a. The name and last known mailing address of the participants in the above-referenced retirement plan in Central States Southeast and Southwest Areas Pension Fund is as follows:

Thomas Curtis Cato
c/o Ms. Minnie Cato
1631 17th Avenue, North
Nashville, TN 37208

Gloria Jean Cato
161 Haynes Park Drive
Nashville, TN 37218

b. Thomas Curtis Cato shall receive 50% of said benefits and Gloria Jean Cato shall receive 50% of said benefits.

c. Each party shall be entitled to a maximum number of payments or period available under said pension plan and shall

vest when the participant reaches the qualified age.

d. The Final Decree in this cause shall not require the plan to provide any type or form of benefit, or any option, not otherwise provided under the plan; shall not require the plan to provide increased benefits (determined on the basis of actuarial value); and shall not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order.

e. The alternate payee's right (Gloria Jean Cato) to receive a portion of the benefits payable with respect to the participant in the plan arises pursuant to T.C.A. §36-4-121(b)(1). Nothing herein is intended to affect in any manner social security benefits to which either party may be entitled.

f. Central States Southeast and Southwest Area Pension Fund shall notify the parties concerning the requirements of fully vesting said plan and concerning the amount that Thomas C. Cato shall pay into said plan to fully vest the parties.

It is further ORDERED that Gloria Jean Cato is entitled to attorney's fees in the amount of $1,000.00 for which let execution issue if necessary.

It is further ORDERED that court costs are assessed against Thomas Curtis Cato for which let execution issue if necessary.

ENTER this 25th day of January, 1989.

MURIEL ROBINSON, JUDGE

APPROVED FOR ENTRY:

JOSEPH K. DUGGMAN
Attorney for Plaintiff
1610 Parkway Towers
Nashville, TN 37219
Phone: 615-244-5432
Supreme Ct. Reg. No. 3550

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Final Decree has been mailed to defendant's attorney, Mose J. Davie, 1026 4th Avenue North, Nashville, TN 37219, on this the 20th day of January, 1989.

JOSEPH K. DUGHMAN

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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* 25th. *day of* January, *19* 89, *in Case Number* 87D-3551 *between* Gloria Jean Cato *Plaintiff, and* Thomas Curtis Cato *Defendant, as same remains of record in Book* 175B, *Page* 1673 *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* 6th. *day of* February *in the year one thousand nine hundred and* Eighty-Nine *and in the* 213th. *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By _____ *D.C.*

Form #GR-117