Recd 3-21-89

IN THE CHANCERY COURT FOR WILLIAMSON COUNTY, TENNESSEE

CHARLENE KAY MATTINGLY,

Complainant,

vs.

ROBERT LOUIS MATTINGLY,

Defendant.

FILED 3-22-89

DOCKET NO. 18518 PG 16 PG 477-482

JANICE M. JORDAN, Clerk & Master

BOOK 7840 PAGE 333

FINAL DECREE

This cause came on to be heard on the 3rd day of February, 1989, upon the Judgment by Default entered against the Defendant, Robert Louis Mattingly, the testimony of witnesses in open Court and the entire record in this cause from all of which the Court finds the following:

That the Defendant Robert Lewis Mattingly is guilty of cruel and inhuman treatment towards the Complainant and finds that the Complainant is entitled to an absolute divorce on the grounds of cruel and inhuman treatment. It is, therefore, ORDERED, ADJUDGED and DECREED that the Complainant is hereby granted an absolute divorce on the grounds of cruel and inhuman treatment and the bonds of matrimony between the Complainant and Defendant are hereby dissolved.

The Court further finds that the parties have two minor children, Robert Jr., and Marlena. It is further ORDERED that the Complainant shall have the exclusive care, custody, and control of the minor children of the parties, and the Defendant shall have reasonable visitation with the said minor children. Because of the Defendant's history of alcohol and drug abuse, it is ORDERED that such visitation shall be exercised in the company of the Defendant's parents or other adults approved by the Complainant.

The Court finds that the Defendant Robert Lewis Mattingly has substantial earning capacity based upon his earnings, and it is, therefore, ORDERED, ADJUDGED and DECREED that the Defendant shall pay child support in the amount of fifteen hundred dollars ($1,500.00) per month. The Court finds that the Defendant was ORDERED to pay by Order of this Court

STATE OF TENNESSEE
WILLIAMSON COUNTY
I, THE UNDERSIGNED CLERK & MASTER, DO HEREBY CERTIFY THIS TO BE A TRUE COPY OF THE ORIGINAL OF THIS INSTRUMENT FILED IN THIS CAUSE. 7840, 477-482

dated December 16, 1988, the sum of twelve hundred dollars ($1,200.00) on the 23rd day of December, 1988, and a total of twenty-four hundred dollars ($2,400.00) each for the month of January and February. The Court finds that the Defendant has not paid said sums as agreed and as ORDERED by the Court and grants judgment to the Complainant in the sum of six thousand dollars ($6,000.00), as unpaid support for both his wife and children during the separation of the parties. It is further ORDERED that the Complainant have a wage assignment from the Defendant's employer, Square D. Corporation, for the payment of child support since it appears that the Defendant will not voluntarily pay said support.

It is further ORDERED, ADJUDGED and DECREED that all present debts including but not limited to American Express, Master Card, Visa, I.R.S. and other debts of which the Complainant may be unaware are to be paid by the Defendant, and the Defendant shall hold the Complainant harmless on said debts.

The Defendant is further ORDERED to carry major medical and hospitalization insurance for the minor children of the parties and shall be responsible for all dental, orthodontic and medical care not covered by said insurance. The Defendant is ORDERED to maintain life insurance in the minimum face amount of two hundred thousand dollars ($200,000.00) naming the children as beneficiaries until said children reach their majority.

The Court finds that the parties are the owners as tenants by the entirety of a residence located at 1713 Old Hickory Blvd. said property being located on the border of Davidson County and Williamson County more particularly described as follows:

> LAND in Davidson and Williamson County, Tennessee, being Lot No. 82 on the plan of Laurelwood, of record in Book 4460, page 121, Register's Office for Davidson County, Tennessee.
>
> SAID Lot No. 82, which is a corner lot, fronts 321.06 feet on the southerly margin of Old Hickory Boulevard and fronts 379.02 feet on the northeasterly margin of Kingsbury Drive, said frontages being joined by a curve having a length of 43.19 feet, and extends back 239.00 feet on the easterly line and

190.00 feet on the southeasterly line to a point of intersection.

BEING the same property conveyed to Robert Louis Mattingly, et ux Charlene Kay Mattingly by Warranty Deed from Thomas F. Dowler, et ux Susan C. Dowler of record in Register's Office for Davidson County, Book 6325, Page 619.

The Court finds that the Complainant is entitled to one-half (1/2) of the equity in said property as a portion of her share of the marital property and further finds that she is entitled as alimony in solido to the balance of said equity in the home. It is, therefore, ORDERED that title to the herein above described property is hereby divested out of the Defendant, Robert Lewis Mattingly, and is hereby vested in fee simple in the Complainant, Charlene Kay Mattingly. The Court further finds that the Defendant has been living in said house since the separation of the parties but has failed to make the house payments and the Complainant was required to make the house payments to keep the property from being foreclosed. It is, therefore, ORDERED that the Plaintiff shall have a judgment against the Defendant for six house payments in the total sum of six thousand two hundred fifty-eight dollars ($6,258.00). It is further ORDERED that the Defendant make the payments on said property until said property is sold.

The Court finds that the Defendant has a pension with his employer, Square D Corporation, and that the vested portion of that pension is approximately twenty thousand dollars ($20,000.00). It is further ORDERED that Complainant shall have a one half (1/2) interest in the vested portion of that pension as of the date of this Decree and further grants the Complainant a lien against the balance of said pension funds to secure the payment of child support and the payment of the judgments herein by the Defendant.

It is further ORDERED that the Dean Witter account which includes Square D stock and Sears stock in the approximate sum of sixteen thousand dollars ($16,000.00) against which there are debts of approximately ten thousand dollars ($10,000.00) shall belong one half (1/2) to the Complainant and one half (1/2)

to the Defendant. It is further ORDERED that the Complainant shall retain a lien against the Defendant's one-half interest in said accounts to secure the payment of child support and the judgments herein set forth.

It is further ORDERED that should there be any tax refunds for these parties that the Complainant shall be entitled to one-half of any such tax refund and shall have a lien against the other half to secure payment of child support and the other judgments and obligations herein.

It is further ORDERED that the 1985 Chrysler New Yorker shall become the sole and separate property of the Defendant and that the payments on said vehicle should continue to come out of the Defendant's paycheck as it presently does until said vehicle is paid for in full. It is further ORDERED that the 1980 Oldsmobile shall become the sole and separate property of the Defendant.

The Court finds that the Defendant should receive certain items of personal property which are attached hereto as Exhibit "A". It is further ORDERED that all other personal property shall become the sole and separate property of the Complainant .

It is further ORDERED that the Defendant shall pay to Complainant's attorney the sum of $2,200^{00}$ as the reasonable value of his services herein.

It is further ORDERED that the Defendant execute any and all documents necessary to effectuate this Order.

It is further ORDERED that all unpaid costs are to be paid by the Defendant and that execution for same may issue if necessary.

Enter this 22nd day of March, 1989.

H W Bell

Henry Denmark Bell
Chancellor

APPROVED FOR ENTRY:

KING & TURNBOW

By _____
David H. King
Attorney for Complainant
203 Third Avenue South
Franklin, TN 3706
(615) 794-5555

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree has been mailed to Robert Louis Mattingly, % Square D Corporation, 330 Weakley Road, Smyrna, Tennessee 37167, and to Robert Louis Mattingly, 1713 Old Hickory Blvd., Brentwood, Tennessee 37027, on this the 22nd day of March, 1989.

Janice Jordan
Clerk and Master
Chancery Court

EXHIBIT "A"

BOOK 7840 PAGE 338

GLASS TOP KITCHEN TABLE AND CHAIRS
KITCHEN UTENSILS USED IN BOAT
CORRETT DISHES
KING AND TWIN SIZE BEDS
ONE ROUND ENDTABLE
OUTSIDE FURNITURE WHICH INCLUDES AND ANTIQUE TABLE
1980 OLDSMOBILE
METAL SHELVES AND TOOLS
SUITCASE AND CLOTHING

32690

MAY 12 1 12 PM '89

5799 05/12 0101 03CHECK 18.00