182C
1736

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

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JAMES DANIEL DAVIS,
Husband

VS.

CATHERINE BLAINE STEWART DAVIS,
Wife

BOOK 7991 PAGE 892

NO. 88D-1758

FINAL DECREE OF DIVORCE

This cause came on to be heard on October 31, 1989, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the Complaint for Absolute Divorce filed by the Husband, the Answer and Counter Complaint for Absolute Divorce filed by the Wife, and the Husband's Answer thereto, the testimony of the parties, their witnesses, statements of counsel, and the entire record in this cause. From all of which, it appears to the Court that the Husband's Complaint for Absolute Divorce shall be dismissed and that the Wife shall be awarded an absolute divorce from the Husband on the grounds of cruel and inhuman treatment, and she shall be restored to all the rights and privileges of an unmarried person, and the bonds of matrimony heretofore existing between the parties shall be dissolved.

The Court finds that neither party has abused the three minor children of the parties to the extent that either party shall be declared unfit. It further appears to the Court that it is in the best interests of the parties' three minor children, Erin (age 6), Tina (age 4), and Jamie (age 3), that the Wife shall be awarded the absolute care, custody and control of said three minor children, and the Wife shall have the children in her primary care from two days before the commencement of school each year to July 1 of each year. During this time, the Husband will be allowed to exercise visitation with the minor children in the city of their residence for two weekends per month from Friday at 6:00 p.m. until Sunday at 6:00 p.m. if he is able to do so. The Husband shall have the three minor children in his custody from July 1 of each year to two days prior to the commencement of school. During this time, the

Wife shall be allowed to exercise visitation with said minor children one weekend per month in the city of the Husband's residence, from Friday at 6:00 p.m. to Sunday at 6:00 p.m., while the children are in the care of the Husband.

It further appears to the Court that with regard to holiday visitation with the minor children of the parties, the parties shall alternate on an annual basis Thanksgiving (from Wednesday before Thanksgiving until Sunday following Thanksgiving), and Spring Break. With regard to the Christmas holidays, the Husband shall have the children in odd numbered years from December 26 for a period of one week thereafter, and in even numbered years, the Husband shall have the children from December 23 for a period of one week thereafter.

It further appears to the Court that each party shall be allowed to take the children for one week each year for out-of-state vacation.

It further appears to the Court that the parties shall have a designated meeting place which is approximately half way between Nashville, Tennessee and Fort Mill, South Carolina, at which to exchange the minor children for the visitation periods of Christmas, Thanksgiving, Spring Break and the summertime visitation. At all other times, transportation expenses shall be borne by the party desiring the visitation.

It further appears to the Court that the Wife shall send copies of all school and health records to the Husband as she receives them.

It further appears to the Court that the Husband shall be allowed to call the children on the telephone at reasonable times, not during bedtime or mealtime, and he shall not make a nuisance of himself.

It further appears to the Court that the Fourth Circuit Court of Davidson County, Tennessee shall retain jurisdiction over the custody and child support issues, and that should either party change his or her state of residence, he or she shall immediately notify the Court and the other party of such change.

It further appears to the Court that the Husband shall pay directly to the Wife by Friday of each and every week, commencing

Friday, November 3, 1989, child support for the support and maintenance of the parties' three minor children the sum of $222.00 per week during the months that the children are in the Wife's custody, which is based on the federal child support guidelines. During the weeks the children are in the Husband's possession, the Husband's child support obligation shall be reduced to $100.00 per week. The Wife shall not be required to pay child support to the Husband during this time.

It further appears to the Court that the Husband shall be awarded all right, title and interest in and to the marital residence located at 208 Glenrose Court, Nashville, Tennessee, with the same being divested from the Wife and reinvested in the Husband. Said property is more specifically described as follows:

MAP 119-06, PARCEL 272, 06DA-15736

LAND in Davidson County, Tennessee, being Lot No. 22 on the plan of Section One, Rosewood Estates, of record in Book 4955, page 29, Register's Office for said County.

SAID Lot No. 22 fronts 37.50 feet on the southwesterly margin of Glenrose Court and extends back 169.96 feet on the northerly line and 111.33 feet on southeasterly line to a dead line in the rear, measuring 149.94 feet thereon.

Being the same property conveyed to James D. Davis and wife, Catherine B. Davis, by deed from Sean T. Brehm and wife, Yvette M. Brehm, of record in Book 7008, page 366, Register's Office for Davidson County, Tennessee.

The Husband shall pay to the Wife for her interest in said residence the sum of $2,000.00 on or before December 30, 1989. The Husband shall be responsible for the payment of all outstanding mortgage indebtedness, taxes and insurance payments in connection with said residence and he shall hold the Wife harmless from repayment thereof. The Wife shall be and she hereby is awarded a lien against said property to secure payment of said $2,000.00 to her.

It further appears to the Court that the Wife shall be awarded all right, title and interest in and to those items of personal property which are currently in her possession, and in addition thereto, the Husband shall turn over to the Wife the items of personal property located on the list attached

hereto as Exhibit "A", which items shall become the sole property of the Wife, with the exception of the dishwasher, which shall be awarded to the Husband. The Husband shall be awarded all right, title and interest in and to those remaining items of personal property, furniture and furnishings which are not specifically mentioned herein.

It further appears to the Court that the Husband shall be awarded all right, title and interest in and to his pension fund with the Kroger Company, with the Wife being divested of any interest therein.

It further appears to the Court that the Husband shall be responsible for the payment of any and all debts of the parties which were incurred prior to their separation on April 3, 1988 and hold the Wife harmless from repayment thereof, with the exception that the Wife shall be responsible for the payment of her student loans, and she shall hold the Husband harmless from repayment thereof. Each party shall be responsible for the payment of any debts that he or she made in their respective names following their separation, and each shall hold the other harmless from repayment thereof.

It further appears to the Court that the Husband shall maintain health insurance coverage for the benefit of the parties' three minor children and pay the premiums thereon, and the parties shall divide equally the payment of the deductibles. Furthermore, the parties shall divide equally the payment of any and all medical, dental, orthodontic (including braces), eye care (including glasses and contact lenses), psychiatric and psychological expenses for said minor children not covered by insurance. The Wife shall be responsible for the payment of any and all prescription drug expenses for the minor children, and she shall be allowed to turn these expenses in to the Husband's insurance company for reimbursement.

It further appears to the Court that the Husband shall maintain and keep in full force and effect that life insurance policy on his life which he currently has in effect, with the minor children of the parties designated as the sole and irrevocable beneficiaries thereon, and with the Wife designated as the Trustee

for said children with the full policy remaining in effect until the youngest child reaches the age of eighteen years.

It further appears to the Court that the Husband shall be required to pay to the Wife's attorney, Rose Palermo, the sum of $1,000.00 towards her fee in representing the Wife in this cause, for which execution may issue if necessary.

It further appears to the Court that the Husband shall be required to pay the Court costs incurred in this cause.

It further appears to the Court that the Wife's current residence address is 210 Maple Street, Fort Mill, South Carolina 29715; and that the current residence address of the Husband is 208 Glenrose Court, Nashville, Tennessee 37210.

ACCORDINGLY, IT IS SO ORDERED, ADJUDGED AND DECREED.

Entered 20th day of November, 1989.

JUDGE

APPROVED FOR ENTRY:

Rose Palermo

Rose Palermo (#3330)
Attorney for Wife
43 Music Square West
Nashville, TN 37203
(615) 244-4270

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed to John Kitch, Attorney for Husband, Suite 305, 2300 Hillsboro Road, Nashville, Tennessee 37212, on this 14 day of November, 1989.

Rose Palermo

Rose Palermo

ITEMS OF PERSONAL PROPERTY TO BE AWARDED TO WIFE
(CURRENTLY IN HUSBAND'S POSSESSION

Refrigerator (Mother's Day gift from wife's parents)
Bedroom Suite consisting of Dresser, Mirror, Chest of Drawers, Bed and Mattress (wife's prior to marriage)
Portable Dishwasher (Christmas gift from wife's parents)
Lighted Curio Cabinet (gift from wife's mother)
Bookcase (gift from wife's mother)
Piano (wife's prior to marriage)
Remainder of Children's Clothes, Books, Bedding & Toys
Bassinet (wife's as a baby)
Small Black and White Set (wife's prior to marriage)
2 Mediterranean Style Lamps (gift from wife's sister)
Assorted Baking Dishes (gift from wife's mother)
Electric Mixer with Stand and Bowl (gift from wife's mother)
Shaker Shelf from Kitchen (gift from wife's mother)
Basin and Pitcher Set in Kitchen
Remainder of Wife's Books, Clothes and Personal Items
4-Slice Toaster (from wife's parents)
Assorted Pictures and Prints off the walls
Christmas Decorations
Typewriter
Playpens, Strollers & Cribs

EXHIBIT "A"

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IDENTIF. TENNESSEE

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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* 20th. *day of* November, *19* 89, *in Case Number* 88D-1758 *between* James Daniel Davis *Plaintiff, and* Catherine Blaine Stewart Davis *Defendant, as same remains of record in Book* 182C, *Page* 1736 *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* 21st. *day of* November *in the year one thousand nine hundred and* Eighty-Eight *and in the* 214th. *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By D Tucker *D.C.*

Form #GR-117