1835/1031

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
1990 JAN -3 PM 3:15
GEORGE L. ROOKER, CLERK
B. Ellwood D.C.

DAVID ALLISON PHILLIPY]
]
vs.] No. 88D-3
]
JOYCE EILENE PHILLIPY]

161-05-0-034

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FINAL DECREE

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This cause came on for final hearing on December 19, 1989, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court of Davidson County, Tennessee, upon Complaint for Absolute Divorce filed by Husband, Answer and Counter-Complaint for Absolute Divorce filed by Wife, oral request to withdraw all adverse pleadings to allow the case to proceed as an uncontested matter upon the grounds of irreconcilable differences, submission to the Court of a written Marital Dissolution Agreement, testimony of Wife in open Court, statements of counsel and the entire record herein from all of which the Court finds as follows:

All adversary pleadings heretofore filed in this matter shall be and are hereby dismissed and this cause shall proceed on Wife's Counter-Complaint for Divorce upon the grounds of irreconcilable differences.

From the testimony of Wife, **JOYCE EILENE PHILLIPY**, it appears that the parties hereto have differences in their marriage which cannot be reconciled and therefore should be divorced upon the grounds of irreconcilable differences.

It is, therefore, **ORDERED, ADJUDGED**, and **DECREED** that the bonds of matrimony heretofore existing between the parties shall be, and are hereby, forever, and perpetually dissolved, and the Counter-Complainant/Wife, **JOYCE EILENE PHILLIPY**, is granted an absolute divorce form the Counter-Defendant/Husband, **DAVID ALLISON PHILLIPY**, and restored to all the rights and privileges of an unmarried person.

It is further **ORDERED, ADJUDGED,** and **DECREED** and the Court affirmatively finds that the parties have made adequate and sufficient provision by written agreement for the equitable division of any property rights between the parties. Said agreement is as follows:

MARITAL DISSOLUTION AGREEMENT

Plaintiff DAVID PHILLIPY will receive

1. All interest in his Tennessee Consolidated Retirement System
2. All interest in his pension through the Presbyterian Church
3. His Fidelity Magellan IRA
4. Any savings accounts and checking accounts in his name
5. Two (2) investment grade diamonds
6. HCA stock proceeds
7. 1956 Nash Metropolitan
8. Mazda Pick-up
9. Coin collection
10. Insurance policy on plaintiff, Minnesota Mutual Life
11. Salvador Dali Lithos and Etchings-Classus of Rhoda - others from world wide collectibles
12. Cooker Corporation stock
13. Dining Room rug fro, J.C. Penney
14. Roll top desk with chair
15. Park bench
16. Hunting rifle, golf clubs
17. Canister vacuum/sweeper
18. Family quilt (one)
19. Pump organ
20. 1/2 records and tapes
21. Personal effects at house, if any

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Son, Joel, will receive

1. His bed room furniture
2. Honda Express
3. Insurance policy on son, company unknown
4. All personal items in his possession including furniture

Sons, Joel and Greg

1. Time/Life books
2. Auto and workshop tools

Transfer of personal property at an agreed time with the children and parties.

Defendant, JOYCE PHILLIPY will receive

1. Toyota Terrel
2. Real property at 513 Woodhurst Drive, Nashville, Tennessee
3. Her IRA, along with savings and checking accounts
4. Any pension rights with Metropolitan Government
5. Any other property not awarded to Plaintiff
6. All household furnishings and furniture in her possession, with the exception of list to Husband.

Debts will be paid as follows:

1. Court costs - split equally for any amount over deposit of parties
2. Visa and Master Card acquired prior to separation - David Phillipy
3. Attorney fees - each party will pay their own
4. Debts since separation - party that incurred said debt
5. Mortgage on residence - Joyce Phillipy
6. Loan for Tercel Joyce Phillipy

No alimony to either party

Joyce Phillipy will be restored to her maiden name

Neither shall bother the other

/s/David Phillipy **/s/ Joyce E. Phillipy**

/s/ Brad Hornsby **/s/ Sandra Jones**

12/19/89

It is, therefore, **ORDERED, ADJUDGED,** and **DECREED** that the Marital Dissolution Agreement heretofore presented to the Court and incorporated herein is hereby approved by the Court and made the judgment thereof in all respects.

It is further **ORDERED** that all right, title and interest in and to the real property located at 513 Woodhurst Drive, Nashville, Tennessee 37220 shall be and hereby is divested from **DAVID A. PHILLIPY** and vested in **JOYCE E. PHILLIPY** so that her ownership and title in said property is by fee simple absolute. Said property is described in words and figures as follows:

> **LAND** in Davidson County, Tennessee, being Lot No. 18 on the Plan of Hillview Estates, of record in Book 3600, page 89, Register's office of said County.
>
> Said Lot No. 18, which is a corner lot, fronts 146. 52 feet on the southerly margin of Woodhurst Drive and fronts 120.18 feet on the westerly margin of Bradfield Drive, said frontages being joined by a curve having a length of 39.27 feet, and extends back 150.65 feet on the southerly line and 160.05 feet on the westerly line to a point of intersection.
>
> **BEING** the same property conveyed to David A. Phillipy and wife, Joyce E. Phillipy, by deed from Burley C. Lockridge and wife, Edna M. Lockridge, of record in Book 5020, Page 816, Register's Office for said County.

It is further **ORDERED** that Wife's maiden name shall be and is hereby restored so that her legal name is **JOYCE EILENE BENNER.**

It is further **ORDERED** that the costs of this cause not heretofore paid by either party, shall be divided equally between the parties for all of which execution may issue if necessary.

ENTERED this 2nd day of ~~December,~~ Jan. 1990. ~~1989~~.

JUDGE

APPROVED FOR ENTRY:

Sandra Jones #7082
Attorney for Wife
213 Third Avenue, North
Nashville, Tennessee 37201
615-256-6401

RUSH

DAVIDSON COUNTY, TN
MAY 1 4 19 PM '90
IDENTIFICATION REFERENCE
2.3.1.3.9.

CERTIFICATE OF SERVICE

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I certify that a true and exact copy of the foregoing Final Decree of Divorce has been mailed to Mr. Brad Hornsby, Attorney for Husband, 301 North Spring Street, P.O. Box 398, Murfreesboro, Tennessee 37130, on this 27th day of December, 1989.

Sandra Jones

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* 3rd *day of* January, *19* 90, *in Case Number* 88D-3 *between* David Allison Phillipy *Plaintiff, and* Joyce Eilene Phillipy *Defendant, as same remains of record in Book* 183B, *Page* 1031 *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* 12th *day of* January *in the year one thousand nine hundred and* ninety *and in the* 214th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By _____, *D.C.*