186A/499

BOOK 8125 PAGE 671

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

1990 APR 27 PM 3:23

JACQUELINE LUCILLE ELSTON,
Plaintiff,

-vs-

OSCAR B. ELSTON, SR.,
Defendant.

No. 89D-1758

FINAL DECREE OF DIVORCE

This cause came on to be heard on the 17th day of April, 1990, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court of Davidson County, Tennessee upon the original complaint for absolute divorce filed by the Wife in this cause, the Husband's answer and counter-complaint for divorce, the stipulation of the parties as to grounds pursuant to Tennessee Code Annotated section 36-4-129, the testimony of the parties in open court, statements of counsel and the entire record herein; from all of which the Court was of the opinion and found as follows:

1) That the counter-complaint for absolute divorce filed by the Husband is dismissed.

2) That the Wife is granted an absolute divorce from the Husband on the grounds of cruel and inhuman treatment and is restored to all the rights and privileges of an unmarried person.

3) That the Wife is granted the absolute care, custody and control of the parties' minor children, Oscar Bernard Elston, Jr. (d.o.b. 2/16/84) and Shawn Elliot Elston (d.o.b. 10/7/85).

4) That the Husband is ordered to pay $300.00 per month for the care and support of the parties' minor children. All payments are to be made to the Circuit Court Clerk's Office, plus the Clerk's commission. The total payment to be made by the Husband is $315.00 per month, which includes the Clerk's commission of 5%. Said payments

shall commence when the Wife assumes the mortgage payments on the former marital residence through filing a Chapter 13 bankruptcy petition or otherwise, and the husband is relieved of his obligation to make current mortgage payments. The amount of child support awarded hereunder shall not be reduced or prorated except in accordance with the further orders of this Court.

5. The addresses and social security numbers of the parties are as follows:

Wife - Jacqueline Lucille Elston S.S.# [redacted]-1114
1811 Neal Terrace
Nashville, TN 37203

Husband - Oscar B. Elston, Sr. S.S.# [redacted]-8250
1811 Neal Terrace
Nashville, TN 37203

6. Husband will have the following visitation privileges with the minor children of the parties:

(a) Husband will have visitation privileges with the minor children on an every other weekend basis beginning April 27, 1990. Said visitation will begin on Friday at 6:00 p.m. and conclude on Sunday at 6:00 p.m.

(b) Husband will pick up the minor children at the home of the Wife and return them on time.

(c) The parties will alternate visitation on the following holidays: New Year's, Easter, July 4th, Labor Day and Thanksgiving. The visitation on these holidays will begin at 6:00 p.m. before the holiday and end at 6:00 p.m. on the holiday. Said alternation will commence with the Husband exercising visitation on July 4, 1990.

(d) Wife will always have visitation on Mother's Day and the Husband will always have visitation on Father's Day.

(e) There will be one week visitation with the minor children for the Husband during the Christmas holidays. The schedule shall alternate from year to year with the Husband having visitation for one week before Christmas 1990, ending at 8:00 p.m. on December 24. In 1991, the Husband's visitation shall commence at 8:00 p.m. on December 24 and end one week

thereafter.

7. The Husband is ordered to maintain major medical insurance coverage for the benefit of the minor children. The parties shall each be responsible for the payment of one-half (½) of all medical, hospital, dental, orthodontic, and special health care expenses of the children not covered by the Husband's insurance.

8. The Wife is hereby awarded the parties' marital residence at 1811 Neal Terrace, Nashville, TN 37203 and shall assume the mortgage payments on the premises with Fleet Funding (first mortgage) and United Companies Mortgage (second mortgage), commencing with the May, 1990 payments. Any interest which the Husband might have or claim in and to said real property is divested out of him and affirmatively reinvested in the Wife. The parties' equity in said real property is hereby awarded to the Wife as alimony in solido. The property is known as a certain tract or parcel of land in Davidson County, State of Tennessee, described as follows, to wit:

Map-Par 105-11 167
Fld Bk 6DA 20970

BEING Lot No. 4 of Block A on the Map of the Subdivision of a part of the Sophia M. Neal Property, as of record in Book 1130, page 4, Register's Office for Davidson County, Tennessee.

Said Lot No. 4 fronts 50 feet on the westerly side of Neal Terrace and runs back between parallel lines, 150 feet to a dead line.

Being the same property conveyed to Oscar B. Elston and Jacqueline L. Campbell by deed from Tom W. Peters and wife, Pamela S. Peters, as of record in Book 5984, page 645, said Register's Office.

The Wife is further awarded all right, title and interest in and to the real property, known as the Natchez Trace property, in Lewis County, Tennessee, which is deeded to the Wife in her name alone, free and clear of any interest which the Husband might have or claim therein.

9. The Husband is hereby awarded a 1970 Ford

pickup truck, the stereo system and its components, and a Zenith color television set and any interest which the Wife might have or claim therein is divested out of her and affirmatively reinvested in the Husband. The Wife is hereby awarded the 1984 Riviera automobile and all other household furniture, furnishings, appliances and effects and any interest which the Husband might have or claim therein is hereby divested out of him and affirmatively reinvested in the Wife.

11. The Husband is hereby ordered to assume and pay the parties' joint indebtedness other than the mortgages, the same being the utility bills with respect to the marital residence, including any past due bills, through the month of April, 1990, and the indebtedness to American General Finance, Commercial Credit, Visa and Sears. The assumption of these debts by the Husband is awarded as alimony to the Wife, the same being necessary for her maintenance and support, and it would be necessary to award the Wife additional alimony were these debts not being assumed, and the obligation to assume such indebtedness is to be considered a non-dischargeable debt pursuant to 11 U.S.C. 523 (5) and related provisions of the Bankruptcy Code. The Wife shall assume all indebtedness contracted in her name alone.

12. The Husband is to keep his Chapter 13 plan in effect and is enjoined from interferring with the Wife's assumption of the mortgage indebtedness through filing her own bankruptcy or otherwise, and from doing any act to cause her to lose the house through foreclosure. The Husband is hereby ordered to vacate the marital residence on or before April 24, 1990.

13. Each party shall pay his or her own attorney's fees.

14. The costs of this cause are assessed against the Husband for which execution may issue, if necessary.

ENTER this 27th day of April, 1990.

MURIEL ROBINSON, JUDGE

BOOK 8125 PAGE 675

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DAVIDSON COUNTY, TN

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IDENTIFICATION REFERENCE

3.1.8.2.2

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APPROVED FOR ENTRY:

E. L. Edwards, III (#9772)
Attorney for the Wife
406 Stahlman Building
211 Union Street
Nashville, TN 37201
726-3395

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a true and exact copy of the foregoing order to the office of the Hon. L. G. Burnett, Jr., Attorney for the Husband, 346 21st Avenue, North, Nashville, TN 37203 this 19th day of April, 1990.

E. L. Edwards, III

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* 27th *day of* APRIL, 19 90, *in Case Number* 89D-1758 *between* JACQUELINE LUCILLE ELSTON *Plaintiff, and* ~~OSCAR B. ELSTON SR.~~ *Defendant, as same remains of record in Book* 186A, *Page* 499 *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* ~~7th~~ *day of* JUNE *in the year one thousand nine hundred and* NINETY *and in the* TWO HUNDRED & FOURTEEN *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By: Tina Alexander, D.C.

Form #GR-117