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IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE

CARLA DIANNE SHELTON

vs. No: 88D-1009

GARY WILBUR SHELTON

'90 MAY -8 PM 2 32

ORDER

BOOK 8138 PAGE 423

This matter came to be heard on April 27, 1990 upon the Amended Petition for Citation for Contempt and to Modify the Previous Order of the Court filed by the husband, Gary Wilbur Shelton.

After hearing statements of counsel, the Court finds as follows:

1. The parties jointly own real estate located at 3204 Curtis Street, Nashville, Tennessee more specifically described as follows:

> Being part of the Lot No. 6 on the Plan of H. E. Simkin's Subdivision of the L. H. Curtis Land, of record in Book 547, page 39, Register's Office for said County, and described according to a copy of a survey thereof by Geo. W. Watkins, Surveyor, November 27, 1957, as follows:
>
> Beginning at an iron pin in the northerly margin of Curtis Street, 140 feet west of the west margin of Alpine Avenue; thence north 34° 15' East 130 feet to an iron pin in the south line of the Ethel Harper Bryant Tract; thence with her south line, north 55° 30' west 40 feet to an iron pin and north 66° 40' west 30 feet to an iron pin which is the corner of the lot conveyed to Bobby R. Evilcizer and wife, by deed of record in Book 2736, page 35, said Register's Office; thence along the easterly line, south 34° 15' west 130 feet to an iron pin in the margin of Curtis Street; thence with the margin of the same; South 66° 40' east 30 feet and south 55° 30' east 40 feet to the point of beginning.
>
> Being the same property conveyed to James D. McWhirter, et ux, Wilma Russell McWhirter, by deed from C. W. Evilcizer, et als, of record in Book 3074, page 47, in said Register's Office.
>
> Being the same property conveyed to Gary W. Shelton, et ux, Carla D. Shelton, by deed from James D. McWhirter, et ux, Wilma Russell McWhirter, by deed of record in Book 5138, Page 802 in the Register's Office for Davidson County, Tennessee

In the Marital Dissolution Agreement signed by the parties and incorporated in the Final Decree of Divorce previously entered in this case, it was agreed that the property would be placed on the market for sale for the fair market value with the husband responsible for mortgage payments until sale. There has been a disagreement between the parties as to what the fair market value of this home is and the wife has refused to agree to sell this property for the prices offered.

Therefore, all right, title and interest of Carla Dianne Shelton in the above described real estate is divested out of Carla Dianne Shelton and vested in Gary Wilbur Shelton pursuant to this order.

The parties shall execute all documents necessary to give full implementation to this order. Following the sale of this property, the Court will divide the proceeds, if any, between the parties and will rule at that time on the husband's request that the wife be responsible for one-half of all mortgage payments accruing after her refusal to sign a contract of sale of this property.

2. The husband's request for modification of child support is denied.

3. The husband's request that wife be ordered to sign a contract for sale of the above described property was withdrawn due to the expiration of the contract for sale of real property.

IT IS SO ORDERED, ADJUDGED AND DECREED this the 7 day of May, 1990.

JUDGE

APPROVED FOR ENTRY:

MICHAEL M. CASTELLARIN, NO: 12015
Attorney for Gary Wilbur Shelton
95 White Bridge Road, Suite 509
Nashville, TN 37205
(615) 356-8100

I hereby certify that a copy of the foregoing was mailed to Mr. T. Michie Gibson, Jr., Attorney for Carla Dianne Shelton McNeese, 1416 Parkway Towers, Nashville, TN 37219 on this 2 day of May, 1990.

MICHAEL M. CASTELLARIN

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IDENTIFICATION REFERENCE

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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* Probate *Circuit Court for Davidson County, Tennessee, on the* 8th. *day of* May, *19* 90, *in Case Number* 88D-1009 *between* Carla Dianne Shelton *Plaintiff, and* Gary Wilbur Shelton *Defendant, as same remains of record in Book* 54B, *Page* 1203 *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* 25th. *day of* June *in the year one thousand nine hundred and* Ninety *and in the* 214th. *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By _____ *D.C.*

Form #GR-117