IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

ROBERT KIMBRO PROCTOR

vs. No. 89D-3555

NANCY LOUISE WOODSIDE PROCTOR

155-16
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FINAL DECREE

This cause came on to be heard on the 13th and 19th days of November, 1990, before the Honorable Muriel Robinson Rice, Judge, of the Fourth Circuit Court of Davidson County, Tennessee, upon the original Complaint for Absolute Divorce heretofore filed by Mr. Proctor, Answer and Counter Complaint filed by Mrs. Proctor, Answer to Counter Complaint filed by Mr. Proctor. Upon testimony of the parties and their corrobative witnesses, introduction of exhibits, statement of counsel in open court, and from the entire record in this cause. From all of which the Court finds that the original Complaint for Absolute Divorce filed by Mr. Proctor should be dismissed. The Court further finds that the Counter Defendant, Robert Kimbro Proctor, has been guilty of inappropriate marital conduct which renders further cohabitation unsafe and improper.

It is therefore, **ORDERED AND ADJUDGED** by the Court that the original Complaint for Absolute Divorce heretofore filed in this cause by Mr. Proctor is hereby dismissed.

It is futher **ORDERED AND ADJUDGED** by the Court that the bonds of matrimony heretofore subsisting between the parties be, and the same are, hereby forever and perpetually dissolved and your Counter Complainant, Nancy Louise Woodside Proctor, is granted an absolute divorce and restored to all the rights and privileges of an unmarried person.

It is further **ORDERED AND ADJUDGED** by the Court that the parties have already divided there personal belongings, furniture and fixtures, and Mrs. Proctor shall be awarded all the household furniture, furnishings and fixtures located at the homeplace, with the exception of the 13-inch color television, desk chair, and livingroom bookcase,

and jelly cabinet, which shall be awarded to Mr. Proctor. In addition thereto Mr. Proctor will be awarded all items of furniture, furnishings and fixtures in his possession and he shall be awarded his gold watch, and gold coin ring.

It is further **ORDERED AND ADJUDGED** by the Court that each party will retain the sole and exclusive ownership of their respective automobile, free and clear of any claim by the other party, as well as the Van, which has already been disposed of by Mr. Proctor. Each party shall pay any indebtedness and be responsible for any indebtedness on any vehicle awarded to them and they shall hold the other person harmless therefrom.

It is further **ORDERED AND ADJUDGED** by the Court that Mr. Proctor shall be awarded all of his retirement at the United States Postal Service and Wife shall have no claim thereto. However, the award of the retirement to Mr. Proctor has been taken into consideration as it applies to an equitable division of the marital estate.

It is further **ORDERED AND ADJUDGED** by the Court that all right, title and interest which Mr. Proctor has, in and to, the homeplace of the parties located at 5006 Cameron, Nashville, Davidson County, Tennessee, shall and the same is hereby divested from him and the sole and exclusive ownership shall be vested in Mrs. Proctor in fee simple absolute, and she shall assume the balance of mortgage indebtedness thereon and hold Mr. Proctor harmless from any responsibility thereon. In lieu of his equitable interest, in and to, the aforementioned property, Mr. Proctor shall be awarded a judgment lien against the home in the sum of **TWENTY ONE THOUSAND ($21,000.00) DOLLARS**, which judgment lien shall be due and payable upon the remarriage of Mrs. Proctor or within two years, or upon the sale of the home, whichever is the first event to occur. Should Mrs. Proctor get behind on the mortgage note or otherwise become in default on the mortgage payments, then the homeplace will be ordered sold immediately. In arriving at the amount of equity awarded to Mr. Proctor from the home, the Court took into consideration that he was entitled to one-half the equity of **FORTY TWO THOUSAND ($42,000.00) DOLLARS**, however, the Court deducted from this sum, the amount of **ELEVEN THOUSAND ($11,000.00) DOLLARS** which represented one-half of the pension/retirement plan, and further deducted

TEN THOUSAND ($10,000.00) DOLLARS as alimony in solido being awarded to Mrs. Proctor, leaving the net amount of equity owing to Mr. Proctor in the sum of TWENTY ONE THOUSAND ($21,000.00) DOLLARS.

It is further ORDERED AND ADJUDGED by the Court that Mr. Proctor shall pay directly to Mrs. Proctor the sum of SIX HUNDRED ($600.00) DOLLARS, per month, as alimony in futuro, until her death or remarriage or Mr. Proctor's death, whichever is the first event to occur, said payments to commence in December of 1990, and to be due and payable in two equal installments of THREE HUNDRED ($300.00) DOLLARS each on the 5th and 20th days of each month.

It is further ORDERED AND ADJUDGED by the Court that Mr. Proctor will pay Mrs. Proctor's health insurance premium in the approximate sum of ONE HUNDRED SEVENTY THREE ($173.00) DOLLARS per month for a period of thirty-six (36) months through his place of employment. Mr. Proctor will be responsible for securing and/or signing any and all documents necessary to convert the health insurance coverage to individual coverage pursuant to the COBRA statutes.

It is further ORDERED AND ADJUDGED by the Court that each party will retain their separate bank accounts and each party will be responsible for their separate debts.

It is further ORDERED AND ADJUDGED by the Court that each party is enjoined from making any extension of credit against the other party after November 19, 1990. Mrs. Proctor will be responsible for any debts incurred for the parties' daughter's wedding, and for any sums owing to Castner Knott's department store, and she will hold Mr. Proctor harmless from any liability on these obligations.

It is further ORDERED AND ADJUDGED by the Court that the cemetary plots located at Harpeth Hill Cemetary will be awarded as the sole and exclusive property of Mrs. Proctor.

It is further ORDERED AND ADJUDGED by the Court that Mr. Proctor will retain his life insurance policies and can designate whatever beneficiary he so chooses.

It is further ORDERED AND ADJUDGED by the Court that the matter of attorney fees for Mrs. Proctor's attorney is held in abeyance pending the affidavit of her attorneys.

It is further ORDERED AND ADJUDGED by the Court that Mr. Proctor

shall be responsible for fixing or repairing the air conditioning and heating system in the parties' homeplace. In order to facilitate the accomplishment of this order, the attorneys for each party will submit three written estimates to the Court.

It is further ORDERED AND ADJUDGED by the Court that the costs of this cause will be taxed to Mr. Proctor for all of which execution may issue is necessary.

It is further ORDERED AND ADJUDGED that the addresses of the parties are as follows:

Nancy Louise Woodside Proctor
5006 Cambron
Nashville, TN 37221

Robert Kimbro Proctor
P.O. Box 1301
Brentwood, Tennessee 37024

It is further ORDERED AND ADJUDGED that the costs of this cause will be taxed to Mr. Proctor for all of which execution may issue if necessary.

Enter this 5 day of ~~November,~~ Dec. 1990.

JUDGE

APPROVED FOR ENTRY:

ROBERT L. JACKSON & ASSOCIATES

BY: ROBERT L. JACKSON
P.R. #2486
SOLICITOR FOR MR. PROCTOR
214 Second Avenue, North
Suite 103
1 Washington Square
Nashville, Tennessee 37201
615/256-2602

BUTLER & PHILLIPS

BY: JACK A. BUTLER
P.R. # 2838
Rosemary E. Phillips
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315 Deaderick Street
Nashville, Tennessee 37238-2395
615/ 244-3300

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IDENTIF. REFERENCE

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DAVIDSON COUNTY, TN.

MAIL ENC.

15.00

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* FIFTH *day of* DECEMBER, *19* 90, *in Case Number* 89D-3555 *between* ROBERT KIMBRO PROCTOR *Plaintiff, and* NANCY LOUISE WOODSIDE PROCTOR *Defendant, as same remains of record in Book* 192B, *Page* 1043 *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* 23rd *day of* JANUARY *in the year one thousand nine hundred and* NINETY-ONE *and in the* 215th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Walter S. Adams, *D.C.*

Form #GR-117