196A/112

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

JUDITH ROZELL COVINGTON WILSON,
Petitioner/Movant,

vs

DONAVIN MURPHY WILSON,
Respondent.

No. 89D-4379

BOOK 8451 PAGE 328

ORDER

This cause came to be heard on the 5th day of April, 1991, before the Honorable Muriel Robinson Rice, Judge of the Fourth Circuit Court of Davidson County, Tennessee, upon the Motion of Judith Rozell Covington Wilson to enforce certain provisions of the Final Decree of Divorce; testimony of the parties and witnesses heard in open Court; statements from counsel for each party and the record in its entirety from all of which the Court finds that prior to the last Court hearing, to wit: February 4, 1991, the parties who were each represented by their respective counsel negotiated a marital dissolution agreement which was accepted by this Honorable Court and incorporated in and made part of its Final Decree of Divorce, entered February 4, 1991. The Court finds that the pertinent part of the Final Decree of Divorce stated, "The Husband shall pay the monthly payments on the first and second mortgage directly to the first and second mortgage holder beginning December 1, 1990. In the event that the Husband fails to pay his portion of the first mortgage and or the full payment of the second mortgage in a timely fashion (defined as within thirty days of each due date) he shall immediately and unequivocally be divested from any interest he now has or may hereinafter acquire in the homeplace and the same shall be transfered into the wife in fee simple absolute." The Court further finds that the Final Decree of Divorce stated, "It is further, **ORDERED** the Husband shall pay the February housenote in February, 1991." Based upon this negiotated agreement between the parties which was accepted and incorporated into the Final Decree the Court finds that the Respondent/Husband failed to pay the February, 1991 housenote, his personal check being less than the amount owed with said personal check being returned by the Respondent/Husband's bank as insufficient funds on two (2) occasions with the ultimate results being that the February, 1991 housenote being more than sixty (60) days in arrears and the March, 1991 payment being more than thirty (30) days in arrears. Wherefore, pursuant to the terms of the Final Decree of Divorce the Movant's Motion To Enforce the Final Decree of Divorce is well taken and should be granted.

It is, therefore, **ORDERED** the Final Decree of Divorce entered February 4, 1991, Minute Book number 194A, page 56, shall be modified to the extent that the Respondent/Husband, DONAVIN MURPHY WILSON, shall be divested of any interest he may have in the homeplace and adjacent lot located at 1023 Nesbitt Drive, City of Nashville, County of Davidson, State of Tennessee, 37207 with said interest being reinvested in the Plaintiff/Movant, JUDITH ROZELL COVINGTON WILSON, it being the intent of this Honorable Court that the Plaintiff/Movant, JUDITH ROZELL COVINGTON WILSON, to be the fee simple owner of the property; said real property more particularly described as follows:

> Two lots or parcels of land in the 11th Civil District of Davison County, Tennessee, being Lot No. 49 and a parcel as shown as Reserved Parcel "C" on the Plan of Ozark Hills, as of record in Book 3700, page 20, Register's Office for said County.
>
> Said Lot No. 49 fronts 181 feet on the southwesterly side of Nesbitt Drive and extends back 301.65 feet on the northwesterly line and 246.55 feet on the southwesterly line, to a line in the rear on which it measures 128.8 feet.
>
> Said Reserved Parcel "C" fronts 312.15 feet on the southwesterly side of Nesbitt Drive and extends back between converging line, 246.55 feet on the northwesterly line and 361.30 feet on the southerly line, to a point in the rear.
>
> Being the same property conveyed to E.C. Chance by deed from James W. Blair and wife, Betty E. Blair, of record in Book 4377, page 361, Register's Office of Davidson County, Tennessee.
>
> Being the same property conveyed to Donavin M. Wilson and wife, Judith C. Wilson by deed from E.C. Chance of record in Book 4479, page 365, Register's Office of Davidson County, Tennessee.

It is, further, **ORDERED** that the Respondent shall not be credited nor entitled to a refund concerning the payments he made to the mortgage holder on or about March 22, 1991.

It is, further, **ORDERED** that the Plaintiff/Movant shall be responsible for the payment of all other indebtedness owed in regards to the homeplace.

It is, further, **ORDERED** that the Plaintiff/Movant shall continue to use her best faith efforts to insure a commercialably reasonable sale of the homeplace.

It is, further, **ORDERED** that W. Allen Barrett, as the attorney of record for the Plaintiff/Movant shall be granted a lien against the homeplace in the amount of one thousand three hundred fifty dollars ($1,350.00) to secure the payment of his reasonable attorney's fees and it is further, **ORDERED** that Mr. Alan C. DeBusk shall be granted a lien against the real property in the amount of two thousand two hundred thirty-three dollars ($2,233.00) to secure the payment of his attorney's fees.

It is, further, **ORDERED** that the Respondent, DONAVIN MURPHY WILSON, of 7237 Cresthill Drive, Apt. C-9, Knoxville, Tennessee, 37919 shall be responsible for the payment of the cost of this cause for which execution may issue if necessary.

ENTERED this the 19th day of April, 1991.

MURIEL ROBINSON RICE, JUDGE

APPROVED FOR ENTRY:

W. ALLEN BARRETT
Attorney for Plaintiff/Movant
Supreme Court Registration No. 10894
ROBERT L. JACKSON & ASSOCIATES
214 Second Avenue, North
One Washington Square, Suite 103
Nashville, Tennessee 37201
(615) 256-2602

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Order has been forwarded by first class U.S. mail, postage prepaid, to Mr. Alan C. DeBusk, Suite 701, 501 Union Building, P.O. Box 2707, Nashville, Tennessee, 37219 on this the 18th day of April, 1991.

W. ALLEN BARRETT

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5.0005.

INFORMATION REFERENCE

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PICK-UP

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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* 22ND *day of* APRIL, *19*91, *in Case Number* 89D-4379 *between* JUDITH ROZELL COVINGTON WILSON *Plaintiff, and* DONAVIN MURPHY WILSON *Defendant, as same remains of record in Book* 196A, *Page* 112 *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* 26TH *day of* SEPTEMBER *in the year one thousand nine hundred and* NINETY-ONE *and in the* 216TH *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Clay Dalton *D.C.*

Form #GR-117