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GEORGE L. ROCKE, CLERK

B. Eddings D.C.

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

HORACE EUGENE HARDIN]
]
]
VS.] No. 89D-2778
]
]
LINDA GABRIELLE VADNAIS HARDIN]

BOOK 8551 PAGE 127

061-12-0
147.00

FINAL DECREE

This cause came on to be heard before the Honorable Muriel Robinson Rice, Judge, on the 19th and 25th day of June, 1990, and upon all of the pleadings previously filed. Following the testimony of the respective parties, their corroborating witnesses and argument of counsel, the matter was taken under advisement for the purpose of issuing a Memorandum Opinion. By Memorandum Opinion dated August 14, 1990, the Court finds as follows:

> This cause came on for hearing on this the 19th day of June, 1990 and 25th day of June, 1990. This matter was heard upon the original complaint for divorce filed by the husband, Horace Eugene Hardin, personal service had upon the wife, Linda V. Hardin, answer filed by said wife and counter-complaint for divorce all of which was answered by the husband.
>
> The parties testified in open court along with respective witnesses, argument of counsel was heard, with the entire record before the Court. From all of which, the Court took said matter under advisement and now through and by this Memorandum finds as follows:
>
> That from the proof presented to the Court, the Court finds neither of the parties is blameless in the break-up of the marriage and both are entitled to a divorce. The Court therefore pursuant to T.C.A 36-4-129 hereby declares the parties to be divorced rather than to award a divorce to either party alone. Therefore each is restored to all the rights and privileges of an unmarried person.
>
> The Court feels it is the best interest and welfare of the three minor children, to wit, Brian Keith Hardin, Justin Eugene Hardin, and Gena Wyvonne Hardin that their custody be awarded to the wife, Linda V. Hardin.
>
> The husband shall pay child support to the wife for the support of the three children the sum of $975.00 He will be allowed to claim the two younger children as dependents for income tax purposes.
>
> The husband shall pay alimony in futuro to the wife in the amount of $225.00 per month for a period of six years at the end of which his obligation shall end.
>
> The husband shall furnish hospitalization and medical insurance on the children and shall pay one-half of all deductibles, claims not paid or covered by said carrier as well as one-half expenses of orthodontia, eyeglasses eye exam or contacts and dental expenses on the minor children.
>
> The husband shall be awarded the following personal property on Exhibit #11 with exception of the master bedroom suite.

Vacuum cleaner
Coffee Table
End Table
Couch
Recliner chair
Freezer chest
Metal Shelves
Browning 22 caliber automatic rifle
30.06 Winchester rifle
Remington 12 gauge shotgun
Adult water skies
Automatic washing machine (his mothers)
Two men's wedding bands
Portable dishwasher
Green refrigerator in basement

The remainder of the household furniture and furnishings shall be awarded the wife.

The husband shall be awarded his hand tools and other workshop equipment, if any, located at the homeplace.

The husband shall be awarded his pension free and clear of any claim of the wife.

The parties shall divide equally the family photographs of the children.

Insofar as a division of the homeplace is concerned, it is ordered that all right, title and interest of the husband is hereby divested from him and reinvested in the wife subject to the first mortgage thereon and subject to a lien in favor of the defendant in the amount of $10,000.00.

The interest of the defendant shall be paid to him at the time of the sale of the home, remarriage of the wife or the youngest child reaching the age of eighteen years or if the wife should choose not to reside therein as her residence, whichever of the above events occurs first.

Each of the parties shall retain their own automobile now in their possession subject to any lien thereon.

The husband is awarded reasonable rights of visitation with the children being every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m. and on every other Wednesday from 6:00 p.m. to 8:00 p.m. during the week he has no scheduled weekend visit.

The parties will share holidays by alternating the same as per this Court's regular holiday visitation schedule and will share the birthdays of the children.

The husband shall pay to the wife' attorney of record as further alimony the sum of $2,500.00 to be applied to the attorneys fees due and owing. The wife shall be responsible for any remaining fees to her attorney of record.

The husband shall pay the costs of this cause.

The solicitor for the wife shall prepare a Final Decree of divorce in accordance with this Memorandum.

It is therefore **ORDERED, ADJUDGED and DECREED** that pursuant to the provisions of T.C.A §36-4-129, that the parties to this cause are declared to be divorced and are therefore restored to all of the rights and privileges of unmarried persons. The bonds of matrimony heretofore existing between the parties are forever and perpetually dissolved.

The Court finds that it is in the best interest and welfare of the three minor children that they be placed in the

custody of the wife and it is accordingly **ORDERED, ADJUDGED and DECREED** that the custody of the three children, to wit, Brian Keith Hardin, Justin Eugene Hardin, and Gena Wyvonne Hardin is awarded to the wife, Linda V. Hardin. As support for said children the husband shall pay to the wife the total sum of $975.00 per month due and payable on or before the 10th day of each month subsequent to the entry of this decree. Payments for the month of August, 1990 shall be in accordance with the pendente lite order previously entered in this cause. The husband will be permitted to claim the two youngest children as dependents for income tax purposes and the wife will be permitted to declare the oldest child as a dependent for income tax purposes. The wife will execute any and all documents necessary to enable the husband to claim the two youngest children as dependents for federal income tax purposes.

The husband is awarded reasonable rights of visitation with the children every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m., and on every other Wednesday from 6:00 p.m. until 8:00 p.m. during the week that he has no scheduled visits. The parties will share holidays by alternating the same as per this Court's regular holiday visitation schedule and will share the birthdays of the children.

It is further **ORDERED, ADJUDGED and DECREED** that the husband shall pay to the wife alimony in futuro in the amount of $225.00 per month for a period of six calendar years at the end of which his obligation shall end. Payment shall be made to the wife by the husband on or before the 10th day of each month with the first payment being due and payable on the 10th day of September, 1990 for the month of September.

It is further **ORDERED, ADJUDGED and DECREED** that the husband shall furnish hospitalization and medical insurance on the children and shall pay one-half of all deductibles, claims or other costs not paid or covered by said insurance carrier as well as one-half of the expenses of orthodontia, eyeglasses, eye exams or contacts or dental expense on the minor children.

It is further **ORDERED, ADJUDGED and DECREED** that the

husband shall be awarded the following household goods and effects, and/or personal property as exhibited by exhibit #11 previously filed with the Court, but with the exception of the master bedroom suite, and as follows:

Vacuum cleaner
Coffee Table
End Table
Couch
Recliner chair
Freezer chest
Metal Shelves
Browning 22 caliber automatic rifle
30.06 Winchester rifle
Remington 12 gauge shotgun
Adult water skies
Automatic washing machine (his mothers)
Two men's wedding bands
Portable dishwasher
Green refrigerator in basement

All remaining household furnishings and effects now located at the former home of the parties at 3701 Brush Hill Road, Nashville, Tennessee shall become the sole and exclusvie property of the wife free and clear from any claims thereon by the husband. In the event that any of husband's personal hand tools or workshop equipment remain in the homeplace, that property shall become the sole and exclusive property of the husband. Family photographs of the parties children shall be divided equally between the parties.

Each party shall retain the motor vehicle or vehicles now in their respective possession free and clear from any claim by the opposite party. The possessing party of the motor vehicles shall be responsible for the payment of any and all incumbrance against the vehicle and shall hold the non-possessing party harmless from any further responsibility therefor.

It is further **ORDERED, ADJUDGED and DECREED** that as a further equitable division of the marital estate of the parties, that the husband be awarded any and all interest that he may have in any pension or retirement plan in the name of the husband, or retirement account in the name of the husband free and clear from any further claim thereon by the wife. With the exception of the lien hereinbefore set forth, all of husband's right, title and interest in and to the homeplace of the parties now located at 3701 Brush Hill Road, Nashville, Tennessee is divested out of the husband and said property is awarded to the wife absolutely in fee simple title. Said property will hereinafter become the sole and exclusive possession of the wife free and clear from any further claim thereon by the husband, but with the exception of the lien below described. The wife will be responsible for any mortgage indebtedness that might exist against the property and will hold the husband harmless from any further responsibility therefor. A lien is imposed against the property and in favor of the husband in the total amount of $10,000.00. This lien will be noninterest bearing and unenforceable by the husband until; (1) the home is sold by the wife, (2) the wife remarries, (3) the youngest child reaches its eighteenth birthday, and (4) that the wife should choose to no longer reside at the home. At such time as the occurence of any of the aforementioned four events, then and in that event, the husband's lien will be immediately enforceable by husband.

Said real property is more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 34 on the Plan of Riverwood Subdivision of record in Book 547, Page 42, Register's Office for Davidson County, Tennessee to which plan reference is here made for a more complete and accurate description of said lot.
>
> Being the same property conveyed to Horace Eugene Hardin, Et ux , Linda V. Hardin, by deed from Guy R. Burgett, Et ux, Lorene D. Burgett of record in Book 6930, Page 102, Register's Office, Davidson County, Tennessee

It is further **ORDERED, ADJUDGED and DECREED** that as additional alimony in solido and due to the economic

circumstances of the parties, that the husband shall pay to Jack Norman, Jr., Attorney for the wife, the sum of $2,500.00 toward attorney's fees for service rendered by said attorney to wife in this cause. Execution for this amount may issue, if necessary. Any and all remaining fees owed by the wife to said attorney shall be the responsibility of the wife.

It is further **ORDERED, ADJUDGED and DECREED** that the husband shall pay the costs of this cause, for which execution may issue, if necessary.

Enter the 29 day of August, 1990.

JUDGE MURIEL ROBINSON RICE

APPROVED FOR ENTRY:

JACK NORMAN, JR.
Attorney for Defendant/Wife
213 Third Avenue North
Nashville, Tennessee 37201
(615) 254-0656
Reg. 2702

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DAVIDSON COUNTY, TN

IDENTIFICATION REFERENCE

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Final Decree has been mailed to Mr. Jack A. Butler, Attorney for Plaintiff/Husband, 23rd Floor, Suite 2395, First American Center, Nashville, Tennessee 37238-2395, on this the 29th day of August, 1990.

JACK NORMAN, JR. ATTORNEY

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* Twenty-ninth *day of* August, *19* 90, *in Case Number* 89D-2778 *between* Horace Eugene Hardin *Plaintiff, and* Linda Gabrielle Vadnais Hardin *Defendant, as same remains of record in Book* 189C, *Page* 1641 *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* 11th *day of* February *in the year one thousand nine hundred and* Ninety-two *and in the* 216th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By J. Clary *D.C.*

Form #GR-117