204C/1892

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

KAREN ELAINE (JEFFRIES) BROWN,]
]
Plaintiff/Counter-Defendant]
]
vs.] NO. 91D-1433
]
DAVID MILES BROWN,]
] BOOK 8606 PAGE 435
Defendant/Counter-Plaintiff]

119-11-0
107.00

FINAL DECREE

This cause came on to be heard on the 24th day of February, 1992, before the Honorable Muriel Robinson Rice, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the complaint for absolute divorce filed by plaintiff/counter-defendant, Karen Elaine (Jeffries) Brown (hereinafter "wife") the answer and counter-complaint of the defendant/counter-plaintiff, David Miles Brown (hereinafter "husband") wife's answer to the counter-complaint, testimony of the parties, exhibits of the parties and the entire record, from all of which the Court finds that wife should be granted an absolute divorce on the grounds of inappropriate marital conduct, that wife should be awarded custody of the minor children, with husband awarded standard visitation; that given husband's extraordinary circumstances, husband should pay child support, but at an amount less than the child support guidelines; that husband should provide medical and dental insurance for the minor children, and pay all costs not covered thereby; that wife should be awarded the marital residence and any equity accrued therein; that husband should be awarded any interest in his employment pension; that the parties should retain any and all personal property in his/her possession; that each party should continue to service loan and charge card debts as ordered pendente lite in this cause; that wife should be awarded rehabilitative alimony for a period of three (3) years; that husband should be restrained from having overnight guests of the opposite sex during periods of visitation; and that husband should pay wife's attorney's fees and the costs of this proceeding.

It is therefore **ORDERED, ADJUDGED,** and **DECREED** that the wife, Karen Elaine (Jeffries) Brown, shall be and is hereby awarded an absolute divorce from the husband, David Miles Brown, on the grounds of inappropriate marital conduct, that she

be restored to all the rights and privileges of an unmarried person, and that the bonds of matrimony heretofore existing between the parties be hereby perpetually dissolved. Husband's counter-complaint for an absolute divorce shall be and is hereby dismissed.

It is further **ORDERED** that wife shall be and is awarded custody of the parties' two (2) minor children, Mary Kathleen Brown (DOB 7/4/82), and Patrick Michael Brown (DOB 10/8/83). Husband shall have visitation privileges with the minor children every other weekend from 6:00 p.m. on Friday through 6:00 p.m. on the following Sunday. Husband shall be allowed one (1) week visitation during the Christmas holiday. During even numbered years said Christmas visitation shall commence at 8:00 p.m. on December 17th and end at 8:00 p.m. on Christmas Eve. On odd numbered years said Christmas visitation shall commence at 8:00 p.m. on Christmas Eve and end at 8:00 p.m. on New Year's Eve. Further, on odd numbered years, husband shall be allowed visitation on Easter and Labor Day, and on even numbered years, on New Year's Day, July 4th, and Thanksgiving. Said holiday visitation shall commence at 6:00 p.m. on the eve of the holiday until 6:00 p.m. on the day of the holiday. If the holiday coincides with the weekend, then holiday visitation shall supersede weekend visitation. The children shall spend Mother's Day with wife, and Father's Day with husband. Wife will further make the children available for visitation at all other reasonable times and opportunities, as agreed on between the parties.

It is further **ORDERED** that husband shall pay as child support $585.00 per month, and shall further pay as child support the full balance due and owing to Nashville Bank of Commerce, which amount is secured by a second mortgage on the marital residence. Said child support is below the $785.00 amount reflected in the Tennessee Child Support Guidelines for husband's income, but said deviation is warranted by the husband's extraordinary financial burden as custodian of two (2) minor children from a former marriage, as evidenced at the final hearing of this cause. Said child support shall be paid directly to wife in two equal payments of $292.50 on the 10th and 25th day of each month, commencing March 1992. Said support shall not be reduced or prorated without prior order of the Court.

It is further **ORDERED** that husband shall provide medical and dental insurance for the benefit of the minor children, and shall be responsible for any deductibles or any costs not otherwise covered by insurance. Husband shall pay the costs immediately upon receipt from wife of proof of any amounts due and owing.

It is further **ORDERED** that husband is divested of any legal, equitable, or marital right, title or interest in the house and lot located at 2613 Joplin Drive, Nashville, TN 37210. Said real property, more accurately described below, shall be and is hereby conveyed to wife, in fee simple, thereby vesting wife with sole ownership of said real property. Wife shall be personally and individually responsible for any indebtedness related thereto and shall hold husband harmless for any liability thereon, to wit:

BEING lot number 37 on the plan of Thompson Lane Park, of record in Book 2331, Page 138, Register's Office for Davidson County, Tennessee, and amended by written instrument of record in Book 3465, Page 91, Register's Office for said county, to which plan reference is hereby made for a more complete and accurate legal description.

BEING the same property conveyed to David M. Brown, and wife Karen E. Brown, by deed from Donald E. Simpson and wife Phyllis Wilson Simpson of record in Book 7327, Page 73, Register's Office, Davidson County, Tennessee.

Subject to restrictions of record in Book 2548, Page 299 of said Register's Office.

This conveyance is subject to any and all existing easements of record.

It is further **ORDERED** that husband shall be awarded all right, title and interest in any pension accrued during the course of the marriage by virtue of his employment with the Metropolitan Fire Department of Nashville, Tennessee.

It is further **ORDERED** that each party shall be awarded any and all marital personal property in his/her possession, and hold the other harmless for any liability related thereto. Further, wife shall be and is hereby awarded all right, title, and interest in the 1990 Mercury Topaz automobile and shall be responsible for any indebtedness related to said vehicle, and hold husband harmless thereon. Husband shall be and is hereby awarded

all right title and interest in the Ford Pick-up Truck and shall be responsible for any indebtedness related to said vehicle, and hold wife harmless thereon. Wife shall be awarded the parties' income tax refund for calendar year 1990, and husband shall be awarded the parties' income tax return for calendar year 1991.

It is further **ORDERED** that husband shall be responsible for payment on the accounts with H.H. Greg, Nashville Bank of Commerce, and City Bank VISA, and shall hold wife harmless for any liability related thereto. Wife shall be responsible for payment on the accounts with Chevy Chase VISA, Castner Knott, Master Card, and shall hold husband harmless for any liability related thereto.

It is further **ORDERED** that husband shall pay as rehabilitative alimony, the sum of $100.00 per month for a period of three (3) years, payable directly to wife in two (2) equal payments of $50.00 on the 10th and 25th day of each month, commencing March, 1992. Any and all equity in the marital residence heretofore conveyed to wife, shall be and is hereby deemed alimony in solido and is awarded in full to wife.

It is further **ORDERED** that husband shall be and is hereby restrained from having any overnight guests of the opposite sex during periods of visitation with the minor children.

It is finally **ORDERED** that husband shall pay wife's attorney's fees totaling $ 3000.00, and the costs of this cause, for all of which let execution issue if necessary.

Entered this 7th day of ~~March~~ April, 1992.

JUDGE MURIEL ROBINSON RICE

APPROVED FOR ENTRY:

ALAN R. BEARD #11986
Attorney for Wife
150 Second Avenue North
Suite 315
Nashville, TN 37201
(615) 256-5555

CERTIFICATE OF SERVICE

I hereby certify a true and exact copy of the foregoing proposed division of property was mailed to Tyree Harris, IV, attorney for husband, 1700 Nashville City Center, Nashville, TN 37219 on this the 3rd day of ~~March~~ April, 1992.

ALAN R. BEARD

03470

IDENTIF. REFERENCE

APR 21 1 59 PM '92

DAVIDSON COUNTY TN.

MAIL ENV.

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* SEVENTH *day of* APRIL, *19* 92, *in Case Number* 91D-1433 *between* KAREN LEAINE (JEFFRIES) BROWN *Plaintiff, and* DAVID MILES BROWN *Defendant, as same remains of record in Book* 204C, *Page* 1892 *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* 21st *day of* APRIL *in the year one thousand nine hundred and* NINETY-TWO *and in the* 216th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

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

Form #GR-117