1974/130

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

BOOK 8700 PAGE 871

TERRI L. POWELL, Complainant	)	
vs.	)	No. 90D-75
DAVID ALLEN POWELL, Defendant	)	

FINAL DECREE OF DIVORCE

This cause came on to be heard on the 1st day of April, 1991, before the Honorable Muriel Robinson Rice, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the original Complaint for absolute divorce, Answer and Counter-Complaint thereto, stipulation of the parties pursuant to T.C.A. 36-4-129, that each of the parties was entitled to a divorce, agreement as to custody, support and division of marital debts and assets announced to the Court and statement of counsel, from all of which the Court finds as follows:

That pursuant to T.C.A. 36-4-129, each of the parties has grounds for divorce and that each should be awarded an absolute divorce and both parties restored to all the rights and privileges of unmarried persons.

That the parties' agreement as to custody, visitation, support and division of marital assets and liabilities, was fair and equitable and made adequate provisions for the support and maintenance of the parties' two (2) minor children and should be approved and made the order of this Court.

That the current address of the complainant is:

0244 08/13 0101 03CHECK 32.00

Terri L. Powell
5646 Amalie Drive
Apt. A-15
Nashville, TN 37211

That the current address of the defendant is:

David Allen Powell
832 Irma Drive
Antioch, TN 37013

That the child support ordered herein shall not be reduced or prorated without the express order of the Court.

It is therefore **ORDERED, ADJUDGED and DECREED** that each of the

parties is hereby awarded an absolute divorce from the other on the ground of inappropriate marital conduct and that both parties are hereby restored to all the rights and privileges of unmarried persons.

It is further **ORDERED, ADJUDGED and DECREED** that the complainant Terri L. Powell be awarded the absolute custody, care and control of the parties' two (2) minor children to wit: Michelle Lee Powell and Kelly Renee Powell.

It is further **ORDERED, ADJUDGED and DECREED** that each of the parties shall have access to all school and medical records of the minor children, have the right to consult with the children's teachers and physicians, attend school activities, and receive copies of the children's report cards.

It is further **ORDERED, ADJUDGED and DECREED** that each of the parties shall have access to the minor children by telephone when the children are in the possession of the other parent provided that such telephone calls are reasonable in number, duration, and time of day.

It is further **ORDERED, ADJUDGED and DECREED** that each of the parents shall immediately notify the other parent in the event of a serious accident or illness of the minor children while in their possession.

It is further **ORDERED, ADJUDGED and DECREED** that the defendant shall pay as reasonable child support directly to the complainant the sum of $750.00 per month with said payments being due on or before the 10th day of each month and in the event that any such payments are paid as late as the 15th of each month, the complainant, may, by Motion, request that the Court order all future child support payments through the office of the Circuit Court Clerk with the defendant paying the clerk's commission thereon.

It is further **ORDERED, ADJUDGED and DECREED** that the complainant shall keep the minor children covered by major medical and dental insurance through her employer with the defendant being responsible for any medical, dental, orthodontic, ophthalmology or

other necessary medical expenses not covered by said insurance.

It is further **ORDERED** that in the event the complainant leaves her present employment, the defendant shall immediately be responsible for the major medical and dental insurance and the complainant shall be responsible for the cost of such medical, dental, orthodontic, ophthalmology or other necessary medical expenses not covered by said insurance.

It is further **ORDERED, ADJUDGED and DECREED** that the defendant shall immediately secure a $100,000.00 life insurance policy on his life with the minor children listed as beneficiaries and the complainant listed as trustee thereon with said insurance policy to remain in full force and effect until the youngest child attains the age of 18 years or graduates from high school, whichever event occurs last. The defendant shall provide proof of said insurance within ninety (90) days of the execution of this Agreement by providing a copy of said policy to the complainant.

It is further **ORDERED, ADJUDGED and DECREED** that the defendant shall be awarded visitation with the parties' minor children commencing on Sunday at 12:00 noon, keeping the minor children overnight on Sunday night, taking them to school on Monday morning, with the complainant picking the minor children up from school and delivering them to the defendant's mother's home Monday evening, the defendant keeping the minor children Monday evening and taking them to school Tuesday morning, with the complainant picking them up from school and again delivering them to the home of the defendant's mother and the defendant keeping them Tuesday night and returning them to school Wednesday. In addition, the defendant shall have visitation on alternate major holidays which are New Year's Day, Easter Day, Independence Day, Labor Day and Thanksgiving Day with said holidays to begin at 6:00 p.m. the day preceding the holiday and ending at 6:00 p.m. on the day of the holiday. In addition, the defendant shall have one (1) week of visitation with the minor children at Christmas time commencing at 6:00 p.m. December 17th and ending at 9:00 p.m. December 24th in even numbered years and from 9:00 p.m. December 24th until December

31st at 6:00 p.m. in odd numbered years. The defendant shall also receive four (4) weeks of summer visitation with the minor children with said dates to be agreed upon between the parties. In the event the defendant chooses to exercise said visitation in four (4) consecutive weeks, the complainant shall have visitation with the minor children on the third (3rd) weekend from 6:00 p.m. Friday evening until 6:00 p.m. Sunday evening. The child support shall not be reduced during the period of summer visitation.

It is further **ORDERED, ADJUDGED and DECREED** that the complainant Terri L. Powell, shall be awarded the marital residence located at 832 Irma Drive, Antioch, Davidson County, TN and the defendant David Allen Powell is hereby divested of any right, title or interest in said property and all interest shall vest solely in the complainant and said property is more particularly described as follows:

> **LAND** in Davidson County, Tennessee, being Lot No. 124 on the Plan of Debra Heights, Section II, as of record in Book 3700, Page 39, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate legal description.
>
> **BEING** the same property conveyed to David Allen Powell and wife Terri L. Powell from Milton E. Newcomb, et ux Margie E. Newcomb, by deed of record in Book 6748, Page 769, Register's Office for Davidson County, Tennessee.

The complainant shall be responsible for the outstanding mortgage on the above described property and shall hold the defendant harmless thereon.

It is further **ORDERED, ADJUDGED and DECREED** that the defendant shall have thirty (30) days from April 1, 1991, to vacate the above described property and the housenote and all utilities shall be current at that time.

It is further **ORDERED, ADJUDGED and DECREED** that the defendant David Allen Powell shall be awarded all right, title and interest to his two (2) businesses D-P Amusement Company and Time-Out Tavern to be his absolutely and the complainant is divested of any right, title or interest therein. The defendant shall be responsible for any outstanding indebtedness owed on said businesses and shall hold the complainant harmless thereon.

It is further **ORDERED, ADJUDGED and DECREED** that each of the parties shall be responsible for their own outstanding debts presently listed in his or her name individually and shall hold the other harmless thereon.

It is further **ORDERED, ADJUDGED and DECREED** that the defendant shall be responsible for the joint Mastercard and hold the complainant harmless thereon.

It is further **ORDERED, ADJUDGED and DECREED** that the accounts presently held at Fidelity Federal in the name of the parties' minor children shall henceforth carry the names of both of the parties hereto and held for the minor children's benefit and neither of the parties shall withdraw any funds from said account without the written approval of the other.

It is further **ORDERED, ADJUDGED and DECREED** that the complainant shall receive all household furniture and furnishings now in her possession and in addition, as well as the separate property belonging to her listed on the attached exhibit, the separate property belonging to her which was located in the marital residence as set forth on the attached exhibit, and the property presently loaned to the complainant as set forth on the attached exhibit. Complainant shall receive the antique couch and those items of household furniture and furnishings designated as marital property, and listed on the exhibit attached hereto and designated by an asterisk with said exhibits incorporated herein by reference, with the exception that the defendant is awarded the 25" color television, the VCR, the compact discs, the stereo set forth on the exhibit attached hereunto under marital property, camping equipment, and all property listed on the attached exhibit under marital property not designated by an asterisk. The defendant shall also receive as his sole and separate property all items which he has purchased since the parties' separation and now in his possession.

It is further **ORDERED, ADJUDGED and DECREED** that the complainant shall be awarded the 1987 Pontiac automobile now in her possession and the defendant shall be divested of any right, title

or interest and all interest shall vest solely in the complainant. The complainant shall be responsible for the outstanding indebtedness owed on said vehicle and shall hold the defendant harmless thereon.

It is further **ORDERED, ADJUDGED and DECREED** that the defendant shall receive as his sole and separate property the Ford pick up truck now in his possession and the complainant is divested of any right, title or interest in said vehicle and all interest shall vest solely in the defendant. The defendant shall be responsible for the outstanding indebtedness owed on said vehicle and shall hold the complainant harmless thereon.

It is further **ORDERED, ADJUDGED and DECREED** that attorney Phillip Robinson is hereby awarded a judgment against the defendant David Allen Powell, in the amount of $1,000.00 as the complainant's reasonable attorney's fees in this cause which the Court deems to be a support obligation and not dischargeable in bankruptcy. The defendant shall pay said debt within 120 days of April 1, 1991.

It is further **ORDERED, ADJUDGED and DECREED** that the defendant David Allen Powell shall pay the costs of this cause for which let execution issue if necessary.

This the 22nd day of May, 1991.

JUDGE

APPROVED FOR ENTRY:

Phillip Robinson #3023
Attorney for Complainant
213 Third Avenue North
Nashville, TN 37201
615/242-5453

George J. Duzane #6461
Attorney for Defendant
One Church Street
Suite 300
Nashville, TN 37201
615/242-3416

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

TERRI L. POWELL,	)	
	)	
Complainant	)	
	)	
vs.	)	No. 90D-75
	)	
DAVID ALLEN POWELL,	)	
	)	
Defendant	)	
	)	

P R O P E R T Y

MARITAL PROPERTY:

*Bedroom suite-bed with mattress & boxsprings, nightstand, highboy chest, standup floor mirror
*Church Pew
*Flowered cedar box
*Ski machine
*Treadmill
*Answering Machine
*Telephone
*Clock Radio
*Pantry closet
*Old sewing machine
Couch
*Bookcase-Entertainment center
Square kitchen table
*Portable color t.v.
*Disc camera
35mm camera
*Wicker chair
Toaster
*Etched mirror
*Old school desk
*Drapes, shears & mini blinds
Roll top desk with matching chair
Triangle table
*Glass top coffee table
*Couch-Duncan Phiph
*Round end table
Brass desk lamp
*Tent & camping equipment
Swing rocker
Wood medicine cabinet
Loft beds with mattresses
Chest of drawers
*Oak kitchen table & 4 chairs
8 drawer chest
Hoosier kitchen cabinet
Microwave cart
Dishwasher
*Refrigerator
*Stove
*Electric skillet
3 bookcases
*25"color t.v.
Stereo/CD player with 2 speakers
*VCR
2 end tables
Coffee table
Recliner
*Floor lamp
*CD's & tapes
*Printers tray with miniatures
Metal desk
*Washer & Dryer

Picnic table with benches
*Patio table with 4 chairs
Lawnmower
Gas powered weedeater
*Stand up freezer
Kitchen table & chairs

*Astriks indicate property that complainant is requesting. Underlined items are items which complainant bought during the separation of the parties.

SEPARATE PROPERTY OF THE COMPLAINANT:

Diamond stud earrings
2 Gold chain bracelets
Diamond necklace
Onyx ring
Opal ring
China baby doll
Ceramic bird bath
Black & white portable t.v.
Stereo with 2 speakers
Cedar chest
2 End tables
Ginger jar lamp
Microwave
Magazine rack
Silk tree
Bentwood rocker
spice rack
Ceramic measuring & coffee cups
Cordless telephone
Fur coat
Cookware
Dishes
Linens

SEPARATE PROPERTY BELONGING TO THE COMPLAINANT WHICH IS LOCATED IN THE MARTIAL RESIDENCE:

White wall shelves
End table from childrens' room
Chest of drawers & dresser (basement)
Cedarchest (basement)
Desk (basement)
Complete set of glasses
Book & knickknacks from attic

PROPERTY PRESENTLY LOAN TO COMPLAINANT:

End table
Old sewing machine
Childrens' bed with mattress & boxsprings
Chest of drawers & dresser
Glass & brass dining table with 4 chairs
VCR_

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3640

IDENTIFICATION REFERENCE

AUG 13 11 57 AM '92

FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN

MAIL ENV.

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* May, 1991, *in Case Number* 90D-75 *between* TERRI L. POWELL *Plaintiff, and* DAVID ALLEN POWELL *Defendant, as same remains of record in Book* 197A, *Page* 130 *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* 13th *day of* August *in the year one thousand nine hundred and* Ninety-Two *and in the* 217th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Mary W. Binkley *D.C.*

Form #GR-117