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IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE

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1992 JUL 24 PM 2:54

GEORGE L. ROOK... CLERK

Def

DEBORAH A. CARY)
)
vs.) NO. 92D-297
)
STANLEY L. CARY)

FINAL DECREE

This cause came to be heard on the 1st day of July, 1992, before the Honorable Anne L. Russell, Special Judge of the Probate Court for Davidson County, Tennessee, upon Wife's complaint for absolute divorce, upon the testimony of the Wife and her two supporting witnesses in open court, and the Husband having failed to appear at the hearing after being duly noticed thereof, the Court finds as follows:

(a) that the Husband has been guilty of abandonment and failure to provide for the Wife and the minor child and has been guilty of such inappropriate marital conduct towards the Wife as entitles her to an absolute divorce.

(b) that the Wife shall have custody of the parties' three minor children and that visitation shall be reserved pending the Husband making proper application to the Court;

(c) that subject to the Wife producing other evidence of Husband's usual income, child support shall be based upon Husband's ability to obtain a minimum wage job and the child support guidelines for three children and therefore, the Husband shall pay $60.00 every week, plus the Clerk's usual commission of five (5%) percent ($3.00), for a total payment of **$63.00 every week.** The Husband shall make payments to the Office of the Circuit Court Clerk, 506 Metro Courthouse, Nashville, Tennessee 37201 and the Clerk, after deduction of its lawful commission, shall transmit the payments to the Wife.

(d) that the Husband shall be awarded his separate personal property consisting of a bed, dresser, night stand, stereo, VCR, 13" television, clothing and personal items and the Wife shall be awarded all remaining household goods and furnishings, her clothing and personal items, free of any claim of the Husband.

(e) that the Wife shall be awarded all right, title and interest in and to the parties' 1989 Mitsubishi Gallant

automobile and any interest of the Husband shall be divested out of him and vested solely in the Wife.

(f) that the Wife shall be awarded all right, title and interest in and to the parties' joint real estate situated at 5046 Cherrywood Drive, Nashville, Tennessee 37211, and all interest of the Husband shall be divested out of him and vested solely in the Wife. The Husband shall vacate the marital residence immediately.

(g) that the Husband shall be permanently enjoined and restrained from coming about the Wife or contacting her at her home or place of employment or wherever she may be for the purpose of harming, harassing, intimidating or threatening her in any manner.

(h) that the Wife shall assume the parties' joint debts to First National Bank for the home mortgage, Nashville Electric Service for the energy loan, and her vehicle loan.

(i) that the counsel for the Wife shall be awarded a judgment against the Husband for Wife's reasonable fees in the amount of $350.00, for which execution may issue, if necessary.

(j) that the Husband shall pay all costs.

It is therefore **ORDERED, ADJUDGED and DECREED** by the Court that the Wife, Deborah A. Cary, be and is hereby awarded an absolute divorce from the Husband, Stanley L. Cary, that the parties are hereby restored to all the rights and privileges of unmarried persons, and that the bonds of matrimony existing between the parties are perpetually dissolved;

It is further **ORDERED, ADJUDGED and DECREED** by the Court that the Wife, Deborah A. Cary, shall be and is hereby awarded sole custody of the parties' three minor children, Jennifer Cary, born November 17, 1979, Jody Cary, born January 15, 1986, and Brittany Cary, born December 28, 1987 and that the Husband's visitation shall be reserved pending his making proper application to the Court;

It is further **ORDERED, ADJUDGED and DECREED** by the Court that the Husband, Stanley L. Cary, shall pay child support of $60.00 every week, plus the Clerk's usual commission of five (5%)

percent ($3.00), for a total payment of **$63.00 every week.** Payments shall be made to the Office of the Circuit Court Clerk, 506 Metro Courthouse, Nashville, Tennessee 37201 and the Clerk, after deduction of its lawful commission, shall transmit the payments to the Wife, Deborah A. Cary, 5046 Cherrywood Drive, Nashville, Tennessee 37211.

It is further **ORDERED, ADJUDGED and DECREED** by the Court that the Husband, Stanley L. Cary, shall be awarded his separate personal property consisting of a bed, dresser, night stand, stereo, VCR, 13" television, clothing and personal items and the Wife, Deborah A. Cary, shall be and is hereby awarded as her sole and separate property, free of any claims of the Husband, all remaining household goods and furnishings, her clothing and personal items.

It is further **ORDERED, ADJUDGED and DECREED** by the Court that the Wife, Deborah A. Cary, shall be and is hereby awarded all right, title and interest in and to the parties' 1989 Mitsubishi Gallant automobile and all interest of the Husband in said vehicle shall be divested out of him and vested solely in the Wife.

It is further **ORDERED, ADJUDGED and DECREED** by the Court that the Wife, Deborah A. Cary, shall be and is hereby awarded all right, title and interest in and to the parties' joint real estate situated at 5046 Cherrywood Drive, Nashville, Tennessee 37211, and all interest of the Husband in said property shall be divested out of him and vested solely in the Wife, said property being described as follows:

Land in Davidson County, Tennessee, being Lot No. 5 on the Plan of Whispering Hills, Section 4 of record in Plat Book 2900, page 22, Register's Office for said County, to which reference is made for a more complete description.

Being the same property conveyed to Stanley L. Cary and wife, Deborah Cary by deed from Marion Thurman and wife, Eva Thurman of record in Book 5661, page 971, Register's Office for Davidson County, Tennessee.

It is further **ORDERED, ADJUDGED and DECREED** by the Court that the Husband, Stanley L. Cary, shall vacate the marital residence immediately.

It is further **ORDERED, ADJUDGED and DECREED** by the Court that the Husband, Stanley L. Cary, shall be and is hereby

permanently enjoined and restrained from coming about the Wife or contacting her at her home or place of employment or wherever she may be for the purpose of harming, harassing, intimidating or threatening her in any manner.

It is further **ORDERED, ADJUDGED and DECREED** by the Court that the Wife, Deborah A. Cary, shall assume the parties' joint debts to First National Bank for the home mortgage, Nashville Electric Service for the energy loan, and the vehicle loan on her vehicle.

It is further **ORDERED, ADJUDGED and DECREED** by the Court that the counsel for the Wife, Karen Cain, is hereby awarded a judgment against the Husband, Stanley L. Cary, in the amount of $350.00, for which execution may issue, if necessary.

Costs shall be assessed against the Husband, Stanley L. Cary, for which execution may issue, if necessary.

Entered this 24 day of July, 1992.

Dave L. Russell
JUDGE

APPROVED FOR ENTRY:

Karen Cain
KAREN CAIN #6931
Attorney for Wife
306 Gay Street, Suite 304
Nashville, Tennessee 37201
(615) 256-2806

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree has been mailed to Mr. Stanley L. Cary, 5046 Cherrywood Drive, Nashville, Tennessee 37211, on this the 10 day of July, 1992.

Karen Cain
KAREN CAIN

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RECEIVED FOR REFERENCE

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DAVIDSON COUNTY TN

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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* PROBATE *Circuit Court for Davidson County, Tennessee, on the* TWENTY-FOURTH *day of* JULY, *19* 92, *in Case Number* 92D-297 *between* DEBORAH A. CARY *Plaintiff, and* STANLEY L. CARY *Defendant, as same remains of record in Book* 67C, *Page* 2144 *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* 217 *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Barbara Eddings *D.C.*

Form #GR-117