1991 B/892

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

1991 AUG 20 PM 4:03

GEORGE L. ...

VICKIE YVONNE ROBBINS	)	
	)	
v.	)	No. 90D-3313
	)	
KEVIN BRENT ROBBINS	)	

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FINAL DECREE OF DIVORCE

This cause came on to be heard upon the 29th day of July, 1991, before the Honorable Muriel Robinson Rice, Judge, upon the Wife's Complaint for Absolute Divorce, the Husband's Answer thereto and Counter-Complaint for Absolute Divorce, the Wife's Answer to the Husband's Counter-Complaint, withdrawal by the Husband of his Counter-Complaint, testimony of the parties in open court, and exhibits to their testimony, testimony of their witnesses, statement of counsel for the parties, and the entire record. From all of which the Court finds that the Husband has stipulated pursuant to Tennessee Code Annotated § 36-4-129 that he is guilty of marital misconduct and that therefore the Wife should be awarded an absolute divorce from him upon the grounds of cruel and inhuman treatment. The Court further finds that the Wife owned certain household furniture, fixtures and appliances prior to the marriage which she should be awarded free and clear of any interest or claim of the Husband. The Court further finds that the parties own certain household goods as their marital property and that the Wife should be awarded the sectional sofa with hide-a-bed, one-half of the towels, the gas grill, and her automobile subject to the lien thereon, and that the Husband should be awarded the new washer and dryer, the guns, VCR, waterbed, one-half of the towels, Wearever pots and pans, ice crusher, tool sets, and the wok, as well as his truck subject to the lien thereon. The Court further finds that the Husband should be solely responsible for the indebtedness owed in the approximate amount of $1,113.36 on his Visa card, and that he should indemnify and hold the Wife harmless thereon. The Court further finds that Mrs. Robbins has made a greater contribution to the acquisition of the marital assets, that she has made substantial contributions of her separate property into the

marital assets, and that the Husband, Mr. Robbins, has made no substantial contribution to the accumulation of the marital estate. The Court specifically finds that the Husband has caused the marital residence to depreciate. The Court further finds that the conveyance from the Wife through a trustee to the Wife and Husband was not a gift to the Husband and that the Wife should be awarded the entire interest in the marital residence, free and clear of any interest or claim of the Husband. The Court finds that there was no actual gift of the proceeds to Mr. Robbins, that the parties did not file a gift tax return, and that title alone is not the only factor for the Court to consider in determining ownership of this property. The Court finds that the proof has been that there was no gift from the Wife to the Husband, and that the Husband made no substantial monetary contribution to the accumulation of this asset. The Court finds that the Husband has had the use of this marital residence for almost one (1) year and that he should be ordered to vacate the marital residence within fifteen (15) days. Further, that he should be under a Restraining Order, restraining and enjoining him from causing any damage to the marital residence prior to his vacating it. The Court further finds that the Wife should not be awarded any monetary amount for damage to the marital residence. The Court finds that each party should pay their own attorney fee, that the Wife should be restored to her maiden name of Newbern, and that the costs of the cause should be taxed to the Husband.

It is therefore ORDERED, ADJUDGED and DECREED that Vickie Yvonne Robbins should be and is hereby awarded an absolute divorce from Kevin Brent Robbins upon the grounds of cruel and inhuman treatment, and that she should be and is hereby restored to all of the rights and privileges of an unmarried person.

It is further ORDERED, ADJUDGED and DECREED that Vickie Yvonne Robbins should be and is hereby awarded the following items of personalty as her sole and separate property, free and clear of any interest or claim of the Husband: refrigerator, kitchen table & chairs, washer & dryer, microwave, desktop with

drawers, two (2) wicker rocking chairs, color console T.V., entertainment center/stereo, record player and radio, china cabinet, dishes, baby bed & mattresses, silverware, Revereware pots & pans, cooking tools, glasses, electric mixer, sewing machine, luggage, quilt rack, vacuum cleaner, ironing board, iron, one-half of the towels, sectional sofa with hide-a-bed, gas grill, and her 1989 Oldsmobile Cutlass Calais automobile subject to the lien thereon.

It is further ORDERED, ADJUDGED and DECREED that the Husband should be and is hereby awarded the following items as his sole and separate property, free and clear of any interest or claim of the Wife: his clothes, three (3) guns, one-half of the towels, waterbed, VCR, the new washer & dryer, Wearever pots & pans, ice crusher, tool sets, the wok, and his 1989 Chevrolet S-10 truck subject to the lien thereon.

It is further ORDERED, ADJUDGED and DECREED that the Husband, Kevin Brent Robbins, should be and is hereby ordered to be solely responsible for the debt in his name on his Visa card, in the approximate amount of $1,113.36, being account number 4361-891-446-918, and that he should be and is hereby ordered to indemnify and hold the Wife harmless therefrom.

It is further ORDERED, ADJUDGED and DECREED that the Wife should be and is hereby awarded as her sole and separate property the entire interest in the marital residence located at 5112 Parishwood Court, Nashville, Tennessee 37211 and more particularly described below, and any interest of the Husband in the aforesaid real property should be and is hereby divested from him and reinvested in the Wife so that she shall own that realty as her sole property free and clear of any interest or claim of the Husband. This property is more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 33 on the Plan of McMurray Meadows, Section two, of record in Book 4955, Page 58, Register's Office for said County.
>
> Said Lot No. 33 fronts 67.93 feet on the northerly margin of Parishwood Court and extends back 176.63 feet on the easterly line and 177.68 feet on the westerly line to a broken line in the rear, measuring 46.85 feet thereon.

Being the same property conveyed to Kevin Brent Robbins, and wife, Vickie Yvonne (Newbern) Robbins, by Quitclaim Deed of record in Book 7478, Page 750, in the Register's Office for Davidson County, TN.

It is further ORDERED, ADJUDGED and DECREED that the Husband should be and is hereby ordered to vacate the marital residence at 5112 Parishwood Court, Nashville, Tennessee 37211, within fifteen (15) days, that is, on or before August 13, 1991, and that pending his leaving the residence, he should be and is hereby RESTRAINED and ENJOINED from causing any damage to the aforesaid marital residence.

It is further ORDERED, ADJUDGED and DECREED that the parties should be and are hereby ordered to each pay their own attorney fees for representation in this cause.

It is further ORDERED, ADJUDGED and DECREED that the costs of this cause should be and are hereby taxed to the Husband for which let execution issue if necessary.

ENTER this 20th day of Aug., 1991.

Muriel Robinson Reece
JUDGE

APPROVED FOR ENTRY:

Mary Arline Evans
MARY ARLINE EVANS
ATTORNEY FOR WIFE
214 Third Avenue North
P. O. Box 3348
Nashville, TN 37219-0348
(615) 244-2070
Sup. Court Reg. No. 12067

Mail

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been forwarded to Ron Stone, Attorney for Husband, 211 Printers Alley Building, Nashville, TN 37201, this the 2nd day of August, 1991.

Mary Arline Evans
MARY ARLINE EVANS

TMB

BOOK 8770 PAGE 404

591-89

IDENTIFICATION REFERENCE

OCT 29 3 39 PM '92

DAVIDSON COUNTY, TN

20.00

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* 20th *day of* August, *19* 91, *in Case Number* 90D-3313 *between* Vickie Yvonne Robbins *Plaintiff, and* Kevin Brent Robbins *Defendant, as same remains of record in Book* 199B, *Page* 892 *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* 28th *day of* October *in the year one thousand nine hundred and* Ninety-two *and in the* 217th *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By _____, *D.C.*

Form #GR-117