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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
1991 OCT 11 PM 1:45
GEORGE L. ROGERS, JR.

PAMELA J. WHITTAKER,
Plaintiff,

vs.

GREGORY R. WHITTAKER,
Defendant.

No. 90D-3027

BOOK 8843 PAGE 833

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ORDER

This cause came to be heard on September 25, 1991 before the Honorable Muriel Robinson Rice, Judge, upon the complaint for absolute divorce filed by the Wife and the Husband's answer and counter-complaint thereto. Upon announcement to the Court by counsel for the parties that the parties had stipulated regarding a number of issues, the Court found that the parties had stipulated as follows, approved said stipulations, and made them the ORDER of this Court:

1. The Wife should be granted a divorce from the Husband on the grounds of inappropriate marital conduct.

2. The Wife should be granted exclusive care, custody and control of the parties' minor children, Michael and Jayna.

3. The Husband shall be granted visitation with the parties' minor children as follows:

a. On alternate weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m.

b. On each Wednesday from 5:30 p.m. to 8:00 p.m.

c. For the week preceding Christmas until 10:00 p.m. on Christmas Eve.

d. On alternate holidays, including New Year's Day, Easter, Memorial Day, July 4th, Labor Day, and Thanksgiving Day.

e. For three (3) hours on each child's birthday. The Wife shall have three (3) hours visitation on each child's birthday if same falls during the Husband's visitation.

f. On Father's Day of each year. The Wife shall have the children on Mother's Day each year.

g. The Husband shall be allowed reasonable telephone contact with the children. The Wife shall also be allowed reasonable telephone contact with the children during the Husband's visitation with them.

h. The Husband shall be allowed two weeks visitation with the children each year, with one week taken in the spring, and one week taken in the fall, until the children become of school age when said visitation shall take place during the summer.

i. The restraining order restraining the Husband from taking the children out of the State during his visitation shall be lifted. The Husband shall give the Wife notice in advance of where the children will be while out of the State.

j. The Husband shall give the Wife 24-hour advance notice if he cannot exercise his visitation as scheduled.

k. The Wife shall be allowed to take the children on vacation and make up any visitation missed by the Husband during her vacation at a reasonable time for the Husband.

4. The Wife shall maintain major medical insurance on the two minor children, and the Husband shall reimburse her each month for the cost of the children's medical insurance coverage. The parties will each pay one-half of all non-covered reasonable and necessary medical expenses.

5. The Wife shall be awarded all right, title and interest to all items of personal property in her possession. The Husband agrees to return to the Wife the ladder, fire safe, and camera bag in his possession.

6. Each party shall be awarded all right, title, and interest in and to their respective bank accounts, both savings and checking.

7. Each party shall be awarded all right, title and interest in and to the vehicle in their possession, shall be responsible for any indebtedness thereon, and hold the other harmless from repayment thereof.

8. Each party shall be responsible for payment of one-half the balance due on the joint Visa card as of the date of the parties' separation, the total amount thereof being $1,635.67.

Upon statement of counsel, testimony of the parties, and one witness, introduction of exhibits and the entire record, the Court additionally found and ORDERED as follows:

1. That the Husband shall give the Wife two weeks advance notice of the dates upon which he intends to exercise his weeks of visitation.

2. That the Wife should be awarded all picture frames in the Husband's possession which he removed from the marital residence, and the riding lawnmower which shall be delivered to the Wife in good running order. The Husband shall be awarded

all other items of personal property in his possession, including the nintendo game and cordless telephone.

3. That the Husband shall reimburse the Wife in the amount of $197.00, said sum representing one-half of the Wife's out-of-pocket payments for the children's medical expenses, since the separation, which were not covered by insurance, not including any costs for prescription drugs, psychiatric or psychological treatment, or insurance premiums.

4. That the Husband shall not be required to pay one-half of any psychiatric or psychological expenses incurred by said children. If orthodontia is required for the children, the Court shall review the issue and upon verification thereof, order accordingly.

5. The Husband shall be required to reimburse the Wife $250.00 for one-half her cost in obtaining the appraisals introduced as evidence.

6. The Wife shall be awarded all right, title and interest in and to the condominium located at 122 Thistle Lane, Hermitage, Tennessee 37076, which the Court finds is the separate property of the Wife. The Court specifically finds that the improvements made therein by the Husband did not affect its value. The Wife shall be solely responsible for payment of the mortgage thereon.

7. The Wife shall be awarded all right, title and interest to the marital residence located at 4889 Shasta Drive, Old Hickory, Tennessee 37138. The Court specifically finds that no equity exists in said property. The Wife shall be solely responsible for payment of the mortgage thereon.

8. Each party shall be responsible for payment of $4,000.00 each on the debt owed by the parties to the Wife's parents, Walter and Jane Smithson, which is specifically found to be a marital debt.

9. That the amount of child support to be paid by the Husband deviates from the guidelines in that the Court finds that the Husband is under-employed and that he is self-employed thus resulting in the Court's inability to determine his actual income

each month. The child support shall be set at the rate of $450.00 per month to be paid directly to the Wife by the Husband.

10. That the costs of this cause shall be divided equally between the parties.

11. That the Husband shall be required to pay a portion of the Wife's attorney's fees in the amount of $ 200.00.

IT IS SO ORDERED.

Entered, this 11th day of October, 1991.

MURIEL ROBINSON RICE, JUDGE

APPROVED FOR ENTRY:

Kathryn G. Griffin, (#10232)
Attorney for Plaintiff
43 Music Square West
P. O. Box 121857
Nashville, TN 37212
(615) 244-4270

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D.A.Z. WILLIAMS REGISTER
DAVIDSON COUNTY, TN

IDENTIFICATION REFERENCE:

8.4.1.1.2.

MAIL ENV.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed to Mary Evans, Attorney for Defendant, 214 Third Avenue North, Nashville, TN 37201, on this 2nd day of October, 1991.

Kathryn G. Griffin

KK1056

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* JANUARY, *19* 92, *in Case Number* 90D-3027 *between* PAMELA JANE WHITTAKER *Plaintiff, and* GREGORY REX WHITTAKER *Defendant, as same remains of record in Book* 203A, *Page* 255 *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* 19 *day of* JANURAY *in the year one thousand nine hundred and* NINETY-THREE *and in the* 217 *year of American Independence.*

GEORGE L. ROOKER, *Clerk,*

By Barbara Eldridge, D.C.