MAIL TO: Carol L. McCoy, Atty.
P. O. Box 190609
Nashville, TN 37219-0609

Recorded as a lien held by Cherie M. Hamilton against the interest of David C. Hamilton in the real property locate at 6831 Alto Vista Drive, Nashville, TN as or reocrd in Book 8056, Page 849, R.O.D.C.

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

93 APR 29 PM 3:10
RICHARD R. ROOKER, CLERK
D.C.

CHERIE M. HAMILTON,
Plaintiff,
vs.
DAVID C. HAMILTON,
Defendant.

NO. 91D-1685

BOOK 8984 PAGE 899

FINAL DECREE OF DIVORCE

This cause came to be heard on the 15th of March, 1993, before the Honorable Muriel Robinson Rice, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the original Complaint for Divorce, Answer and Counter-Complaint, Answer to the Counter-Complaint, statements of counsel that the parties had stipulated to the grounds for a divorce pursuant to T.C.A. § 36-4-129(b), that the parties had entered into written stipulations regarding certain matters and resolved other matters regarding property divisions, payments of monies, tax considerations and had resolved all of their differences, the terms of the agreement were read in open Court and adopted in full and approved by the Court, subject to the parties and their counsel signing this Final Decree of Divorce. The stipulations and terms of the announced agreement are as set forth below in this order.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the bonds of matrimony between Cherie M. Hamilton and David C. Hamilton shall be and hereby are forever and perpetually dissolved and each party is restored to all the rights and privileges of an unmarried person, the Court declaring the parties to be divorced, rather than awarding a divorce to either of the parties alone, pursuant to T.C.A. §36-4-129(b).

IT IS FURTHER ORDERED that David C. Hamilton shall pay directly to Cherie M. Hamilton the sum of One Thousand Dollars ($1,000.00) for unpaid alimony, pendente lite, said payment to be made on March 15, 1993.

1730

IT IS FURTHER ORDERED that the personal property of the parties shall be awarded as set forth on Collective Exhibit 1, consisting of four pages, with those items on page two identified by "C" to be awarded to Wife and those items identified by "D" to be awarded to Husband.

IT IS FURTHER ORDERED that David C. Hamilton shall provide Cherie Hamilton with tax information for the taxable year 1992 similar to the tax information he previously provided her pursuant to Court Order for the tax year 1991 within ten (10) days after furnishing the information to his accountant, said information included

a. Form 1099 from IDS Mutual Fund

b. Calculation of alimony paid by Mr. Hamilton in 1992

c. Schedule E on Rock Harbor Condo rented from 1992 through the present

d. Property taxes paid on all jointly owned properties

f. Tennessee State Taxes paid on IDS mutual funds

g. Mortgage interest on 6831 Alto Vista Drive paid in 1992.

IT IS FURTHER ORDERED that each party shall be and is hereby permanently enjoined and prohibited from coming about the other party for the purposes of threatening, assaulting, molesting, harming, harassing, abusing, or bothering each other in any manner whatsoever at any time or place.

IT IS FURTHER ORDERED that the values and outstanding obligations owed against the real estate owned by the parties is as set forth in the Wife's listing of marital property, a copy of which is attached hereto as Exhibit 2 and further ORDERED that the real property located at 515 Basswood Drive, Condominium #E-58, Nashville, Tennessee, as of record in Book 6241, page 638, Register Deeds Office for Davidson County, Tennessee, unimproved land at 201 Rolling Fork Court, Nashville, Tennessee, as of record in Book 7358, page 523, Register Deeds Office for Davidson County, Tennessee, and unimproved land at North Hillview Court, Lot #24, Bokor Heights, Nashville, Tennessee, as of record in Book 6062,

page 247, Register Deeds Office for Davidson County, Tennessee, shall be sold and the net proceeds divided between the parties as follows: (a) the Wife shall receive all of the equity from the sale of the property located at 201 Rolling Fork Court, Nashville, Tennessee, (b) the Husband shall receive 27% of the equity and the Wife shall receive 73% of the equity from the sale of the property located at North Hillview Court, Lot 24, Bokor Estates, Nashville, Tennessee, and (c) the Husband shall receive 33% of the equity and the Wife shall received 67% of the equity from the sale of the property located at 515 Basswood Drive, Condominium #E-58, Nashville, Tennessee, the parties having agreed to list the property with Sue Chilton, real estate agent with Shirley Zeitlin and Company, Realtors and to allow their attorneys to negotiate the sales prices.

IT IS FURTHER ORDERED that the parties shall be equally liable for any deficiency which may result after the sale of the real property at 515 Basswood Drive, Condominium #E-58, Nashville, Tennessee, each party to pay one-half of such deficiency and shall hold harmless the other party for payment thereof.

IT IS FURTHER ORDERED that David C. Hamilton shall be solely responsible for the prompt and regular payment of the monthly mortgage notes owed against the real property located at 515 Basswood Drive, Condominium #E-58, Nashville, Tennessee, and 201 Rolling Fork Court, Nashville, Tennessee, until each parcel has been sold and shall hold harmless Cherie Hamilton for payment thereof and further, it is ORDERED that David C. Hamilton shall be entitled to claim as deductions for purposes of filing his federal income tax all interest payments for such obligations which he makes.

IT IS FURTHER ORDERED that David C. Hamilton shall be solely responsible for the prompt and regular payment of the monthly mortgage notes owed against the real property located at 6831 Alto Vista Drive, Nashville, Tennessee, and shall hold harmless Cherie Hamilton for payment thereof, said mortgage notes to be refinanced by David C. Hamilton in his name only within one

(1) year from the date of the entry of the Final Decree of Divorce but in no event, no more than two (2) years from the date of entry of the Final Decree of Divorce. If he fails to refinance the house within that time, Cherie Hamilton shall be entitled to have the real property located at 6831 Alto Vista Drive, Nashville, Tennessee, sold by order of the Court upon such terms and conditions as the Court may require and further, David Hamilton shall be liable to Cherie Hamilton for all attorney's fees, legal expenses, travel costs and other expenses incurred by her to obtain the order and sale of said real property.

IT IS FURTHER ORDERED that prior to March 31, 1995, David Hamilton shall use all sale proceeds which he realizes from (a) the sale of 515 Basswood Drive, Condominium #E-58, Nashville, Tennessee, and (b) the sale of North Hillview Court, Lot 24, Bokor Heights, Nashville, Tennessee, to reduce the outstanding mortgage note against 6831 Alto Vista Drive, Nashville, Tennessee, owed by the parties unless David Hamilton has complied with the requirement that he refinance the mortgage note in his own name prior to March 31, 1995, and in such instance, he shall be relieved from complying with this one provision of the Final Decree of Divorce.

IT IS FURTHER ORDERED that upon David Hamilton securing refinancing of 6831 Alto Vista Drive, Nashville, Tennessee, Cherie Hamilton shall quitclaim all her right, title and interest in said real property to David Hamilton, such that he shall hold sole title in his name subject to any refinancing he incurs and she shall be released from and relieved of all liability for any existing financing.

IT IS FURTHER ORDERED that David Hamilton shall and hereby does quitclaim to Cherie Hamilton all right, title and interest which he may have in and to a certain timeshare described as week 46, Hotel Beach Club, Cancun, Mexico, and further, he shall promptly execute any and all documents necessary to effectuate such transfer of ownership.

IT IS FURTHER ORDERED that any tax loss realized by the parties in the sale of the condominium located on Basswood Drive

shall be used solely by Cherie Hamilton for purposes of filing her federal income tax return and to the extent that there is any tax savings which results from her use of one-half of such loss which could be attributed to David Hamilton, Cherie Hamilton will forward to David Hamilton an amount equal to the reduction in taxes she realizes by using the one-half loss attributable to his interest in the condominium.

IT IS FURTHER **ORDERED** that to the extent there are any deductions for interest payments or other expenses related to the jointly owned real estate which will not benefit David Hamilton for purposes of filing his federal income tax return in 1992, Cherie Hamilton shall be entitled to claim such interest payments or other related expenses for purposes of filing her federal income tax return for 1992.

IT IS FURTHER **ORDERED** that Wife shall retain as her sole and separate property all of the funds in the IDS account and the One Hundred ($100.00) Dollars, Series EE savings bond.

IT IS FURTHER **ORDERED** that the parties shall remain as tenants in common of all jointly owned marital property until it is sold or title is conveyed pursuant to this Final Decree of Divorce, but for purposes of estate distribution, David Hamilton shall be entitled to 100% of the interest in 6831 Alto Vista Drive, Nashville, Tennessee, Cherie Hamilton shall be entitled to 100% of the interest in 201 Rolling Fork Drive, Nashville, Tennessee, David Hamilton shall be entitled to a 27% interest and Cherie Hamilton shall be entitled to a 73% interest in North Hillview Court, Lot 24, Bokor Heights, Nashville, Tennessee, and each party shall have an undivided one-half interest in 515 Basswood Drive, Condominium #E-58, Nashville, Tennessee.

IT IS FURTHER **ORDERED** that each party shall retain sole ownership and possession of his or her motor vehicle, free and clear of any claims by the other party and shall hold harmless the other party for any outstanding liability owed against the vehicle which he or she retains.

IT IS FURTHER **ORDERED** that the Wife shall have the right to inspect any marital real property to be sold by auction or otherwise a reasonable time prior to its sale.

IT IS FURTHER **ORDERED** that David Hamilton shall pay directly to Cherie Hamilton the sum of Five Hundred ($500.00) Dollars for reimbursement of joint credit card expenses which she has paid, said payment to be made within thirty (30) days from the date of the entry of the Final Decree of Divorce.

IT IS FURTHER **ORDERED** that each party shall retain sole ownership and possession of any property which he or she inherited or may have owned prior to the marriage as his or her separate property, free and clear of any claims by the other party and further, it is **ORDERED** that each party shall be solely responsible for any debt which he or she incurred in his or her name only.

IT IS FURTHER **ORDERED** that each party shall be solely responsible for payment of his or her attorneys' fees and that all court costs incurred in this cause shall be paid equally by the parties.

IT IS FURTHER **ORDERED** that Thomas H. Ware and Sophia Brown Crawford shall be and hereby are relieved as the attorney of record for David C. Hamilton.

ENTERED THIS THE 29th DAY OF April, 1993.

Muriel Robinson Rice

JUDGE MURIEL ROBINSON RICE

APPROVED FOR ENTRY:

Carol L. McCoy 4-27-93

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Cherie Nichole Hamilton

CHERIE HAMILTON

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David Hamilton

DAVID HAMILTON

Sophi Brown Crawford

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Nashville, TN 37219
(615) 242-8107

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STATE OF TENNESSEE

BOOK 8984 PAGE 906

I, **RICHARD R. 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 _29 day of _APRIL , 19 _93 , in the Case Number _91D1685 between _HAMILTON, CHERIE MICHELE (KURLAND) Plaintiff, and _HAMILTON, DAVID CHARLES Defendant, as same remains of record in Book 216C , Page _1730 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 _16 day of _JUNE in the year one thousand nine hundred and _ninety-three and in the _217th_ year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

31355
IDENTIF. ◆ REFERENCE
93 JUN 17 AM 10:57
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN.

PICK-UP