IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

1993 JUL -6 PM 4:21

RICHARD R. ROOKER, CLERK

D.C.

DORRIS MAUDE DYER MARTIN)
)
vs.) No. 91D-4138
)
SAM AUBRA MARTIN)

72-04
344

FINAL DECREE

This cause came on to be heard this 10th day of May, 1993, before the Honorable Muriel Robinson Rice, Judge of the Fourth Circuit Court for Davidson County, Tennessee, on the complaint for absolute divorce filed by the wife, answer and counter complaint filed by the husband, statement in open Court that the parties had agreed to stipulate grounds for divorce, and that the parties had reached an agreement, and upon the record as a whole, the Court finds that pursuant to T.C.A. §36-4-129, the wife is entitled to an absolute divorce and the agreement stated to the Court shall be approved.

It is, therefore, **ORDERED, ADJUDGED, and DECREED** that pursuant to T.C.A. §36-4-129, the wife is granted an absolute divorce and that both parties are hereby restored to all the rights and privileges of unmarried persons.

It is further **ORDERED, ADJUDGED and DECREED** that each party shall keep as their sole and separate property all items of personal property now in his or her possession with the exception of some clothes and photographs of the husband which remain in the home place, and he shall be entitled to these items.

It is further **ORDERED, ADJUDGED and DECREED** that all of the husband's right, title and interest in and to the home place located at 2716 Bobby Avenue, shall be divested out of the husband, Sam Aubra Martin, and shall be vested in the wife, Dorris Maude Dyer Martin, in fee simple absolute, and she shall assume all indebtedness owed thereon. Said property is more particularly described as follows:

Being Lot No. 41 of Section "C" on the Map of Happy Valley Subdivision, not of record, and described according to a copy of a survey thereof made by Z.J. Wilkinson, Surveyor, September 2, 1945, as follows:

Beginning at a point in the southeasterly margin of Bobby Avenue, at the corner of Lot Nos. 40 and 41; thence with the line between said lots, southeasterly 140 feet to a

LEGIBILITY OF WRITING, ETC., IN THIS DOCUMENT UNSATISFACTORY WHEN RECEIVED

point; thence northeasterly 75 feet to a point at the corner of Lots Nos. 41 and 42; thence with the line between said lots, northwesterly 140 feet to the margin of Bobby Avenue; thence with the margin of said Bobby Avenue, southwesterly 75 feet to the point of beginning.

Being the same property conveyed to Sam A. Martin and wife, Doris M. Martin, from John U. Wilson and wife, Louise Wilson, of record in Book 3612, Page 19, Register's Office for Davidson County, Tennessee.

It is further **ORDERED, ADJUDGED and DECREED** that the husband shall receive all the wife's right, title and interest in and to his profit sharing plan at I.K.G. Borden, Division of Harsco, and shall further receive his automobile.

It is further **ORDERED, ADJUDGED and DECREED** that beginning June 1, 1993, and continuing thereafter, the husband shall pay directly to the wife the sum of Seven Hundred ($700.00) Dollars a month as alimony until the wife's death or remarriage, payable at the rate of Three Hundred Fifty ($350.00) Dollars on the first day of each month, and the sum of Three Hundred Fifty ($350.00) Dollars on the fifteenth day of each month. Prior to June 1, 1993, the husband shall continue, pursuant to the Pendente Lite Order previously entered, to pay the utilities, medical bills for the wife, and the sum of Eighty-Five ($85.00) Dollars per week as support. Beginning June 1, 1993, the wife shall place all the utilities on the home place in her name solely. She will notify the husband should she become employed. The alimony and medical insurance mentioned hereafter shall be reviewed at the retirement of the husband. The present address of the wife is 2716 Bobby Avenue, Nashville, Tennessee, 37216, and the present address of the husband is 5015 Old Hickory Boulevard, Nashville, Tennessee, 37218.

It is further **ORDERED, ADJUDGED and DECREED** that the husband shall carry the wife on his COBRA insurance through his employment for a period of three (3) years, and shall be responsible for the medical insurance coverage on the wife thereafter. Said medical insurance coverage shall be subject to review at the time of the retirement of the husband. The insurance premiums paid by the husband shall be deemed as alimony.

It is further **ORDERED, ADJUDGED and DECREED** that the husband shall keep in full force and effect the life insurance policy on

his life in an amount not less than Fifty Thousand ($50,000.00) with the wife made as irrevocable beneficiary.

It is further **ORDERED, ADJUDGED and DECREED** that the wife shall be entitled to one-half (1/2) of the husband's retirement on a monthly basis at the time the husband shall retire from his present place of employment at I.K.G. Borden, Division of Harsco. Should the husband receive his retirement benefits in a lump sum amount, the wife shall also be entitled to a lump sum amount. This division of the retirement plan is a division of property and is not alimony. However, each party shall pay any taxes which may be due on his or her share of the retirement benefits.

It is further **ORDERED, ADJUDGED and DECREED** that the husband shall pay and hold the wife harmless on the Sears, Visa, and Master Card debts. This obligation shall be deemed to be a support obligation under 11 U.S.C. §523(5), which is not dischargeable in bankruptcy.

It is further **ORDERED, ADJUDGED and DECREED** that L. R. DeMarco, attorney for the wife, shall have a judgment against the husband in the amount of Four Hundred Fifty ($450.00) Dollars as a reasonable attorney's fee, and the husband shall be entitled to make reasonable installment payments on this indebtedness.

It is further **ORDERED, ADJUDGED and DECREED** that the wife shall receive all the husband's right, title and interest in and to the two (2) cemetery lots and tombstone at Forest Lawn Cemetery.

The husband shall pay the balance of the Court costs in connection with this cause and the wife's filing fee shall be applied to the Court costs for all of which execution may issue if necessary.

ENTER this 6th day of July, 1993.

MURIEL ROBINSON RICE, JUDGE

APPROVED FOR ENTRY:

DAVID C. RUTHERFORD #2706

L. R. DeMARCO #2652

ATTORNEYS FOR WIFE
Suite 400, Washington Square
214 Second Avenue, North
Nashville, TN 37201-1602
(615) 256-6681

Mail

JOY SIMS #10609
Attorney for Husband
Suite 912, Stahlman Building
211 Union Street
Nashville, TN 37201

STATE OF TENNESSEE

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 _06 day of _JULY , 19 _93 , in the Case Number _91D4138 between _MARTIN, DORRIS MAUDE DYER Plaintiff, and _MARTIN, SAM AUBRA Defendant, as same remains of record in Book 219A , Page _543 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 _15 day of _JULY in the year one thousand nine hundred and _ninety-three and in the _218th_ year of American Independence.

4127 07/15 0101 03CHECK 20.00

RICHARD R. ROOKER, Clerk,

By Mary U. Bibb
Deputy Clerk

SEAL

41253

IDENTIF. & REFERENCE

93 JUL 15 AM 10:38

FELIX E. [illegible] REGISTER
DAVIDSON COUNTY, TN.