IN THE CIRCUIT COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

DAVID ALLEN CURBO,

Plaintiff,

vs.

SHARYN ANNE WARNER CURBO,

Defendant.

DS 6504

6

NO. 134383-1 R.D.

DIV-1
BOOK 50
Page 992
Date 8-3-92

BY _____ D.C.

FINAL DECREE OF DIVORCE BOOK 9024 PAGE 109

This cause came on to be heard before the Honorable Wyeth Chandler, Judge of Division 1 of the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis, upon the Complaint for Divorce filed by Plaintiff David Allen Curbo, personal service of process upon the Defendant Sharyn Anne Warner Curbo, upon Answer and Counter-Complaint filed by Defendant, upon testimony of Plaintiff in open Court, and upon the entire record in this cause, from all of which

IT APPEARS TO THE COURT THAT the Counter-Complaint for Divorce should be dismissed with the consent of the Defendant/Counter-Complainant.

IT FURTHER APPEARING TO THE COURT irreconcilable differences exist between the parties and that the Plaintiff, David Allen Curbo, is thus entitled to an absolute divorce from the Defendant, Sharyn Anne Warner Curbo.

IT FURTHER APPEARING TO THE COURT AND THE COURT SO FINDS that a written Marital Dissolution Agreement executed by both parties and subsequently amended has been filed in the cause which makes adequate and sufficient provisions for the custody and maintenance of the minor children herein and for the fair and equitable settlement of any marital and property rights between the parties.

IT FURTHER APPEARING TO THE COURT that the parties desire to enter into a Qualified Domestic Relations Order, which will transfer to Defendant an interest in Plaintiff's profit sharing plan with Cannon & Company, pursuant to the Employment Retirement

Income Security Act (ERISA) as a portion of her share of the martial property.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that:

1. Plaintiff, David Allen Curbo, be and is hereby granted an absolute divorce from the Defendant on the grounds of irreconcilable differences and both parties are restored to all of the rights, privileges and immunities of unmarried persons.

2. The written Marital Dissolution Agreement, as amended, filed in this cause be and is hereby approved and incorporated by reference as though set out verbatim herein.

3. Defendant Sharyn Anne Warner Curbo be and is hereby awarded exclusive care, custody and control of the minor children, to-wit: Eric L. Curbo and Jeffrey B. Curbo, and that Plaintiff have liberal visitation privileges with said minor children.

4. Plaintiff be and is hereby ordered to pay to Defendant the sum of Two Thousand Dollars ($2,000.00) per month for the support and maintenance of the parties' minor children until Eric L. Curbo reaches 18 years of age or his high school class graduates, whichever occurs last. At such time as Plaintiff's monthly child support obligation toward Eric L. Curbo terminates, Plaintiff's monthly child support obligation for the remaining minor child, Jeffrey B. Curbo, shall be an amount equal to twenty-one percent (21%) of Plaintiff's latest calendar year's "net" income as calculated by the Internal Revenue Service circular E, Employers' Tax Guide, for the same year, using the monthly wage bracket table for a single individual claiming one withholding allowance, and the FICA and Medicare tax rates for that year. Should Plaintiff be self-employed at the time of the aforesaid calculation, the applicable FICA rate shall be 15.3 percent. The foregoing method of calculation notwithstanding, when Plaintiff's monthly child support obligation for Eric L. Curbo terminates, his monthly child support payment for the remaining minor child, Jeffrey B. Curbo, shall not exceed $1,312.00. Such child support obligation shall continue until

Jeffrey B. Curbo reaches 18 years of age or his high school class graduates, whichever occurs last.

5. Plaintiff shall receive the dependent exemptions for the minor children on his Federal Income Tax returns, and that Defendant shall execute an annual declaration as contemplated in Rule 152(e), as amended by the Tax Reform Act of 1984, and any and all other forms or documents currently required or which may be required in the future to effectuate the terms and provisions of this paragraph.

6. All right, title and interest in and to the real property municipally known as 2910 Belgrave Drive, Germantown, Shelby County, Tennessee, said property being more particularly described as follows:

> Lot 204, Section B, Foster Ridge Subdivision, as shown on plat of record in Plat Book 100, Page 12, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.
>
> Being the same property conveyed to Grantor herein by Warranty Deed of record at Instrument No. X9 9932, in said Register's Office.

be and is hereby divested out of Plaintiff and vested solely and exclusively in Defendant, and Defendant shall hereinafter be solely and exclusively liable for all indebtedness secured by Deeds of Trust and all taxes on said real property and shall indemnify and hold Plaintiff harmless from any and all liability and responsibility for payment of said indebtedness and taxes.

7. All right, title and interest in and to the real property municipally known as 728 Croley Avenue, Nashville, Davidson County, Tennessee, said property being more particularly described as follows:

> 1. Being Lot No. 1 of the Thomas B. Vaughn Subdivision of Lot No. 38 and the northerly 25 feet of Franklin Street, closed, of the Subdivision of Lots 28 and 30 of B.F. Cockrill Estate, as of record in Book 4470, page 68, Register's Office for Davidson County, Tennessee.
>
> 2. Said Lot No. 1 fronts 62.5 feet on the easterly side of Croley Drive and extends back between parallel lines 140 feet to an alley.

3. Being the same property conveyed to Philip Disser and wife, Rosemary Disser by deed from Wayne J. Handy and wife, Marjorie S. Handy, of Record and Book 5696, page 877, Register's Office for Davidson County, Tennessee.

BK 6504

be and is hereby divested out of Plaintiff and vested solely and exclusively in Defendant, and Defendant shall hereinafter be solely and exclusively liable for all indebtedness secured by Deeds of Trust and all taxes on said real property and shall indemnify and hold Plaintiff harmless from any and all liability and responsibility for payment of said indebtedness and taxes.

8. Defendant shall be entitled to receive a benefit, which is equal to 100% of the Plaintiff's vested benefit in the Cannon & Company 401K Profit Sharing Plan as of August 31, 1991 and that Defendant shall have no interest in or right to any other benefits under said Plan, all as set forth with more particularity in the Marital Dissolution Agreement entered into between the parties and the Qualified Domestic Relations Order which shall hereinafter be entered.

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9. The parties execute a Qualified Domestic Relations Order as defined under the Retirement Equity Act of 1984 to cause Defendant to receive her interest in the Cannon & Company 401K Profit Sharing Plan and that this Court retain jurisdiction in this cause relative to payment and distribution of the funds contained in Plaintiff's Qualified Domestic Relations Order as set forth herein.

10. The parties execute any and all documents necessary to effectuate the terms, agreements and conditions set forth in the Marital Dissolution Agreement filed in the cause and this Final Decree of Divorce.

11. The costs of this cause be and are hereby assessed against Plaintiff.

JUDGE

DATE: 8-3-93

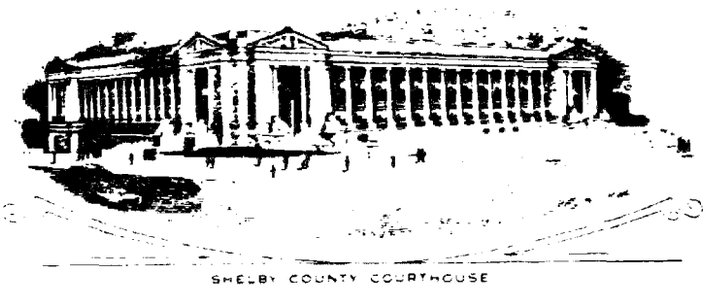
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IDENTIFICATION
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LAW

APPROVED AS TO FORM:

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SHELBY COUNTY COURTHOUSE

CLINT CRABTREE

CLERK OF THE CIRCUIT COURT
SHELBY COUNTY

MEMPHIS, TENN. 38103-2099

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THIS IS TO CERTIFY that the above foregoing FIVE page(s)

is a true and correct copy of:

FINAL DECREE OF DIVORCE

IN THE CASE OF:

DAVID ALLEN CURBO

VS. NO. 134383 R.D.

SHARYN ANNE WARNER CURBO

as same appears on record in said Circuit Court.

Witness my hand and seal of Court this 6th day of JULY

19 93 .

DS6804

CLERK

BY: DEPUTY CLERK

RECORDER'S MEMO
LEGIBILITY OF WRITING, TYPING OR PRINTING IN
THIS DOCUMENT WAS UNSATISFACTORY WHEN RECEIVED

No. DS 6804
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STATE TAX
REGISTER'S FEE
RECORDING FEE 24.00
WT MISC FEE 6.00
TOTAL 30.00
STATE OF TENNESSEE
SHELBY COUNTY
GUY D. BATES
REGISTER

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SHELBY COUNTY
REGISTER OF DEEDS

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