1990 FEB 22 AM 10:02

IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE

TERRI D. COOK,
Wife

VS.

JAMES S. COOK,
Husband

NO. 89D-2451

93 SEP -2 PM 1:53
FELIX ... REGISTER
DAVIDSON COUNTY, TN.

59085
IDENTIF. & REFERENCE

FINAL DECREE

This cause came on to be heard on the 31st day of January, 1990, before the Honorable James R. Everett, Jr., Judge of the Probate Court for Davidson County, upon the original Complaint for divorce filed by the Wife, Order allowing Mr. Niles S. Nimmo to withdraw as attorney of record, Order for a Default Judgment and setting this cause for hearing, witnesses Denise Jackson-Holder and Mrs. Pillakouski heard in open Court, from all of which the Court finds as follows:

1. That the Husband, James S. Cook, has been guilty of such cruel and inhuman treatment towards the Wife, Terri D. Cook, as to render further cohabitation as unsafe and improper. That the Wife should be awarded an absolute divorce on the grounds of cruel and inhuman treatment and the parties should be restored to all rights and privileges of unmarried persons.

2. The Court is of the opinion that the Wife and Husband own real property described as follows:

> LAND in the 2nd Councilmatic District of Davidson County, Tennessee, and described according to a survey by Ray G. Cole, Registered Land Surveyor, No. 924, dated March 13, 1989, as follows:
>
> BEGINNING at a concrete monument set in the northeasterly margin of Greer Road, the most southwest corner of this tract, and being a corner to Gregory C. Green; thence with the margin of said road, N. 28 degrees 13 feet 31 inches W. 61.16 feet to a point; thence continuing with the margin of said road, N. 37 degrees 08 feet 13 inches W. 54.20 feet to a concrete monument set in the margin of said road; thence leaving said road, N. 40 degrees 05 feet 40 inches E. 375.27 feet to an iron pin set; thence S. 60 degrees 31 feet 11 inches E. 89.16 feet to an iron pin set; thence S. 78 degrees 09 feet 08 inches E. 255.23 feet to an existing iron pin, corner to

said Green; thence with the line of said Green, S. 60 degrees 25 feet 57 inches W. 583.43 feet to the beginning, containing 2.03 acres, more or less.

All right, title and interest in said real property shall be vested in the Wife, Terri D. Cook, and former right, title and interested shall be divested from the Husband, James S. Cook. Said real property is encumbered with a mortgage and Wife shall be responsible for the payment of the mortgage.

3. The Wife shall be awarded the Dodge Diplomat, Champion and Chrysler LeBaron and shall be awarded the furnishings and personal property located at the home of the parties. The Husband shall be awarded the 1983 Chevrolet and the 1979 Harley Davidson motorcycle, provided he pays the unpaid balance of $3,800.00 owing to the Credit Union of the Wife for these vehicles in a timely fashion. In the event the Husband does not pay the Credit Union and the Wife is called upon to pay the unpaid balance of $3,800.00, these vehicles shall be awarded to the Wife and she is free to sell these vehicles to pay the Credit Union.

4. The parties have three (3) minor children, to-wit: Matthew, born April 14, 1983, Jacob and Julie, born April 24, 1986. The absolute care, custody and control of these minor children shall be vested in the Wife, Terri D. Cook, with reasonable rights of visitation vested in the Husband, James S. Cook. When exercising visitations, Husband shall be free of drugs and alcohol at all times during his visitations with the minor children.

5. The Court further finds that the Husband by a pendente lite Order was to pay $75.00 per week through the Circuit Court Clerk's Office and that he is $600.00 in arrears as of the date of this hearing. Further, the Court awards the Wife a $600.00 judgment for back child support.

6. The Court further finds that a wage assignment shall attach against the Husband's income and the Wife shall be paid the sum of $125.00 per week as child support for the three (3) minor children, plus the Clerk's fee of five (5%) percent in the amount of $6.25 for a total of $131.25 per week.

7. At the present time, the Husband is employed at the Nashville Cab, 1508 Dickerson Road, Nashville, Davidson County, Tennessee 37207. That the Husband shall pay by wage assignment through his employer, Nashville Cab, the total sum of $131.25 per week. The Clerk of the Circuit Court of Davidson County, Tennessee shall certify a copy of the Final Decree of Divorce to the Husband's employer stated above, to the attention of the owner, Bill Troupe.

Within fifteen (15) days upon receipt of the Final Decree, the employer, Nashville Cab, shall withhold the sum of $131.25 per week from the wages of the Husband, James S. Cook, and forward said sum to:

Davidson County Circuit Court Clerk
506 Metropolitan Courthouse
Nashville, TN 37201

Upon receipt of the aforestated sums from the employer, Nashville Cab, the Clerk of the Circuit Court shall withhold the lawful commission and forward said sum to Wife:

Terri D. Cook
2962 Greer Road
Goodlettsville, TN 37072

In the event the Husband changes employment, he shall notify the Circuit Court Clerk's office immediately of his new employer and employer's address.

8. The Wife shall be awarded the Diamond Cavern's Plantation Resort Membership as her sole and separate property.

9. The Husband shall pay to the Wife's attorney, William L. Underhill, the sum of $500.00 as his reasonable attorney's fee.

10. The Court, upon its own Motion, enjoins the Husband, James S. Cook, from coming about the homeplace or work or wherever the Wife may be for the purpose of molesting, threatening or rendering physical violence to Wife.

Wife's Address: 2962 Greer Road
Goodlettsville, TN 37072

Husband's Address: 1002 Sharp Avenue
Nashville, TN 37206

The costs of this cause are taxed to the Husband for all of which let execution issue, if necessary.

All of the above is, **THEREFORE, ORDERED, ADJUDGED AND DECREED.**

**ENTERED** this 21 day of Feb, **1990.**

**JAMES R. EVERETT, JR., JUDGE**

**APPROVED FOR ENTRY:**

**WILLIAM L. UNDERHILL, NO. 3357**
**Attorney for Wife**
**Suite 102**
**607 West Due West Avenue**
**Madison, TN 37115**
**(615) 865-5533**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Final Decree has been forwarded by Certified Mail to the Husband, James S. Cook, 1002 Sharp Avenue, Nashville, TN 37206 on this the 14th day of February, 1990.

**WILLIAM L. UNDERHILL**

**STATE OF TENNESSEE**

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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 _PROBATE Circuit Court for Davidson County, Tennessee, on the _22 day of _FEBRUARY , 19 _90 , in the Case Number _89D2451 between _COOK, TERRI D Plaintiff, and _COOK, JAMES S Defendant, as same remains of record in Book 053A , Page _00464 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 _02 day of _SEPTEMBER in the year one thousand nine hundred and _ninety-three and in the _218th_ year of American Independence.

SEAL

**RICHARD R. ROOKER**, Clerk,

By _____ Deputy Clerk

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