FILED

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE PM 4: 28
AT NASHVILLE

RICHARD R. BOOKER, CLERK

D.C.

LINDA RUTH GEARLDS,)
)
Wife,)
)
vs.) Docket No. 91D - 4640
)
THOMAS LEROY GEARLDS,)
)
Husband.)

BOOK 9320 PAGE 245

FINAL DECREE OF DIVORCE

This cause came on to be heard on March 15, 1994 before the Honorable Muriel Robinson, Judge of this Court, on the Complaint for Absolute Divorce filed by Wife, Linda Ruth Gearlds, and the Counter Complaint for Absolute Divorce filed by Husband, Thomas Leroy Gearlds. Counsel for the parties announced in open court that the parties had reached an agreement with respect to property division and payments of joint debts but there remained several disputed issues to be determined by the court. Upon hearing the testimony of the parties and their witnesses, argument of counsel for both parties, and upon the record as a whole, it is therefore

ORDERED, ADJUDGED, AND DECREED that there is sufficient proof to establish the parties are entitled to a divorce and the court declares the parties to be divorced as provided by TCA 36-4-129. The parties are hereby restored to all the rights and privileges of unmarried persons. It is further

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ORDERED, ADJUDGED AND DECREED that the court approves the parties' agreed property division and debt division and makes the agreement the judgment of the court. Husband shall have as his separate property all personal property, furniture and furnishings in his possession except Wife's family Bible. Husband shall further have as his separate property the 1986 Oldsmobile Cutlass owned by him and his bank accounts at Union Planters National Bank. Wife shall have as her separate property all personal property, furniture and furnishings in her possession, her family Bible with her name imprinted on the cover, the 1985 Chevrolet Camaro owned by her, and her bank accounts at Third National Bank. It is further

ORDERED, ADJUDGED AND DECREED that Husband is awarded as his separate property the State Farm life insurance policy insuring his life. Wife is awarded as her separate property the State Farm life insurance policy insuring her

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life. Husband and Wife shall execute all documents necessary to transfer ownership of the policies and each party shall be responsible for paying his or her own life insurance premiums. It is further

ORDERED, ADJUDGED AND DECREED that the marital residence located at 2805 Alhambra Circle, Nashville, Tennessee 37207 and more particularly described at Book 5400, Page 221 of the Register's Office for Davidson County, Tennessee, as:

> Land in Davidson County, Tennessee, being the southerly part of Lot No. 69 on the Plan of Capitol View Subdivision, as of record in Book 974, pages 52 and 53, Register's Office for said County, and described as follows: Beginning at a point in the easterly margin of Alhambra Circle at the southwest corner of part of Lot 69 conveyed to Paul W. Lee, Jr., and wife, by two deeds from John S. Bransford et al, of record in Book 1469, page 618 and Book 1492, page 47, said Register's Office; thence with the easterly margin of said Circle, southwardly 70 feet to the northwest corner of Lot 68 on said Map; thence with the line between said Lots 68 and 69, eastwardly 243.3 feet to the common corner of Lots 53, 54, 68 and 69; thence with the line between said Lot 53 and 69, northwardly 70 feet to the southern boundary line of above Lee Property; thence with the southern boundary line of said Lee Property westwardly 240 feet more or less to the point of beginning.
>
> Being the same property conveyed to Thomas L. Gearlds and Wife, Linda R. Gearlds, by deed from Larry D. Sprinkles and Wife, Melvalyn C. Sprinkles, of record in Book 5400, page 221, Register's office for Davidson County, Tennessee.

together with the above ground pool and deck, shall be listed by the parties for sale and sold. The net proceeds from the sale shall be distributed as follows: the debts owed to Suntrust Mortgage, Commercial Credit, Fleet Finance and Norwest Financial shall be paid; the Wife's attorneys fees in the sum of $4,000.00 shall be paid and the Husband's attorneys fees in the sum of $ 4,000.00 shall be paid; the remaining net proceeds shall be distributed to the parties in equal shares. Wife's attorney, J. Randall Hooper, is granted an attorney's lien upon the real property and net proceeds from the sale for the amount of his attorneys fees, as provided by TCA 23-2-102; Husband's attorney, L. R. DeMarco, is granted an attorney's lien upon the real property and net proceeds from the sale for the amount of his attorneys fees, as provided by TCA 23-2-102. Until the marital residence is sold, Husband shall have the use and possession of the marital residence and shall pay and keep current the mortgages owed to Suntrust Mortgage, Commercial Credit, and Fleet Finance. Husband shall maintain the marital residence in good repair and shall cooperate in the showing of the marital residence to prospective purchasers. The marital residence is presently listed for sale with Hutton, Inc. Realtors under a listing agreement which expires on June 10, 1994. If the marital residence has not sold when the listing agreement expires, the court shall appoint a real estate broker to list and sell the marital residence. It is further

ORDERED, ADJUDGED AND DECREED that Husband shall pay his automobile

loan and his medical and dental bills. Wife shall pay her automobile loan to Associates Finance and her medical and dental bills. The parties may owe federal income taxes for unreported income in 1992 when they filed a joint return. Both parties shall provide to their accountant all records relating to their 1992 income. If any income taxes, penalties or interest are owed for unreported income for 1992, the amounts owed shall be paid by the party whose income was not reported. It is further

ORDERED, ADJUDGED AND DECREED that Husband's military retirement benefits are marital property of the parties to the extent those benefits accrued during the marriage. This court has jurisdiction over the Husband by reason of his residence and domicile in Tennessee, as required by 10 USC 1408(c)(4). The rights of Husband under the Soldiers' and Sailors' Civil Relief Act, 50 USC 501, were observed. Husband and Wife were married on September 18, 1969 and have been married for more than ten years during which Husband performed more than ten years of service creditable in determining Husband's eligibility for military retired pay, as required by 10 USC 1408(d)(2). Husband is presently receiving monthly retired pay as a former member of the United States Army. Wife is awarded one-half (50%) of Husband's disposable retired pay from the United States Army beginning March 15, 1994, including one-half of any future increases in retired pay under 10 USC 1401a or any other provision of law. Husband is awarded the remaining one-half (50%) of Husband's disposable retired pay from the United States Army.

For the purpose of determining disposable retired pay, there shall be deducted from Husband's total monthly retired pay the deductions described in 10 USC 1408(a)(4), including the reduction made under 10 USC 1452 to provide a standard annuity payable to Wife under the Survivor Benefit Plan, 10 USC 1048, but deductions shall not be allowed for debts or other deductions otherwise allowable from Husband's pay. Husband shall not revoke his election to participate in the Survivor Benefit Plan, shall not change his election to provide a standard annuity to Wife, and shall not elect to provide an annuity under the Survivor Benefit Plan to any person other than Wife so long as Wife is eligible for coverage under the Survivor Benefit Plan, without the written consent of Wife.

Wife shall be paid her one half (50%) share of Husband's disposable retired pay by direct pay monthly from Husband's disposable retired pay from the U. S. Army Finance and Accounting Center pursuant to 10 USC 1408(d)(1). If required by the U.S. Army Finance and Accounting Center, this court shall enter a separate

Qualified Domestic Relations Order in order to effectuate direct payment to Wife of one-half (50%) of Husband's disposable retired pay from the United States Army. Payments to Wife from Husband's disposable retired pay shall terminate upon the date of death of Husband or the date of death of Wife, whichever occurs first, as required by 10 USC 1408(d)(4).

The present address of Husband, Thomas Leroy Gearlds, whose Social Security Number is [redacted]-2729, is 2805 Alhambra Circle, Nashville, TN 37207. The present address of Wife, Linda Ruth Gearlds, whose Social Security Number is [redacted]-[redacted]3069, is 1065 Zophi Street, Nashville, TN 37216. It is further

ORDERED, ADJUDGED AND DECREED that Husband shall cooperate and assist Wife in obtaining any military identification card, commissary and exchange privileges, medical and dental care benefits and medical insurance benefits to which she may be entitled as former spouse. Except for the reduction of retired pay for the standard annuity under 10 USC 1452 described above, Wife shall pay all expenses of obtaining and maintaining former spouse benefits she elects to obtain. It is further

ORDERED, ADJUDGED AND DECREED that based upon the disparity of income and earning capacity between the parties, and considering Wife has no marketable skills and is a candidate for alimony and Husband is able to pay alimony, Wife is economically disadvantaged relative to Husband and Wife is entitled to periodic alimony as provided by TCA 36-5-101(d)(1). Beginning April 1, 1994, Husband shall pay to Wife periodic alimony in the sum of $300.00 per month on the first day of each month. In addition, beginning April 1, 1994, Husband shall pay to Wife the sum of $200.00 per month on the first day of each month on the alimony pendente lite arrearage judgment of $2,426.00 entered on March 15, 1994, until the arrearage has been fully paid. Husband shall be given credit on the arrearage judgment for the payment of $600.00 paid March 15, 1994, leaving an arrearage of $1,826.00. Beginning with the month in which Wife begins to receive her share of Husband's military retirement pension, periodic alimony shall be reduced and Husband shall pay to Wife alimony in the sum of $250.00 per month until the death or remarriage of Wife. It is further

ORDERED, ADJUDGED AND DECREED that Wife is awarded as her separate property the china set which is in her possession. It is further

ORDERED, ADJUDGED AND DECREED that Husband shall pay the debt owed to GMAC resulting from the repossession of the 1992 Chevrolet Beretta. It is further

ORDERED, ADJUDGED AND DECREED that Wife's oral motion to amend her complaint to request restoration of her maiden name is granted. Wife's maiden name, Linda Ruth Long, is hereby restored to her, by which name she shall hereafter be known. It is further

ORDERED, ADJUDGED AND DECREED that Husband shall pay the costs of this action, for which execution shall issue if necessary.

Entered this 4th day of April, 1994.

Muriel Robinson, Judge

Approved for entry:

J. Randall Hooper, No. 14050
Attorney for Wife
155 Franklin Road, Suite 320
Brentwood, TN 37027
(615)661-5472

Mail

L R DeMarco by permission

L. R. DeMarco, No. 2652
214 Second Ave. N., Suite 400
Nashville, TN 37201-1602
(615)256-6681

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served by U. S. mail to L. R. DeMarco, Suite 400, Washington Square, 214 Second Avenue North, Nashville, TN 37201-1602 this 23 day of March, 1994.

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 _05 day of _APRIL , 19 _94 , in the Case Number _91D4640 between _GEARLDS, LINDA RUTH Plaintiff, and _GEARLDS, THOMAS LEORY Defendant, as same remains of record in Book 220A , Page _642 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 _22 day of _APRIL in the year one thousand nine hundred and _ninety-four and in the _218th_ year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

RICHARD R. ROOKER CIRCUIT COURT CLERK

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DAVIDSON COUNTY, TN.

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