229A/162

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

MARY KATHERINE WALLACE,
Wife

vs. NO. 93D-1677

JOHN HARDWICK WALLACE,
Husband.

BOOK 9347 PAGE 982

FINAL DECREE OF DIVORCE

This cause came on to be heard on April 4, 1994, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the Complaint for Absolute Divorce filed by the Wife, Answer thereto filed by the Husband, testimony of the parties and their corroborating witnesses, statements of counsel, and the entire record in this cause. Prior to the commencement of the trial in this cause, the Husband stipulated that the Wife should be granted an absolute divorce, pursuant to T.C.A. 36-4-129, on the grounds of inappropriate marital conduct, and that she shall be restored to all the rights and privileges of an unmarried person, which divorce the Court finds shall, in fact, be awarded to the Wife on said grounds of inappropriate marital conduct.

It further appears to the Court that the parties are the owners as tenants in common of the marital residence located at 135 Wentworth Avenue, Nashville, Tennessee 37215, with said property being titled as tenants in common to the parties, with the Wife having a 78% ownership in the property and the Husband having a 22% ownership in the property. It further appears that the Wife shall be and she hereby is awarded all of the Husband's right, title and interest in and to said marital residence, with the Husband being divested of any interest he may have therein and the same being reinvested in the Wife. Said marital residence is more specifically described as follows:

> Land in Davidson County, Tennessee, being Lot No. 16 on the Plan of The Iroquois of Nashville of record in Book 6900, Pages 61 and 62, said Register's Office.
>
> Being the same property conveyed to John H. Wallace and wife, Mary K. Wallace, by deed from Rochford Realty and Construction Co., Inc., of record in Book 8098, Page 70, in the Register's Office for Davidson County, Tennessee.

RECORDERS MEMO
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It further appears to the Court that said marital residence has a value of Two Hundred Eighty Five Thousand ($285,000.00) Dollars, and that there is an outstanding indebtedness owed on said property in the amount of One Hundred Seventy Four Thousand Three Hundred Sixty Seven and 50/100 ($174,367.50) Dollars. The Wife shall assume the outstanding indebtedness owed on said property, and she shall indemnify and hold the Husband harmless from repayment thereof. Further, the Wife shall pay to the Husband, for his 22% interest in the equity in said residence, the sum of Twenty Four Thousand Three Hundred Thirty Nine and 15/100 ($24,339.15) Dollars less Three Thousand Seven Hundred Sixty Two and 50/100 ($3,762.50) Dollars for the Wife's share of equity in the Husband's stock options with his employer, Corporate Child Care; less Three Thousand ($3,000.00) Dollars for the Wife's share of equity of the IRA which the Husband disposed of during the pendency of this divorce action; less Five Hundred ($500.00) Dollars for the Wife's share of equity in the parties' boat; less Three Thousand ($3,000.00) Dollars for the Wife's share of equity in the Acura automobile which the Husband drives, for a total net payment to the Husband in the amount of Fourteen Thousand Seventy Six and 65/100 ($14,076.65) Dollars, which amount shall be paid to the Husband within ninety (90) days from the date of the entry of the Final Decree of Divorce in this cause. However, the Wife shall pay to the Husband interest at the legal rate on said sum, with said interest to commence thirty (30) days from the date of the entry of the Final Decree of Divorce in this cause, if said sum has not been paid to the Husband within the thirty (30) days from the date of entry of said Final Decree.

It further appears to the Court that the Husband shall be awarded all right, title and interest in and to his stock which he owns in Corporate Child Care, which the Court finds to be his separate property; his 401K plan through his place of employment; the stock options which he has through Corporate Child Care; the Kemper Financial Services IRA, which he cashed in; the Acura Legend automobile which the Husband drives and which is titled in his name; and the boat, all free of any claims from the Wife.

It further appears to the Court that each party shall receive any right, title and interest in and to those items of household furniture and furnishings located in his or her respective possession, free of any claims from the other, with the exception that the Wife shall turn over to the Husband the green antique cabinet, the living room coffee table, the Maytag washer and dryer, the bar refrigerator, and the lawnmower, which items the Husband shall have removed from the marital residence within thirty (30) days from the date of entry of the Final Decree of Divorce in this cause.

It further appears to the Court that the Wife's name shall be restored to her former married name of MARY KAY CARMICHAEL.

It further appears to the Court that each party shall pay his or her own attorney's fees, and the Husband shall pay the Court costs of this cause.

ACCORDINGLY, IT IS SO ORDERED, ADJUDGED AND DECREED.

Entered this 25th day of April, 1994.

JUDGE

APPROVED FOR ENTRY:

Rose Palermo

Rose Palermo (#3330)
Attorney for Wife
Post Office Box 121857
Nashville, TN 37212
(615) 244-4270

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed to Scott Parsley, Attorney for Husband, 217 Second Avenue, North, Nashville, Tennessee 37201, on this 25 day of April, 1994.

Rose Palermo

Rose Palermo

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 _25 day of _APRIL , 19 _94 , in the Case Number _93D1677 between _WALLACE, MARY KATHERINE Plaintiff, and _WALLACE, JOHN HARDWICK Defendant, as same remains of record in Book 229A , Page _162 of the Minutes of said Court.

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IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the _06 day of _MAY in the year one thousand nine hundred and _ninety-four and in the _218th_ year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

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IDENTIF. → REFERENCE

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

MAIL ENV.