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BOOK 9381 PAGE 412

IN THE CIRCUIT COURT FOR SUMNER COUNTY, TENNESSEE

FILED

MAY 19 1994

ORLANDO HUGHES, CLERK

D.C.

CHARLES JOSEPH WATERSTON	)	
	)	
vs.	)	NO. 12336-C
	)	
BRENDA ELIZABETH WATERSTON	)	

FINAL DECREE OF DIVORCE

This cause came on to be heard upon the 6th day of May, 1994, before the Honorable Thomas Goodall, Judge of the Circuit Court, upon the pleadings heretofore filed in this cause, the Pre-Trial Order previously entered in this cause, statement of counsel for the parties, stipulations and agreements of the parties, and the entire record. From all of which the Court finds and **ORDERS** as follows:

It is hereby **ORDERED, ADJUDGED** and **DECREED** that the Husband's Complaint for Absolute Divorce against the Wife upon the grounds of irreconcilable differences should be, and is hereby, dismissed.

It is further **ORDERED, ADJUDGED** and **DECREED** that the Wife should be, and is hereby, awarded an absolute divorce from the Husband upon the grounds of adultery, based upon the stipulations of the parties pursuant to T.C.A. §36-4-129, and that the parties should be, and are hereby, restored to all of the rights and privileges of unmarried persons.

It is further **ORDERED, ADJUDGED** and **DECREED** that the Wife, Brenda Elizabeth Waterston, be, and is hereby, awarded as her sole and separate property, the real property and residence located at 173 Brenda Court, Antioch, Davidson County, Tennessee 37013, and more particularly described below, which property she owned prior to the marriage of the parties. Any interest of the Husband in the aforesaid property should be, and is hereby, divested from him and reinvested in the Wife. The aforesaid property is described as follows:

> BEING Lot No. 254 on the Plan of Colewood Acres, Section 4, as of record in Book 4175, page 144, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete and accurate description.
>
> BEING the same property conveyed to Jimmie L. Holladay and wife, Brenda R. Holladay by deed from James M. Lawrence and wife, Betty H.

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Lawrence, of record in Book 4653, page 359, Register's Office for said County. The said Jimmie L. Holladay and Brenda R. Holladay having since divorced. Final Divorce Decree No. 76213 in the First Circuit Court for Davidson County, Tennessee, conveyes said property to Jimmie Lewis Holladay and Brenda Elizabeth Richardson Holladay as tenants in common. Brenda R. Holladay and Brenda Elizabeth Waterston being one and the same person.

This is improved property known as 173 Brenda Court, Antioch, TN 37013.

It is further **ORDERED, ADJUDGED** and **DECREED** that the Husband, Charles Joseph Waterston, should be, and is hereby, awarded the real property and residence located at 4006 Marydale Drive, Nashville, Davidson County, Tennessee 37207, as his sole and separate property, which property he owned prior to the marriage of the parties. The Wife's interest in the aforesaid property should be, and is hereby, divested from her and reinvested in the Husband. The aforesaid property is more particularly described as follows:

Land in Davidson County, Tennessee, being the northerly part of Lot No. 30 on the Plan of Hickory Acres, Section 1, not of record, and a triangular portion of land lying between said Lot No. 30 and Lot No. 29 on the Plan of Hickory Acres, Sec. 2, of record in Book 2330, page 117, Register's Office for said County, described together according to a copy of a survey made by Cantrell and Morrison, Engineers, as follows:

PLAT I

Beginning at a point in the westerly margin of Marydale Drive at the corner of said Lots. Nos. 29 and 30, thence along the southerly line of Lot No. 29, north 61 deg. 21' west 66.97 feet and north 40 deg. 34' west 120.5 feet to a point; thence south 48 deg. 25' west and along the line between Lots Nos. 30 and 31 on the unrecorded plan of Hickory Acres, Section 1, 98.4 feet to a point in said line; thence south 36 deg. 35' east 212.7 feet to a point in the westerly margin of Marydale Drive; thence northeastwardly along said margin of said Drive, 133.6 feet to the point of beginning.

Being the same property conveyed to Charles J. Waterston and wife, Wanda McWhorter Waterston, by deed from John J. Forte and wife, Ruth R. Forte, of record in Book 4254, page 733, Register's Office for Davidson County, Tennessee, Wanda McWhorter Waterston's interest subsequently being conveyed to Charles J. Waterston by deed of record in Book 5287, page 76, Register's Office of Davidson County, Tennessee.

This is improved property known as 4006

Marydale Drive, Nashville, Tennessee.

PLAT II

Land in the 11th Councilmatic District of Davidson County, Tennessee, described as follows:

Beginning at a monument in the southwest corner of Lot 28 of Hickory Acres, Sec. 2, as of record in Book 2330, page 117, Register's Office for Davidson County, Tennessee, and running south 40° 34' E. 185 feet, more or less, with the southwest line of Lot No. 29 to the northwest corner of property conveyed to Jack J. Forte and Wife, Ruth Russell Forte; thence with the westerly line of Forte's property in a southerly direction some 40 feet, more or less, to the corner of the lot owned by J. Hoyt Hoover and Wife, marked by a metal post, and thence in a northerly direction with the northeast boundary of Hoover's property 195 feet to the monument of the beginning. This forming a triangular strip of land containing some 4,000 sq. ft. more or less.

Being the same property conveyed to Charles J. Waterston and wife, Wanda McWhorter Waterston, by deed from John J. Forte and wife, Ruth Russell Forte, of record in Book 4261, page 623, Register's Office for Davidson County, Tennessee, and subsequently conveyed from Wanda McWhorter Waterston to Charles J. Waterston by deed of record in Book 5287, page 77, Register's Office for Davidson County, Tennessee.

It is further **ORDERED, ADJUDGED** and **DECREED** that the marital residence and real property located at 142 Cherokee Road, Hendersonville, Sumner County, Tennessee 37075, should be, and is hereby, awarded to the Wife, Brenda Elizabeth Waterston, and any interest of the Husband, Charles Joseph Waterston, in the aforesaid property should be, and is hereby, divested from him and reinvested in the Wife, so that the Wife, Brenda Elizabeth Waterston, shall own this property free and clear of any interest or claim of the Husband, except that the Husband shall retain a lien thereon in the amount of $50,000.00, which shall be released by him when the aforesaid sum is paid by the Wife to the Husband. The Cherokee Road property is more particularly described as follows:

Land located in Sumner County, Tennessee,

BEING Lot No. 14 on the Plan of Cherokee Woods, Section II, as of record in Plat Book 1, Page 202, Register's Office for said County, described as follows:

BEGINNING on the westerly margin of Cherokee Road at the corner of Lots Nos. 14 and 15; thence with the line between said lots, westwardly 214.45 feet to the easterly line of Lot No. 13; thence with the easterly line of said lot, southwardly 66.2 feet; thence southeastwardly 90 feet; thence South 34 deg. 27' east 100.7 feet; thence north 83 deg. 04' east 100.45 feet to the westerly margin of Cherokee Road; thence with the westerly margin of said road, northwardly 199.75 feet to the point of beginning.

BEING the same property conveyed to Charles J. Waterstom and Brenda E. Waterston, his wife, by deed of record in Book 189, Page 100, ROSC.

It is further **ORDERED, ADJUDGED** and **DECREED** that the Wife, Brenda Elizabeth Waterston, should be, and is hereby, **ORDERED** to pay to the Husband, Charles Joseph Waterston, the sum of $50,000.00 within ninety (90) days of entry of a Final Decree of Divorce in this cause, upon the receipt of which Charles Joseph Waterston shall release his lien on the aforesaid Cherokee Road property.

It is further **ORDERED, ADJUDGED** and **DECREED** that the Husband, Charles Joseph Waterston, should be, and is hereby, awarded as his sole property his interest in the following businesses, free and clear of any interest or claim of the Wife: (1) The Business Link, 1006 Forrest Avenue, Nashville, TN 37206; (2) Hi-Tech Wholesale, 1006 Forrest Avenue, Nashville, TN 37206; and (3) Tennessee Investments Ltd., 1006 Forrest Avenue, Nashville, TN 37206.

It is further **ORDERED, ADJUDGED** and **DECREED** that the parties should be, and are hereby, each awarded one-half (1/2) of the parties' cash in the bank totaling $21,170.86, so that each party should be, and is hereby, awarded the sum of $10,585.43 from the cash in the parties' bank account(s).

It is further **ORDERED, ADJUDGED** and **DECREED** that the parties should be, and are hereby, each awarded one-half (1/2) of the stock in Heritage Bank, having an aggregate value of $1,800.00.

It is further **ORDERED, ADJUDGED** and **DECREED** that the Wife, Brenda Elizabeth Waterston, should be, and is hereby, awarded the 1993 Honda Accord automobile, titled in the Husband's name, as her sole property, and the Husband, Charles Joseph Waterston, should be, and is hereby, **ORDERED** to sign the title over to the Wife so that she shall own this vehicle as her sole and separate property,

free and clear of any interest or claim of the Husband.

It is further **ORDERED, ADJUDGED** and **DECREED** that the Husband, Charles Joseph Waterston, should be, and is hereby, awarded the 1989 Honda Accord automobile and the 1986 Riviera Pontoon boat/motor/and accessories as his sole and separate property, free and clear of any interest or claim of the Wife.

It is further **ORDERED, ADJUDGED** and **DECREED** that the Wife, Brenda Elizabeth Waterston, should be, and is hereby, awarded all of the household goods now located in and at the marital residence at 142 Cherokee Road, Hendersonville, Tennessee, with the exception of the following items which shall be and become the sole property of the Husband: the special painting given by the daughter, the cedar wardrobe, outdoor Christmas decorations (if any), redwood picnic table and benches, Super 8 camera/projector/screen, maple dining table/chairs, three (3) work benches with formica tops, the tool contents from two (2) metal file cabinets and miscellaneous saws, drills, sanders, and the like, (except for certain tools awarded elsewhere to the Wife), and the free-standing Sears tool chest with tools.

It is further **ORDERED, ADJUDGED** and **DECREED** that the Wife, Brenda Elizabeth Waterston, should be, and is hereby, awarded the following tools: two (2) metal file cabinets for tool storage, one (1) power saw, (1) sander, and a miscellaneous assortment of screw drivers, hammers, pliers, and other household tools.

It is further **ORDERED, ADJUDGED** and **DECREED** that the Wife, Brenda Elizabeth Waterston, should be, and is hereby, awarded the four (4) paintings now in the office of the Husband, as her sole and separate property, free and clear of any interest or claim of the Husband.

It is further **ORDERED, ADJUDGED** and **DECREED** that all other household furniture, fixtures and appliances, personal items, jewelry, wearing apparel, and other tangible personal property should be, and are hereby, awarded to the party now having possession thereof, so that each party shall own the personalty in their possession, free and clear of any interest or claim of the

other, except as specifically set out herein.

It is further **ORDERED, ADJUDGED** and **DECREED** that the parties should be, and are hereby, each awarded one-half (1/2) of the sum total of their annuities, IRA's, and other retirement benefits, totaling $65,077.00, as follows, so that each shall own one-half (1/2) of the total value thereof: (1) John Alden Annuity in the Husband's name (marital portion/appreciation: $30,110.00); (2) John Alden IRA in Husband's name ($10,962.00); (3) Templeton Growth Fund ($4,111.76); (4) John Alden IRA in Wife's name ($9,955.00); (5) Templeton Growth Fund in Wife's name ($3,026.24); and (6) Wife's New York Life Employee Progress Sharing Investment Plan ($7,312.00). The Court shall subsequently enter any qualified domestic relations Orders necessary to transfer the appropriate interests in these assets between the parties so as to make an equal division thereof.

It is further **ORDERED, ADJUDGED** and **DECREED** that neither party shall make any claim for alimony against the other, both now and in the future.

It is further **ORDERED, ADJUDGED** and **DECREED** that the Husband, Charles Joseph Waterston, should be, and is hereby, **ORDERED** to pay one-half (1/2) of the Wife's attorney fees, up to a maximum payment of $2,500.00, to Mary Arline Evans for attorney fees for representation of the Wife in this matter.

It is further **ORDERED, ADJUDGED** and **DECREED** that the costs of this cause should be, and are hereby, taxed equally to the parties, for which let execution issue, if necessary.

ENTER: This 19th day of May, 1994.

Thomas Goodall

Judge Thomas Goodall

APPROVED FOR ENTRY:

STATE OF TENNESSEE
SUMNER COUNTY
I, Mahailiah Hughes, Clerk, do hereby certify that the foregoing is a true and correct copy of the Final Decree on file or issued in the case of Waterston vs. Waterston
This the 15th day of June, 1994
MAHAILIAH HUGHES, CIRCUIT COURT CLERK
By: Jane Penny DC

MARY ARLINE EVANS, #12067
Attorney for Wife
214 Third Avenue North
Nashville, TN 37201
(615) 244-2070

mail

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been forwarded by United States Mail, postage prepaid, addressed to Martin S. Sir, Attorney for Husband, Cross & Sir, 221 Fourth Avenue North, Fifth Floor, Nashville, TN 37219, on this the 12th day of ~~April~~ May, 1994.

MARY ARLINE EVANS

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IDENTIF. & REFERENCE

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FELIX Z. WILKINS, REGISTER
DAVIDSON COUNTY, TN.