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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

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RICHARD R. ROOKER, CLERK

BUDDY ANTHONY WEST,)
Complainant,)
vs.) No. 92D-245 D.C.
FAYE DELOIS WEST,)
Defendant.)

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FINAL DECREE OF DIVORCE

This cause came on to be heard on the 9th day of August, 1993, before the Honorable Muriel Robinson Rice, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the original Complaint for Divorce filed herein, Answer and Counter-Complaint, stipulation of the parties pursuant to T.C.A. 36-4-129 that each of the parties have grounds for divorce and should be pronounced divorced, agreement of the parties as to property, custody and support announced to the Court, and statement of counsel from all of which the Court finds as follows:

That pursuant to T.C.A. 36-4-129 each of the parties have grounds for divorce and the parties should therefore be declared divorced.

That the agreement announced to the Court is fair and reasonable and makes adequate provisions for the support and maintenance of the parties' minor children and should be approved and specifically set forth herein and made the order of this Court:

It is therefore **ORDERED, ADJUDGED and DECREED** that Complainant, **BUDDY ANTHONY WEST** and Defendant, **FAYE DELOIS WEST**, are hereby declared to be divorced and each is awarded an absolute divorce one from the other and both parties are hereby restored to all the rights and privileges of unmarried persons.

It is further **ORDERED, ADJUDGED and DECREED** that the parties shall exercise joint custody over their two minor children to wit: **WILLIAM AUSTON WEST** and **BRITTANY FAYE WEST** with the Defendant **FAYE DELOIS WEST** being the primary custodial parent with whom the children shall live on a day to day basis.

It is further **ORDERED** that each of the parties shall have access to all school and medical records, the right to consult

with teachers and physicians, the right to be advised of medical problems affecting the children, the right to attend school functions, conferences and activities, the right to purchase at their own costs copies of school pictures and each shall keep the other apprised of their current address and telephone number and each shall immediately notify the other in the event of serious illness or injury suffered by the minor children while in their possession.

It is further **ORDERED** that each of the parties shall have reasonable access to the minor children by telephone while the children are in the possession of the other party provided such telephone communication is reasonable in time, number and duration.

It is further **ORDERED** that each of the parties is **ENJOINED** and **RESTRAINED** from consuming alcoholic beverages or using any illegal narcotic drugs while the minor children are in their possession, or allowing third parties to do so in the presence of the minor children; and each of the parties is **ENJOINED** and **RESTRAINED** from consuming alcohol or drugs while transporting the minor children.

It is further **ORDERED** that each of the parties shall be **ENJOINED** and **RESTRAINED** from having overnight companions of the opposite sex, not family members, in the presence of the minor children.

It is further **ORDERED** that each of the parties shall be **ENJOINED** and **RESTRAINED** from making derogatory comments about the other parent in the presence of the minor children or attempting to alienate the affections of the minor children from the other parent or allowing any third persons to do so.

It is further **ORDERED, ADJUDGED and DECREED** that each of the parties is **ENJOINED** and **RESTRAINED** from coming about the other for the purpose of physically or verbally abusing the other, threatening the other or harassing the other in any manner whatsoever, at work or at home, in person or by telephone.

It is further **ORDERED, ADJUDGED and DECREED** that the Complainant **BUDDY ANTHONY WEST** is awarded visitation with the minor children to be not less than every other weekend from Friday

evening at 6:00 p.m. until Sunday evening at 6:00 p.m., one night per week from 5:00 p.m. until 8:00 p.m. with said night to be agreed upon between the parties, alternate major holidays which are Labor Day, 4th of July, ~~Memorial Day~~ MLK, Easter, Father's Day, access to the children on their birthdays, one week at Christmas time to include either Christmas Eve or Christmas Day which shall be alternated each year, and two weeks of summer visitation in the month of June and two weeks of summer visitation in the month of July, and such other visitation as the parties may agree.

It is further **ORDERED** that the Defendant **FAYE DELOIS WEST** shall have the minor children on Mother's Day of each year, access to the children on their birthdays, and one week at Christmas time to include either Christmas Eve or Christmas Day.

It is further **ORDERED** that the Complainant **BUDDY ANTHONY WEST** shall be responsible for the monthly payments on the parties' joint bankruptcy through the Federal Bankruptcy Court until the completion of the plan in May of 1994 and shall hold the Defendant harmless thereon.

It is further **ORDERED, ADJUDGED and DECREED** that the marital residence located at 1047 Mitchell Road, Nashville, Davidson County, Tennessee, is hereby awarded to the Defendant **FAYE DELOIS WEST** and is more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 29 on the Map of Rosewood Heights, Section II, as of record in Book 2133, Page 57, Register's Office for said County, described as follows:
>
> Said Lot No. 29 fronts 70 feet on the northwesterly side of Mitchell Road and runs back between lines 180.9 feet on the northeasterly side and 241.2 feet on the southwesterly side to a dead line in the rear, measuring 137 feet thereon.
>
> Being the same property conveyed to Buddy A. West et ux, Faye D. West by deed from Robert B. Sloan et ux, Barbara W. Sloan of record in Book 7291, Page 590, said Register's Office.

The Complainant **BUDDY ANTHONY WEST** is divested of any right, title or interest in the above described real property and all interest shall vest solely in the Defendant **FAYE DELOIS WEST.**

It is further **ORDERED** that the Defendant **FAYE DELOIS WEST** shall be responsible for the monthly mortgage payment on the above

described property once the joint bankruptcy plan referred to above is paid in full in May of 1994. Said mortgage payments are presently included in the bankruptcy and are ordered paid by the Complainant as set forth above.

It is further **ORDERED** that the parties shall divide the interest deductions on the marital residence for Federal Income Tax purposes for the tax year 1993 and for the first five months of 1994. Thereafter, the Defendant shall take such deductions. Once the bankruptcy plan is completed the Defendant shall hold the Complainant harmless on the monthly mortgage payments on the marital residence, which is deemed in the nature of a support obligation and not dischargeable in Federal Bankruptcy Court. The Complainant shall execute a quit claim deed in favor of the Defendant herein.

It is further **ORDERED, ADJUDGED and DECREED** that the Complainant **BUDDY ANTHONY WEST** shall pay directly to the Defendant the sum of seven hundred and eighty-nine dollars ($789.00) per month as child support for the support and maintenance of the parties' two minor children. Said payments shall be made in two equal installments of three hundred ninety four dollars and fifty cents ($394.50) due the 1st and 15th day of each month commencing June 1, 1994. Said support is held in abeyance while the parties remain under their Federal Bankruptcy plan. Complainant's child support obligation shall be reduced by one-half in the month of June of each year to be three hundred and ninety-four dollars and fifty cents ($394.50).

It is further **ORDERED** that should the Complainant fall behind by one day on his monthly support payments due on the 1st and 15th of each month, the Defendant may, by simple Motion, request a wage assignment against the Complainant.

It is further **ORDERED** that the Complainant **BUDDY ANTHONY WEST** shall keep the parties' two minor children covered by major medical and dental insurance, and each of the parties shall pay one-half of any medical, dental, opthalmological, orthodontic expenses or other necessary medical expenses not covered by said insurance.

It is further **ORDERED** that the Complainant shall be allowed to claim the parties' oldest child, to wit: **WILLIAM AUSTON WEST** for Federal Income Tax purposes and the Defendant shall be entitled to claim the youngest child, to wit: **BRITTANY FAYE WEST** for Federal Income Tax purposes.

It is further **ORDERED** that each of the parties shall be awarded the household furniture, furnishings and appliances now in their possession as well as their clothing, jewelry and other similar personal items and each is divested of any right, title or interest in the property in the possession of the other.

It is further **ORDERED** that the Complainant is awarded the 1974 Duster automobile now in his possession and the Defendant is divested of any right, title or interest therein.

It is further **ORDERED** that the Defendant is awarded the 1983 Pontiac Grand Prix automobile now in her possession and the Complainant is divested of any right, title or interest therein.

It is further **ORDERED, ADJUDGED and DECREED** that the Defendant **FAYE DELOIS WEST** is awarded from the Complainant's U.S. Postal Service Retirement Plan, as additional marital property, the sum of five thousand one hundred and eleven dollars and ninety-four cents ($5,111.94) which shall be transferred into her name for retirement purposes and a Qualified Domestic Relations Order or other such instrument as is necessary to accomplish said division of the Complainant's retirement shall be entered. The Complainant shall be awarded all remaining funds in his U.S. Postal Service Retirement Plan free and clear of any claim of the Defendant. The Defendant shall be awarded all of her Nissan Motor Manufacturing Corporation 401(k) Plan free and clear of any claim of the Complainant.

It is further **ORDERED, ADJUDGED and DECREED** that each of the parties shall be responsible for their own attorney's fees.

It is further **ORDERED** that the parties shall divide equally any remaining unpaid Court costs for which execution may issue if necessary.

This the 8th day of ~~August~~ September, 1993.

JUDGE

9-8-93

APPROVED FOR ENTRY:

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FELIX Z. REGISTER
DAVIDSON COUNTY, TN.

PICK-UP

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 FOURTH Circuit Court for Davidson County, Tennessee, on the 08 day of SEPTEMBER , 19 93 , in the Case Number 92D245 between WEST, BUDDY ANTHONY Plaintiff, and WEST, FAYE DELOIS Defendant, as same remains of record in Book 221B , Page 882 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 15 day of JULY in the year one thousand nine hundred and ninety-four and in the 219th year of American Independence.

RICHARD R. ROOKER, Clerk,

By Mary J Burkel
Deputy Clerk

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