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GEORGE L. ROOKER, CLERK

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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

CHERYL LYNN KIMSEY CAINES]
]
]
vs.] No. 86D-460
]
]
HARRY RANDOLPH CAINES, JR.]

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FINAL DECREE

BOOK 9441 PAGE 344

This cause came on for final hearing on Friday, September 19, 1986, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee upon the Complaint for Absolute Divorce filed by Wife, Motion for judgment for pendente lite support arrearage and wage assignment order, personal service upon Husband, Default Judgment being heretofore entered, testimony of Wife, testimony of witnesses, statement of counsel, and the entire record herein, from all of which the Court finds as follows:

That Wife should be awarded a divorce from Husband upon the grounds of cruel and inhuman treatment; that custody of the parties' minor children should be awarded exclusively to Wife with reasonable visitation awarded to Husband, however, Husband should be enjoined and restrained from removing said children from the jurisdiction of ~~this~~ Court without prior Court approval; that child support should be paid by Husband through wage assignment; that ~~child~~ support should be set in the amount of Four Hundred ($400) Dollars per month, plus the lawful clerk's commission, with same to commence in October, 1986, to be paid on or before the 10th day of each month thereafter; that as further child support Husband shall maintain through his employer, medical and hospitalization insurance coverage for the benefit of the parties' minor children; that Wife should be awarded a judgment against Husband for pendente lite arrearage through September, 1986, in the amount of Twelve

Hundred ($1200) Dollars; that Wife should be awarded the parties homeplace free and clear of any claim of Husband; that Wife should be awarded all marital personalty presently in her possession; that Husband should be solely responsible for the payment in full of the indebtedness to First American National Bank, and Medic Count as heretofore ordered; that Husband should pay to Wife's counsel of record the sum of Five Hundred ($500) Dollars toward Wife's legal fees; and that Husband should pay all costs of this litigation.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** that the bonds of matrimony heretofore existing between the parties be, and the same are hereby forever and perpetually dissolved, and Wife, **CHERYL LYNN KIMSEY CAINES**, is awarded an Absolute Divorce from Husband, **HARRY RANDOLPH CAINES, JR.**, on the grounds of cruel and inhuman treatment, and is restored to all the rights and privileges of an unmarried person.

It is further **ORDERED** that exclusive custody of the parties' minor children, to wit, **CHRISTINA GERALDINE CAINES**, age eight (8) years, and **KIMBERLY LYNN CAINES**, age two (2) years, shall be and is awarded to Wife with reasonable visitation awarded to Husband. Husband shall be and is enjoined and restrained from removing the minor children from the jurisdiction of this Court without prior approval.

It is further **ORDERED** that each party shall be and is given access to medical records, school records, report cards, conference dates and any other information regarding the minor children accessible to the custodial parent.

It is further **ORDERED** that a wage assignment order shall issue requiring Husband's present employer, **NEW HANOVER MEMORIAL HOSPITAL, 2131 17th STREET, SOUTH, WILMINGTON, NORTH CAROLINA 28401**, and any subsequent employer to deduct from Husband's salary the Court ordered child support in the amount of **FOUR HUNDRED ($400) DOLLARS** per month, plus the clerk's five per cent commission of **TWENTY ($20) DOLLARS** for a monthly total of **FOUR HUNDRED TWENTY ($420) DOLLARS**, and send same directly to the **DAVIDSON COUNTY CIRCUIT COURT CLERK, 500**

METROPOLITAN COURTHOUSE, NASHVILLE, TENNESSEE 37201, on or before the 10th day of each and every month, commencing October 10, 1986, and continuing pending further orders of the Court.

It is further **ORDERED** that Husband shall maintain through his employer medical and hospitalization insurance coverage for the benefit of the parties' minor children.

It is further **ORDERED** that Wife shall be and is awarded a judgment against Husband in the amount of **TWELVE HUNDRED ($1200) DOLLARS** for pendente lite support arrearage through September, 1986, for which execution may issue if necessary.

It is further **ORDERED** that Wife shall be and is awarded all marital personalty in her possession, including but not limited to the household furniture and furnishings, automobiles, and bank accounts free and clear of any claim of Husband, and any right, title or interest in and to said personalty shall be and is divested from Husband and vested in Wife.

It is further **ORDERED** that Wife shall be and is awarded the real property located at 4275 Samoa Drive, Hermitage, Tennessee 37076, being the same real property heretofore quit claimed from Husband to Wife on March 30, 1986. All right, title or interest in and to said real property held by Husband shall be and is divested from his and vested in Wife so that her ownership of same is in fee simple absolute. Said real property is described in words and figures as follows:

> **BEING** Lot No. 304 on the Plan of Hermitage Estates, Section 2, as of record in Book 3700, page 23, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete description.
>
> **BEING** the same property conveyed to Harry R. Caines, Jr. and wife, Cheryl K. Caines, by deed from Kenneth F. Bargatze and wife, Margie A. Bargatze, of record in Book 5222, page 615, Register's Office for Davidson County, Tennessee.
>
> **SAID PROPERTY** is conveyed subject to such limitations, restrictions, and encumbrances as may affect the premises.

It is further **ORDERED** that Husband shall be and is solely responsible for and shall pay in full, indemnifying

and holding Wife harmless on the indebtedness to First American National Bank, and Medic Count as heretofore agreed upon and previously made a part of this record by agreed order.

It is further **ORDERED** that unless specifically ordered, child support as heretofore ordered shall not be reduced or prorated. Wife's present address is 4275 Samoa Drive, Hermitage, Tennessee 37076, and Husband's present address is P.O. Box 4004, Wilmington, North Carolina 28406.

It is further **ORDERED** that Husband shall pay to Sandra Jones, Wife's attorney of record, the sum of **FIVE HUNDRED ($500) DOLLARS** toward Wife's legal fees, and Husband shall further pay the costs of this cause, for all of which execution may issue if necessary.

ENTERED this 8th day of October, 1986.

JUDGE

APPROVED FOR ENTRY:

Sandra Jones
Attorney for Wife
213 Third Avenue, North
Nashville, TN 37201
615-242-5453

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Final Decree has been mailed to Harry R. Caines, Jr., P.O. Box 4004, Wilmington, NC 28406, on this 25th day of September, 1986.

Sandra Jones

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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 08 day of OCTOBER , 19 86 , in the Case Number 86D460 between CAINES, CHERYL LYNN Plaintiff, and CAINES, HARRY RANDOLPH JR Defendant, as same remains of record in Book 156B , Page 01234 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 18 day of AUGUST in the year one thousand nine hundred and ninety-four and in the 219th year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

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IDENTIFICATION REFERENCE

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DAVIDSON COUNTY, TN

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