IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

95 JAN 26 PM 2:44

RICHARD R. ROOKER, CLERK

CINDA KAY CANTRELL,

Plaintiff/Respondent,

vs.

JAMES CLARENCE CANTRELL

Defendant/Petitioner,

and

MARIE LOYA,

Intervenor.

No. 92D-1968 D.C.

BOOK 9588 PG 28

O R D E R

This matter came before the Court on Friday, January 6, 1995 upon Petition of the Defendant, James Clarence Cantrell, to terminate alimony in accord with the provisions of the previous Decree and to divide the parties' real property as provided in the previous Decree. Whereupon the Court found as follows:

1. Using the values for the parties' real property previously found by the Court and using pay-off figures for the debts encumbering said property as stipulated by the parties in open Court at the hearing hereof, the Court finds the value of, encumbrances upon and equity in the real property of the parties to be as follows:

7419 BRIDLE DRIVE

$	90,000.00	Value
	48,112.12	First Mortgage
	15,860.38	Second Mortgage
$	26,027.50	Equity

675 WESTBORO DRIVE PROPERTY

$	60,000.00	Value
	9,680.04	Mortgage
	600.00	NES Loan
$	49,719.96	Equity

95 FEB -3 AM 10:25

REGISTER DAVIDSON COUNTY, TN.

31417

IDENTIF. & REFERENCE

2. The Court finds that the Plaintiff/Respondent, Cinda Kay Cantrell, was remarried in January, 1994 and that the Defendant/Petitioner, James Clarence Cantrell, paid alimony in the amount of $100.00 per month to the Plaintiff/Respondent, Cinda Kay Cantrell, through November, 1994.

3. The court finds that the parties real property should be divided by awarding each party, solely and absolutely, the real property which has been in their possession since the previous decree in this cause and that the Plaintiff/Respondent, Cinda Kay Cantrell, should be required to pay to the Defendant/Petitioner, James Clarence Cantrell, one half of the amount by which the equity in the property awarded her exceeds the equity in the property awarded to the Defendant/Petitioner, James Clarence Cantrell. The amount of that payment is $11,846.23 and judgment in that amount should be rendered against the Plaintiff/Respondent.

4. The court finds that alimony should be terminated in accord with the terms of the previous decree entered in this cause effective upon the remarriage of the Plaintiff/Respondent, Cinda Kay Cantrell, and that a judgment should be rendered in favor of the Defendant/Petitioner, James Clarence Cantrell, and against the Plaintiff/Respondent, Cinda Kay Cantrell, for reimbursement of alimony paid after the Plaintiff/Respondent's remarriage.

Based on the foregoing findings, it is hereby

ORDERED, ADJUDGED, and **DECREED** as follows:

1. The real property located at 7419 Bridle Drive is hereby vested solely and absolutely in the Defendant/Petitioner, James Clarence Cantrell. Said property is more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 181 on the Plan of Cross Timbers, Section 4, of record in book 4175, Page 54, Register's Office for Davidson County, Tennessee.
>
> Said Lot No. 181 fronts 85 feet on the southerly margin of Bridle Drive and extends back 147.27 feet on the easterly line and 152.28 feet on the westerly line to a broken line in the rear measuring 103.35 feet thereon.
>
> BEING the same property conveyed to James C. Cantrell and wife, Cinda K. Cantrell, by Deed from James M. Bosi and wife, Toni D. Bosi, of record in Book 7735, Page 193, Register's Office for Davidson County, Tennessee.

2. Upon compliance with and subject to the terms and conditions of paragraph 3 hereof, the real property located at 675 Westboro Drive shall be vested solely and absolutely in the Plaintiff/Respondent, Cinda Kay Cantrell. Said property is more particularly described as follows:

> BEING Lot No. 5 on the Plan of Charlotte Park Annex as of record in Book 3700, Page 49, Register's Office for said County.
>
> SAID Lot 5 fronts 50 feet on the westerly margin of Westboro Drive and runs back 150 feet between parallel lines to a dead line in the rear which measures 50 feet.
>
> BEING the same property conveyed to James C. Cantrell and wife, Cinda S. Cantrell, by deed from Debora H. Webster, unmarried, of record in Book 4753, Page 866, Register's Office for Davidson County, Tennessee.

3. Judgment is hereby rendered against the Plaintiff/Respondent, Cinda Kay Cantrell, for the sum of Twelve Thousand Eight Hundred Forty-six Dollars and Twenty-three Cents ($12,846.23) in favor of the Defendant/Petitioner, James Clarence Cantrell, which judgment represents one half the amount by which the equity in the Westboro Drive property exceeds the equity in the Bridle Drive property and $1,000.00 of alimony paid after the Plaintiff/Respondent's remarriage. The Defendant/Petitioner, James Clarence Cantrell, shall retain a lien on the real property located at 675 Westboro Drive to secure the payment of this judgment. If the Plaintiff/Respondent, Cinda Kay Cantrell, has not obtained refinancing of said real property and satisfied this judgment within six months after entry of this Order, then the real property located at 675 Westboro Drive shall be sold and the Defendant/Petitioner shall receive satisfaction of this judgment out of the proceeds of said sale.

5. The Intervenor, Maria Loya, is hereby declared to have a lien against the property located at 7519 Bridle Drive, as more particularly described in paragraph 1 hereof, to secure the payment of Fifteen Thousand Dollars ($15,000.00) of the Thirty Thousand Dollar ($30,000.00) judgment previously rendered against the

parties in her favor. To the extent that this provision of this Order may conflict with the Order resulting from the hearing in this cause on January 6, 1994, this Order supersedes and amends that previous Order.

6. The Intervenor, Maria Loya, is hereby declared to have a lien against the property located at 675 Westboro Drive, as more particularly described in paragraph 2 hereof, to secure the payment of Fifteen Thousand Dollars ($15,000.00) of the Thirty Thousand Dollar ($30,000.00) judgment previously rendered against the parties in her favor. To the extent that this provision of this Order may conflict with the Order resulting from the hearing in this cause on January 6, 1994, this Order supersedes and amends that previous Order.

7. Execution may issue upon the judgment of the Intervenor, Maria Loya, upon this judgment becoming final if payment arrangements have not been worked out between said Intervenor and the parties hereto.

8. The cost of this cause shall be taxed to the Plaintiff/Respondent, Cinda Kay Cantrell, for which execution may issue if necessary.

EXECUTED this _____ day of January, 1995.

MARIETTA M. SHIPLEY, JUDGE

APPROVED FOR ENTRY:

MICHAEL K. RADFORD
BPR No. 12763
Suite 800, Noel Place
200 Fourth Avenue North
Nashville, TN 37219
(615) 244-8490

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded to Ms. Patricia Mayes, Attorney at Law, 500 Stahlman Building, Nashville, Tennessee 37201 and to John Aaron Holt, Esq., 311 White Bridge Road, Nashville, Tennessee 37209 on this the 10th day of January, 1995.

Michael K. Radford

BOOK 9588 PG 32

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 SECOND Circuit Court for Davidson County, Tennessee, on the 26 day of JANUARY, 19 95, in the Case Number 92D1968 between CANTRELL, CINDA KAY ET.AL Plaintiff, and CANTRELL, JAMES CLARENCE Defendant, as same remains of record in Book 157A, Page 728 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 03 day of FEBRUARY in the year one thousand nine hundred and ninety-five and in the 219th year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By J. Parrish
Deputy Clerk

9738 02/03 0101 03CHECK 20.00