D 231A/467

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

94 NOV 21 PM 4:57

RICHARD R. ... CLERK

D.C.

CAROLYN LOUISE TAYLOR PERKINS]
]
Plaintiff/Counterdefendant]
]
]
vs.]
]
JOHN BAUMAN PERKINS, JR.]
]
Defendant/Counterplaintiff]

NO. 93D-1577
NOTICE OF ENTRY REQUIRED

BOOK 9597 PG 578

ORDER AND AMENDMENT TO FINAL JUDGMENT

The above styled cause came to be heard on the 27th day of October, 1994, before the Honorable Robert L. Jackson, Special Judge, upon motions of Plaintiff Carolyn Perkins, hereinafter referred to as "Wife", by and through counsel, for Motion for Costs, Motion for Relief of Judgment, and Motion for Injunction, and Motion to Alter or Amend. At the hearing counsel for the Defendant presented Motion to Strike Pending Motions. The Court finds that the motions were timely filed and the Motion to Strike Pending Motions is without merit.

It is, therefore, ORDERED that Mr. Perkins' Motion to Strike Pending Motions is DENIED.

With regard to Wife's Motion for Costs, the Court finds that the Court Reporter expenses should not be allowed; that Husband should be liable for one-half of the costs of evaluation of his pension plan for a total of $100.00 to Acuff & Associates, Inc.; that Husband should be liable for $2,000.00 on the expert witness fee for the evaluation of the parties' two businesses, which billing is in the original amount of $4,099.54; and that Husband should be responsible for one-half of the cost of copies of his bank records in the amount of $161.45, for a total of $2,261.45 in discretionary costs which should be credited against one-half of the cash surrender value of the two life insurance policies with John Hancock Mutual Life Insurance Company awarded to Husband in accordance with the Memorandum dated October 31, 1994, copy of which is attached hereto for reference.

With regard to the Motion for Relief of Judgment and Motion for Injunction the Court finds that Motion for Relief of Judgment should be denied. However, based upon the Affidavit of Stacy Elder filed at the hearing of this cause, a copy of which is attached hereto and incorporated herein by reference, and counsel for Mr. Perkins having advised the Court that a hearing on same is waived and that no objection is raised to the Permanent Restraining Order, that same should be granted.

It is therefore ORDERED that the Motion for Relief of Judgment is DENIED.

It is ORDERED, however, that a Permanent Injunction is hereby entered against John B. Perkins, Jr., enjoining and restraining him, his agents, representatives, servants, employees or anyone acting on his behalf from harassing, intimidating, threatening, accusing, intimidating, or making any derogatory statements to or about Stacy Elder, and further that there be no discussion with Stacy Elder about any matters pertinent to this divorce action.

With regard to the Motion to Alter and Amend the Court finds that the Final Judgment entered in this cause on August 1, 1994, should be amended to divest title in the homeplace from Husband and vest same solely in Wife with Wife being responsible for the first and second mortgages thereon; that a provision be added to the Final Judgment for the parties to execute any documents to effect title in property division ordered by the Court; and that the provision of the Final Judgment pertaining to the life insurance policies be altered in accordance with the herein before referred to and attached Memorandum of the Court.

It is therefore ORDERED, ADJUDGED, AND DECREED:

AMENDMENT TO FINAL JUDGMENT

1. Numbered Paragraph One of the Memorandum incorporated into the Final Judgment in this case is amended by adding the following:

"It is ORDERED that all right, title and interest which Husband has in the marital residence located at 803 Aeolia Drive, Antioch, Davidson County, Tennessee 37013, shall be divested out of Husband and shall vest solely in Wife as her separate property. Said real property transferred to Wife is more particularly described as follows to wit:

> LAND in Davidson County, Tennessee, being Lot No. 178 on the plan of Section Eight, Hazelwood, of record in Book 3842, page 205, Register's Office for said County.
>
> SAID Lot No. 179 fronts 67.60 feet on the southerly margin of Aeolia Drive and extends back 169.01 feet on the easterly line which is a broken line, and 165.51 feet on the westerly line to a dead line in the rear, measuring 62.19 feet thereon.
>
> BEING the same property conveyed to John B. Perkins, Jr. and wife, Carolyn L. Perkins from Margaret B. Cole, Trustee, with full power to convey without the joinder of any beneficiary, by deed of record in Book 5039, page 381, Register's Office for Davidson County, Tennessee.

"It is further ORDERED that Wife shall assume the first and second mortgages on said property, holding Husband harmless thereon."

2. Numbered Paragraph Eight of the Memorandum incorporated in the Final Judgment is altered by substituting the following:

"It is ORDERED that Mrs. Perkins is awarded ownership of the John Hancock Mutual Life Insurance Company policies having a cash surrender value of $6,070.92. She may shall maintain these policies upon the payment of the monthly premiums. Mr. Perkins shall have credit of $2,261.45 for his discretionary costs, and the balance of $774.01 shall be credited against the

marital estate judgment heretofore awarded to Mrs. Perkins which combined amounts equal the one-half cash surrender value of said policies."

3. The previous Final Judgment in this cause is amended by adding the following:

"It is ORDERED that both parties shall sign any and all documents necessary to carry out the full purpose and intent of the Final Judgment and the Amendment thereto."

It is ORDERED that the remaining requests in the Motion To Alter or Amend The Final Judgment is DENIED.

ENTER this 21st day of November 1994.

ROBERT L. JACKSON, SPECIAL JUDGE

SUBMITTED FOR ENTRY:

MARY ANN REESE - BPR #7190
Attorney for WIFE
BAYDOUN, HARRIS & REESE, P.A.
Nashville City Center, Suite 2420
511 Union Street
Nashville, Tennessee 37219-1716
Ph: (615) 256-7788

CERTIFICATE OF SERVICE

I hereby certify that copy of the foregoing has this date been forwarded by first class mail, postage prepaid, to Ms. Carol L.Soloman, Attorney at Law, RUTHERFORD, DeMARCO, WHITE & SOLOMAN, Washington Square, Suite 400, 214 Second Avenue North, Nashville, TN 37201, this 4th day of November, 1994.

MARY ANN REESE

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

CAROLYN LOUISE TAYLOR PERKINS,

Plaintiff,

v.

JOHN BAUMAN PERKINS, JR.,

Defendant.

94 NOV 21 PM 4:57

RICHARD R. ROOKER, CLERK

NO. 93D-1577 D.C.

MEMORANDUM

The Court heard the Motion to alter or amend filed on behalf of Mrs. Perkins on October 27, 1994. The Court at that time ruled on all matters raised in the various Motions, with the exception of the matter of cash surrender value.

The Court was provided with a copy of a letter from John Hancock Mutual Life Insurance Company reflecting the total current cash value as of the first trial date as SIX THOUSAND SEVENTY DOLLARS AND NINETY-TWO CENTS ($6,070.92). The Court had originally Ordered, at the final hearing in July, that one-half (1/2) of these cash surrender value proceeds would be awarded to Mr. Perkins. The Court now hereby alters that decision and awards all proceeds to Mrs. Perkins, however, the sum of THREE THOUSAND THIRTY FIVE DOLLARS AND FORTY-SIX CENTS ($3,035.46), shall be credited against the $2,261.45 in discretionary costs to be paid by Mr. Perkins and the balance of $774.01 shall be credited against the marital estate judgment heretofore awarded to Mrs. Perkins.

ENTER this 31st day of October, 1994.

ROBERT L. JACKSON, SPECIAL JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Memorandum has been furnished to Mary Ann Reese, Attorney for Mrs. Perkins, BAYDOUN, HARRIS & REESE, P.A., Nashville City Center, Suite 2420, 511 Union Street, Nashville, Tennessee 37219-1716, and to Carol L. Soloman, Attorney for Mr. Perkins, 214 Second Avenue North, Suite 400, Nashville, Tennessee 37201, on this 31st day of October, 1994.

ROBERT L. JACKSON

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

94 NOV 21 PM 4:58

RICHARD R. ROOKER, CLERK

D.C.

CAROLYN LOUISE TAYLOR PERKINS]
]
Plaintiff,]
]
vs.] NO. 93D-1577
]
]
JOHN BAUMAN PERKINS, JR.]
]
Defendant.]

AFFIDAVIT

I, STACY ELDER, hereby make affidavit that I was employed at Special Security Services, Inc. and Special Removal Services for a period of time between approximately September 1992 until May 1993. My first post was the University Health Care Center. During my employment I also did body removal services and worked a post for a nightclub. I was responsible for picking up some of the cash payments from them. As security officer, I was paid $5.00 per hour and the rate per hour paid by the clubs was $10.00 an hour. The balance of the cash after payment to me was for Mr. Perkins. I have observed other guards receiving cash payments from two nightclubs. Mr. Johnny Perkins paid me cash for the work I did at the nightclub post. I have seen him give cash to other employees including Bobbie Denney. I have received cash payment for work at shows at the fairgrounds.

During my employment Mr. Perkins had shown me a number of jewelry items which he gave to Bobbie Denney. Particularly, he gave her a pair of diamond earrings for Valentine's Day of 1993 and also a very large diamond ring. Bobbie Denney told me the ring was an engagement ring, that Mr. Perkins was going to leave his wife and marry her and also that she was having sexual relations with him. I have suffered verbal abuse from Bobbie Denney and heard her curse other employees.

Although I knew that I was a vital witness in this case I was in fear because of the threats made to me by Mr. Perkins. Specifically, Mr. Perkins told me and four other employees that if we said anything to his Wife

the he would whip our ass in the courtroom and we would never get another job.

Knowledge of the above events took place during the period of my employment.

I contacted Mary Ann Reese on August 30, 1994, for the first time. I am still in fear of Johnny Perkins and Bobbie Denney and verily believe that I am in need of the Court's protection if my identity is made known to either of them.

STACY ELDER

Sworn to and subscribed before me,

this 31ST day of AUGUST, 1994.

NOTARY PUBLIC

My commission expires: Sept. 21, 1996

BOOK 9597 PG 585

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 21 day of NOVEMBER , 19 94 , in the Case Number 93D1577 between PERKINS, CAROLYN LOUISE TAYLOR Plaintiff, and PERKINS, JOHN BAUMAN JR Defendant, as same remains of record in Book 237A , Page 467 of the Minutes of said Court.

PICK-UP

95 FEB 17 AM 10:48

REGISTER
DAVIDSON COUNTY, TN.

34993

IDENTIF. & REFERENCE

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 17 day of FEBRUARY in the year one thousand nine hundred and ninety-five and in the 219th year of American Independence.

RICHARD R. ROOKER, Clerk,

By M J Bibb
Deputy Clerk

SEAL

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