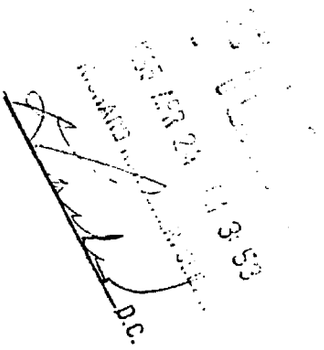
243A/148

BOOK 9671 PG 750

161-03-0 141.00

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

MARY DEBRA McMILLEN,)
)
Plaintiff)
)
vs.) No. 93D-36
)
JAMES DALLAS McMILLEN,)
)
Defendant)



FINAL DECREE OF DIVORCE

This matter came on to be heard on the 27th day of March, 1995 before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon Plaintiff's Complaint for Divorce, Defendant's Answer and Cross-Complaint, Plaintiff's Answer to the Cross-Complaint, the Pendente Lite Order, the evidence provided, statement of the parties, their witnesses and statements from counsel, from all of which the Court finds and rules as follows:

IT IS, HEREBY, ORDERED, ADJUDGED and DECREED that Plaintiff, Mary Debra McMillen, is granted an Absolute Divorce from Defendant, James Dallas McMillen, on the grounds that Defendant has been guilty of Inappropriate Marital Conduct toward the Plaintiff, and the parties are restored to all the rights and privileges of unmarried persons, and Plaintiff shall have her maiden name of McKenzie restored to her.

IT IS, FURTHER, ORDERED that custody of the three (3) minor children of the parties, Carrie Dallene McMillen, James Dallas Jeremiah McMillen, and Caleb Taylor McMillen, is hereby granted to Plaintiff.

IT IS, FURTHER, ORDERED that, the Court having found the Defendant to be voluntarily under-employed to the detriment of the Plaintiff and the minor children and, that, as such, the minimum annual income of $ 25,000.00 as determined by the Tennessee Department of Human Services Child Support Guidelines should be imputed to Defendant, and, in accordance with said Guidelines, the Defendant shall pay child support in the amount of Six Hundred,

Eighty ($ 680.00) dollars per month, along with the Clerk's 5% commission of Thirty-Four ($ 34.00) dollars, for a total monthly payment of Seven Hundred, Fourteen ($ 714.00) dollars, directly to the Circuit Court Clerk, 506 Metropolitan Courthouse, Nashville, TN 37201 beginning on May 1, 1995, and on the first day of every month thereafter. No modification of the child support obligations hereunder shall be made without order of this Court.

IT IS FURTHER ORDERED that, because Plaintiff is on AFDC, the Clerk shall disburse current child support payments to: Tennessee Department of Human Services, Fiscal Services Section, James McMillen, 290 3733, P.O. Box 198243, Nashville, TN 37219-8243. At the time the Clerk is notified appropriately that Plaintiff is no longer receiving AFDC benefits, the above child support payments shall be disbursed to the Plaintiff, Mary Debra McMillen, at her address, 5068 North Hilson Drive, Nashville, TN 37211.

IT IS FURTHER ORDERED that the Pendente Lite Order previously entered in this matter shall remain in effect through April 30, 1995, and Defendant shall continue to make all required payments thereunder accordingly.

IT IS FURTHER ORDERED that Plaintiff is awarded the home of the parties, subject to the existing mortgage, as well as all of the mortgage equity in said home located at 5068 N. Hilson Drive, Nashville, TN 37211, more particularly described as follows:

> LAND in Davidson County, Tennessee, being Lot No. 22 on the plan of McMurray Park, of record in Book 5050, Page 89, Register's Office for said County.
>
> SAID Lot No. 22 fronts 75.0 feet on the easterly margin of North Hilson Drive and extends back 116.95 feet on the northerly line and 156.59 feet on the southerly line to a dead line in the rear, measuring 84.88 feet thereon.
>
> BEING the same property conveyed to James Dallas McMillen, Jr. and wife, Mary Debra M. McMillen, by deed from W. L. Bainbridge, III and wife, Josephine G. Bainbridge, of record in Book 5359, Page 217, Register's Office for Davidson County, Tennessee.

All right, title, and interest in said real property is hereby vested in Plaintiff, Mary Debra McKenzie (formerly McMillen) and all right, title, and interest in said property is hereby divested from Defendant, James Dallas McMillen, Jr.

IT IS FURTHER ORDERED that Plaintiff be awarded all right,

title, and interest in all of the furniture, fixtures and appliances in said home and the same is divested out of Defendant.

IT IS FURTHER ORDERED that Defendant shall be awarded his Retirement Benefits as a result of his employment with Colonial Bakery and any interest in said retirement shall be divested from Plaintiff. Defendant shall also be awarded his automobile as well as the 50 Shares of Franklin American Life Insurance Co.

IT IS FURTHER ORDERED that Defendant shall be totally responsible for the payment of the IRS Tax Lien, and he shall hold the Plaintiff harmless therefore.

IT IS FURTHER ORDERED that Defendant shall be responsible for one-half (1/2) of all medical and dental expenses of the minor children which are not covered by insurance.

IT IS FURTHER ORDERED that Plaintiff is hereby awarded a lien on one-half (1/2) of any settlement proceeds or award granted to Defendant in his lawsuit regarding his automobile accident claim against Metro and/or any other defendant. Said funds shall be held by the Circuit Court Clerk in trust for the benefit of the minor children, from which the Clerk shall disburse the monthly or weekly child support payments in accordance with the terms of this Order. Said payments shall be made in the appropriate amount, including the Clerk's lawful commission, until such time that either the fund is totally paid out, or until the youngest child of the parties has achieved his 18th birthday or has completed high school, whichever occurs later. During the period of time that child support payments are being disbursed from said fund, Defendant's obligation to pay the child support payments from his own pocket shall be suspended. If said fund is paid out before Defendant's child support obligation ceases, Defendant shall resume and begin making the appropriate child support payments to the Clerk as hereinabove ordered. Should Defendant's child support obligation cease before the said fund is depleted, the balance of said fund shall be disbursed to Defendant.

IT IS FURTHER ORDERED that Defendant is hereby permanently enjoined and restrained from harassing the Plaintiff or coming

about the residence where the Plaintiff and the children reside other than for the purpose of visitation with the minor children of the parties which is set for every other Sunday afternoon between the hours of 2:00 PM and 6:00 PM. Defendant is further restrained from drinking any alcoholic beverages or being under the influence of any intoxicant during said visitation periods.

IT IS FURTHER ORDERED that all costs of this cause are taxed and assessed against the Defendant, for all of which execution may issue if necessary.

ENTERED this 24th day of April, 1995.

MURIEL ROBINSON, JUDGE

APPROVED FOR ENTRY:

H. WILLIAM SCOTT, III #2574
Attorney for Plaintiff/Wife
3200 West End Ave., Suite 300
Nashville, TN 37203
(615) 292-2227

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Final Decree of Divorce was mailed to Defendant's Attorney, Earl J. Porter, Jr., P.O. Box 190638, Nashville, TN 37219-0638, this 14th day of April, 1995.

H. WILLIAM SCOTT, III

60751
IDENTIF. ↑ REFERENCE
95 MAY 15 PM 12:29
FELIX Z. ROBINSON II REGISTER
DAVIDSON COUNTY, TN.
PICK-UP
1001 05/15 0101 CHECK
20.00

STATE OF TENNESSEE

BOOK 9671 PG 754

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 _24 day of _APRIL , 19 _95 , in the Case Number _93D36 between _MCMILLEN, MARY DEBRA Plaintiff, and _MCMILLEN, JAMES DALLAS JR Defendant, as same remains of record in Book 243A , Page _148 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 _MAY in the year one thousand nine hundred and _ninety-five and in the _219th_ year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk