BOOK 9693 PG 117

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

AT NASHVILLE

95 FEB -7 PM 4:13

RICHARD R. ROOKER, CLERK

D.C.

JAMES ALEXANDER PORTER,)
)
Plaintiff)
)
v.) NO. 91D-2157
)
DONNA LEE LARRICK PORTER,)
)
Defendant)

95 JUN -6 PM 3:50

FELIX A. ... REGISTER
DAVIDSON COUNTY, TN.

IDENTIF. # REFERENCE

00067468

FINAL DECREE OF DIVORCE

This cause came on to be heard for final hearing on November 28, 1994, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Nashville, Davidson County, Tennessee, upon Mr. Porter's original complaint for Absolute Divorce, Mrs. Porter's answer, the exhibits, and after statement of the parties and counsel, and after consideration of the exhibits, the Court is of the opinion and the following is therefore ORDERED:

1. Divorce. The parties are declared divorced, pursuant to Tennessee Code Annotated §36-4-129, based upon their joint stipulation that Wife is at fault.

2. Custody and Visitation. The sole and exclusive custody of the parties' minor child, Janice Porter, will be vested with Mr. Porter. Mrs. Porter shall have the following specific visitation with the parties' minor child:

A. Weekend Visitation. Mrs. Porter shall have visitation every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m.

B. Wednesday Visitation. Mrs. Porter shall have visitation every other Wednesday from 5:00 p.m. until 8:00 p.m.

C. Christmas Visitation. Beginning in 1994, and the even years thereafter, Mrs. Porter shall have visitation with the parties' minor child one week from 9:00 p.m. Christmas Eve until 6:00 p.m. on New Year's Eve.

Beginning in 1995 and the odd years thereafter, Ms. Porter shall have visitation with the parties' minor children for one week prior to Christmas Eve until Christmas Eve at 9:00 p.m.

D. Easter. Mrs. Porter shall have visitation with the parties' minor child beginning in 1995 and the odd years thereafter, from 6:00 p.m. the evening before Easter until 8:00 p.m. on Easter Sunday.

E. Memorial Day. Ms. Porter shall have visitation with the parties' minor child on Memorial Day beginning in 1995 and the odd years thereafter, beginning at 6:00 p.m. the evening before Memorial Day until 8:00 p.m. the evening of Memorial Day.

F. Fourth of July. Ms. Porter shall have visitation with the parties' minor child on the Fourth of July beginning in 1996, and the even years thereafter, from 6:00 p.m. the evening before the Fourth of July until 8:00 p.m. the evening of the Fourth of July.

G. Labor Day. Ms. Porter shall have visitation with the parties' minor child beginning in 1995 and the odd years after from 6:00 p.m. the evening before Labor Day until 8:00 p.m the evening of Labor Day.

H. Thanksgiving. Ms. Porter shall have visitation with the parties' minor child on Thanksgiving beginning in 1994, and the even years thereafter from 6:00 p.m the evening before Thanksgiving until 8:00 p.m. the evening of Thanksgiving.

I. Father's Day. Mr. Porter shall have visitation with the parties' minor child on Father's Day each year from 9:00 a.m. Sunday until 6:00 p.m. Sunday if it is Ms. Porter's regular weekend visitation.

J. Mother's Day. Ms. Porter shall have visitation with the parties' minor child on Mother's Day each year from 9:00 a.m. Sunday until 6:00 p.m. Sunday regardless of whether or not it is her regular weekend visitation.

K. Summer Visitation. Ms. Porter shall have summer visitation with the parties' minor child for six weeks during the summer. The first summer visitation will occur in two three-week periods of uninterrupted visitation for Ms. Porter. After the first summer visitation, Ms. Porter will have the option to exercise her six weeks of summer visitation on a consecutive weekly basis, or as agreed upon between Mr. and Ms. Porter.

3. Child Support. The Court deems it necessary to deviate from the child support guidelines because Ms. Porter is unable to pay child support and is currently only receiving disability income. Therefore, child support will not be ordered to be paid at this time. If a change in circumstances occurs where Ms. Porter is able to pay child support, the Court shall take into consideration that Mr. Porter was awarded his entire pension, including Ms. Porter's marital interest.

4. Real Estate. The Court will appoint J. Donald Turner & Associates, Turner Professional Building, 5100 Linbar Drive, ~~Nashville, Tn 37211~~ (615) 831-2727 to appraise the parties' house and lot located at 1746 Kingsbury Drive, Nashville, Davidson County, Tennessee.

Once the appraisal has been completed, the Court will determine how the division of the equity in the home place will be made. The cost of the appraisal will be divided equally between the parties. Ms. Porter's share of the cost of the appraisal will be taken from her share of the equity in the home place. In addition, counsel for the parties have determined that the fair market value of the Husband's vehicle is between $7,800 and $8,200. The parties have agreed that the fair market value of the Husband's automobile is $8,000 and that Ms. Porter will receive an additional $4,000 in equity from the parties' homeplace over and above her share of the division of equity that will be made by the Court after the appraisal has been submitted to the Court.

5. Automobiles. Mr. Porter will retain the 1992 Mitsubishi Eclipse automobile in his possession.

6. Personal Property. All items on Exhibit 1, titled Wife's List of Husband's Separate Property are awarded to the Husband free and clear of any interest the Wife may have therein. All items on Exhibit 2, titled Wife's Separate Property, are awarded to the Wife free and clear of any interest the Husband may have therein except for the dining room table, eight chairs, and the entrance hall piece, which will be awarded to the Husband free and clear of any interest the Wife may have therein. As to Exhibit 3, titled Wife's List of Marital Property, all items with an asterisk beside the item listed will be considered the sole and exclusive property of the Wife free and clear of any interest the Husband may have therein, except for the wicker mirror in the bath, the wicker end table, the wicker chest, the wicker stand and mirror, the wicker chair, wicker wardrobe and shelves, and hedge clippers, all of which will be awarded to Mr. Porter, free and clear of any interest Ms. Porter may have therein. In addition, as to Exhibit 3, the Wife shall be awarded the Chinese picture, flower cart, Causey photograph, the games and the water pitcher. As to Exhibit 4, titled Wife's Lists of Gifts From Her Family and Friends, the Wife shall receive all items with a star asterisk, and these items shall be considered the sole and exclusive property of the Wife, free and clear of any interest the Husband may have therein, except the green canister set and the Osterizer blender, which will be considered Mr. Porter's property, free and clear of any interest Ms. Porter may have therein.

7. Brentwood National Bank Savings Account #0006006795. This account shall be the sole and exclusive property of Ms. Porter, free and clear of any interest Mr. Porter may have therein.

8. First American Bank Checking Account #1001409971. This account shall be the sole and exclusive property of Ms. Porter, free and clear of any interest Mr. Porter may have therein.

9. Union Planters Bank Checking Account #0150030849 This account shall be the sole and exclusive property of Mr. Porter, free and clear of any interest Ms. Porter may have therein.

10. Donna L. Porter, Merrill Lynch IRA #576-15999 This account shall be the sole and exclusive property of Ms. Porter, free and clear of any interest Mr. Porter may have therein.

11. James Porter, Merrill Lynch IRA #576-19113. This account shall be the sole and exclusive property of Mr. Porter, free and clear of any interest Ms. Porter may have therein.

12. James Porter, Metropolitan Government Pension Plan #21656. This account shall be the sole and exclusive property of Mr. Porter, free and clear of any interest Ms. Porter may have therein.

13. Major Medical and Hospitalization Insurance. Mr. Porter shall maintain and keep in full force and effect major medical and hospitalization insurance benefits for the parties' minor child, Janice Lyn Porter, and that he will pay any and all expenses not covered by major medical and hospitalization insurance, including all dental expenses, orthodontic expenses if needed, including the cost of braces, all eye care and eye examination expenses, contact lens, and all deductible expenses, well care visits for the parties' minor child, all prescription medicine expenses and any physical examinations required by the child's schools. Mr. Porter's sole obligation to pay all medical expenses as set out above shall continue until the parties' child graduates from high school or the class of which she is a member graduates, whichever occurs first

14. Attorney Fees. The attorneys fees of each of the attorneys representing the parties to this cause will be designated as a lien against the real estate owned by the parties to this cause and shall be secured by the real estate owned by the parties to this cause located at 1746 Kingsbury Drive, Nashville, Davidson County, Tennessee.

15. Court Costs. The Court costs of this cause shall be divided equally between the parties, for which execution may issue if necessary.

It is so ORDERED.

Entered *nunc pro tunc*, December 2, 1994.

JUDGE

2-7-95

APPROVED FOR ENTRY:

MICHAEL W. BINKLEY (#5930)
Attorney for Defendant
150 Second Avenue North
Suite 300
Nashville, Tennessee 37201
615/244-8630

Mail

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been furnished to Mr. Alan Debusk, Attorney for Plaintiff, 2400 Crestmoor Road, Suite 301, Nashville, Tennessee 37215, this 3RD day of February, 1995.

MIKE W. BINKLEY

STATE OF TENNESSEE

BOOK 9693 PG 122

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 07 day of FEBRUARY, 19 95, in the Case Number 91D2157 between PORTER, JAMES ALEXANDER Plaintiff, and PORTER, BRENDA LEE LARSEN Defendant, as same remains of record in Book 2404, Page 85 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 30 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 Terry Campeon
Deputy Clerk

9357 06/06 0101 03CHECK 24.00