IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

SANDRA MARIE DIMMICK,
214B Brooksboro Terrace
Nashville, Tennessee 37217

Complainant/
Counter-Defendant,

vs.

RODNEY LEE DIMMICK,
4972 Darlington Drive
Nashville, Tennessee 37211,

Defendant/
Counter-Complainant.

No. 94D-1497

147-9
94

BOOK 9715 PG 217

FINAL DECREE

This cause came on to be heard on the 22nd and 23rd days of May, 1995, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the Complaint for Absolute Divorce filed by Complainant, Sandra Marie Dimmick, Answer to the Complaint filed by Defendant, Rodney Lee Dimmick, Defendant's Counter-Complaint, Complainant's Answer to the Counter-Complaint, testimony of the parties, testimony of witnesses, documentary evidence, statements of counsel, and upon the record as a whole, from all of which the Court is of the opinion and finds that, to some extent, both parties have been guilty of marital misconduct, which would entitle the other to a divorce under Section 36-4-129, Tennessee Code Annotated; however, the proof is overwhelming that Sandra Marie Dimmick is the party with the greater degree of fault. Mrs. Dimmick in no way conducts herself properly as a married person and this Court finds that her actions were within the best interest of herself, not the marriage or the children. Accordingly, the divorce will be granted to Rodney Lee Dimmick. The Court further finds that it is in the children's best interest that the exclusive care, custody and control of the three (3) minor children be awarded to Mr. Dimmick and that Mrs. Dimmick should be enjoined and restrained from undermining Mr. Dimmick's parenting. Both parents should be enjoined and restrained from allowing these children to be exposed to any inappropriate conduct with members of the opposite sex. Mr. Dimmick should be enjoined

and restrained from using corporal punishment on the two (2) older children and from referring to any of the children in derogatory terms. The Court further finds that Mrs. Dimmick should be awarded standard visitation, with extended visitation during the summer for the month of July. For the month of July only, Mr. Dimmick should pay child support to Mrs. Dimmick in the amount of seven hundred fifty dollars ($750.00), which amount is a justifiable deviation from the guidelines, in that Mrs. Dimmick is not paying child support at this time. The parents shall alternate possession of the children on major holidays. The Court finds that Mrs. Dimmick, at this time, is unable to provide child support and that there is sufficient reason to deviate from the guidelines. The Court will review her financial situation in one (1) year. Mr. Dimmick shall provide medical and hospitalization insurance for the benefit of the minor children and shall pay all medical expenses of the minor children not paid by insurance.

The Court further finds that Mr. Dimmick should be awarded the marital residence, free and clear of Mrs. Dimmick's interest and that Mrs. Dimmick should be awarded seven thousand five hundred dollars ($7,500.00) for her share of the equity in the home. The Court further finds that Mr. Dimmick should pay the seven thousand five hundred dollars ($7,500.00) at the rate of five hundred dollars ($500.00) per month, commencing in June, 1995.

The Court further finds that Mrs. Dimmick should receive, free and clear of Mr. Dimmick's interest, the following personal property: (1) the 27 inch television set, (2) the stereo in her possession, (3) tanning bed, (4) porcelain items, (5) sewing machine, (6) her jewelry; (7) camcorder; (8) her bank account; (9) her retirement; and (10) the 1986 Chevrolet Camaro, in good running condition, title to which should be transfer by Mr. Dimmick to Mrs. Dimmick. Mr. Dimmick should receive, free and clear of Mrs. Dimmick's interest, the household furnishings currently in the home and all other personal property not specifically named as being awarded to

Mrs. Dimmick, including the 1983 Ford Escort automobile currently in Mrs. Dimmick's possession, title to which should be transfer by Mrs. Dimmick to Mr. Dimmick. Further Mr. Dimmick should pay to Ms. Dimmick within six (6) months from the entry of this Final Decree, the sum of two thousand dollars ($2,000.00) for her interest in the personal property received by Mr. Dimmick.

The Court further finds that Mr. Dimmick should pay a partial attorney fee in the amount of one thousand two hundred fifty dollars ($1,250.00) and should pay the costs of the cause, he having the greater ability to pay.

It is, therefore, ORDERED, ADJUDGED and DECREED that, pursuant to Section 36-4-129, Tennessee Code Annotated, Rodney Lee Dimmick be and hereby is granted an absolute divorce from Sandra Marie Dimmick and that each party is hereby restored to all the rights and privileges of an unmarried person.

It is further ORDERED that Rodney Lee Dimmick shall receive the real property located at 4972 Darlington Drive, Nashville, Tennessee, and that Sandra Marie Dimmick's interest in said real property be and hereby is divested out of her and vested in Rodney Lee Dimmick. Said real property, shown on Map 147-9; Parcel 94, is more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 188 on the Plan of Section One Caldwell Country Estates, as of record in Plat Book 2663, pages 68 & 69, amended in Book 2901, page 425, Register's Office for said County, to which plan reference is made for a more complete description.
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> Being the same property conveyed to Dwain L. Jones and wife, Kathy M. Jones by deed from Radnor Homes, Inc. of record in Book 6480, page 411, said Register's Office.
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> Being the same property conveyed to Rodney L. Dimmick and wife, Sandra M. Dimmick, by deed from Dwain L. Jones and wife, Kathy M. Jones of record in Book 7225, page 941, said Register's Office.
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> This conveyance is made subject to : (1) 1987 Taxes, which have been prorated and assumed by the Grantees; (2) Restrictions of record in Book 2802, Page 369; and (3) All matters appearing on the Plan of record in Plat Book 2663, page 68 & 69, amended in Book 2901, page 425, said Register's Office.

It is further ORDERED that Sandra Marie Dimmick shall receive seven thousand five hundred dollars ($7,500.00) for her interest in the real property described above and that she be and hereby is granted a security interest in said real property for that amount. Mr. Dimmick shall pay to Mrs. Dimmick the sum of five hundred dollars $500.00 per month, commencing in June, 1995, until the seven thousand five hundred dollars ($7,500.00) is paid in full. Upon payment of the seven thousand five hundred dollars ($7,500.00), Ms. Dimmick shall execute and deliver to Mr. Dimmick all documents necessary to release her security interest in the real property.

It is further ORDERED that Sandra Marie Dimmick shall receive, free and clear of Rodney Lee Dimmick's interest, the following personal property: (1) the 27 inch television set; (2) the stereo in her possession; (3) tanning bed; (4) porcelain items; (5) sewing machine; (6) her jewelry; (7) camcorder; (8) her bank account; (9) her retirement; and (10) the 1986 Chevrolet Camaro, in good running condition. Rodney Lee Dimmick shall execute any and all documents necessary to place title to said personal property in Sandra Marie Dimmick's name.

It is further ORDERED that Rodney Lee Dimmick shall receive, free and clear of Sandra Marie Dimmick's interest, the following personal property: (1) 1983 Ford Escort; (2) 1985 Chevrolet van; (3) 1986 Ford truck; (4) 1985 Honda motorcycle; (5) 1968 Chevrolet Nova; (6) work trailer; (7) his bank accounts; (8) his retirement; (9) the household furnishings currently in the home; and (10) all other personal property not specifically named as being awarded to Mrs. Dimmick. Sandra Marie Dimmick shall execute any and all documents necessary to place title to said personal property in Rodney Lee Dimmick's name. Rodney Lee Dimmick shall pay to Sandra Marie Dimmick within six (6) months from the entry of this Final Decree, the sum of two thousand dollars ($2,000.00)

for Ms. Dimmick's interest in the personal property received by Mr. Dimmick.

It is further ORDERED that Rodney Lee Dimmick be and hereby is awarded the exclusive care, custody and control of the three minor children, Tara Lynn Dimmick, Brandee Jo Dimmick and Kaycee Lee Dimmick. Sandra Marie Dimmick shall have visitation with said children every other weekend from 6:00 p.m. on Friday until 6:00 p.m. on Sunday. Sandra Marie Dimmick shall have possession of the children each year for the month of July. During July of each year, Rodney Lee Dimmick shall have visitation with the children every other weekend from 6:00 p.m. on Friday until 6:00 p.m. on Sunday.

It is further ORDERED that the parties shall alternate possession of the minor children on New Year's Day, Easter Sunday, Memorial Day, July 4th, Labor Day, and Thanksgiving Day, the time period for each holiday being from 6:00 p.m. on the eve of the holiday until 8:00 p.m. on the holiday. Ms. Dimmick shall be entitled to possession of the children on Mother's Day from 8:00 a.m. until 6:00 p.m., and Mr. Dimmick shall be entitled to possession of the children on Father's Day from 8:00 a.m. until 6:00 p.m.

It is further ORDERED that the parents shall alternate possession of the minor children during the Christmas holidays, with one (1) parent having possession for one (1) week immediately prior to 9:00 p.m. on Christmas Eve and the other parent having possession from 9:00 p.m. on Christmas Eve until 6:00 p.m. on New Year's Eve. The parents shall alternate the period of possession from year to year.

It is further ORDERED that, at this time, Sandra Lee Dimmick shall not be responsible for the payment of child support, the Court having found proper reason for deviation from the guidelines. The Court shall review Mrs. Dimmick's financial situation in one (1) year. For the month of July each year, Rodney Lee Dimmick, for the support and maintenance of the minor children, shall pay directly to Sandra Marie Dimmick the sum of seven hundred fifty dollars ($750.00),

payable in four (4) equal installments of one hundred eighty-seven dollars and fifty cents ($187.50).

It is further ORDERED that Rodney Lee Dimmick shall provide medical and hospitalization insurance for the benefit of the minor children and he shall be responsible for the payment of all of the minor children's medical, dental, orthodontic and eye care expenses not paid by insurance.

It is further ORDERED that Sandra Marie Dimmick be and hereby is ENJOINED and RESTRAINED from undermining Mr. Dimmick's parenting of the minor children. Rodney Lee Dimmick hereby is ENJOINED and RESTRAINED from using corporal punishment on the two (2) older children and from referring to any of the children in derogatory terms. Each party shall be and hereby is ENJOINED and RESTRAINED from allowing the children to be exposed to any inappropriate conduct with members of the opposite sex.

It is further ORDERED that Rodney Lee Dimmick shall be responsible for paying one thousand two hundred fifty dollars ($1,250.00) of Sandra Marie Dimmick's attorney fees.

It is further ORDERED that the costs of this cause be and hereby are taxed against Rodney Lee Dimmick, for which let execution issue, if necessary.

ENTER, this 26th day of June, 1995.

JUDGE

SUBMITTED FOR ENTRY:

John Michael Thompson (10643)
Attorney for Rodney Lee Dimmick
WARD, DERRYBERRY & THOMPSON
Suite 1720, Parkway Towers
404 James Robertson Parkway
Nashville, Tennessee 37219
615/244-0554

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been furnished by U.S. Mail, postage prepaid, to the Sandra Marie Dimmick's attorney, Honorable R. Price Nimmo, NIMMO, BAKER and LYNN, 315 Deaderick Street, First Floor, Nashville, Tennessee 37201, this 13th day of ~~May~~ June, 1995.

John Michael Thompson

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IDENTIF. & REFERENCE
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REGISTER
DAVIDSON COUNTY, TN.
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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* 26TH *day of* June, *19* 95 *in Case Number* 95D-1497 *between* Sandra Dimmick *Plaintiff, and* Rodney Dimmick *Defendant, as same remains of record in Book* 245B, *Page* 902 *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* 28TH *day of* June *in the year one thousand nine hundred and* Ninety-Five *and in the* 219TH *year of American Independence.*

RICHARD R. ROOKER, *Clerk*

By Clay M. Ford, *D.C*