FILED

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

95 NOV 20 PM 4:16

RICHARD R. ROOKER, CLERK

BY _____ D.C.

BUDDY MORRIS, JR., Husband	DOCKET NO. 94D-4127
v.	
FRANCES JOY ROGERS MORRIS Wife	

BOOK 9924 PG 370

FINAL DECREE

This cause came on to be heard on November 13, 1995, before the Honorable Marietta M. Shipley, Judge, upon Husband's complaint for divorce, Wife's answer and counterclaim, Husband's reply to counterclaim, testimony of the parties in open court, and the entire record in this cause, from all of which the court finds and ORDERS as follows:

(1) The parties are declared to be divorced from each other pursuant to the provisions of T.C.A. § 36-4-129(b), and each is restored to all of the rights and privileges of unmarried persons.

(2) Wife has a need for support, and Husband has the ability to pay such support. Husband will therefore pay directly to Wife the sum of $250.00 a month for 24 months. Such payments will be made on or before the first day of each calendar month, beginning in December 1995 and continuing thereafter until paid in full.

(3) As additional support, Wife is awarded a judgment against Husband in the amount of $5,000.00 to assist her in paying her attorney fees in this cause. Interest will accrue on this judgment at the statutory rate.

(4) Each party owned a residence at the time of the marriage. During the marriage, they resided together in Husband's residence located at 3233 East Lake Drive. When Wife moved into Husband's residence she entered into an oral lease-purchase agreement with her daughter and son-in-law for her residence located at 540 Croley Drive. Each party made contributions to the preservation and appreciation of the other's real property during the marriage. The parties may if they choose engage the services of William Manier, III, a real estate appraiser, to determine the amount of appreciation, if any, on each of the two residences during the marriage. The appraisals, if any, must be done within two weeks of the entry of this decree. Wife will be awarded 30% of any appreciation on the East Lake Drive property, and Husband will be awarded 20% of any appreciation on the Croley Drive property.

(5) During the marriage, Wife's daughter and son-in-law received a loan of $2,000 out of the parties' joint FAIR account. Wife will repay this amount to Husband out of her share of any appreciation on the East Lake Drive residence.

(6) During the marriage, the parties maintained a joint FAIR account. Each contributed to the FAIR account, but Husband's contributions were substantially greater than Wife's and included approximately $40,000 that came from his mother's estate. When the parties deposited their various separate monies into the joint FAIR account, such monies lost their separate character and became marital property. On or about November 14, 1994, however, Husband closed out the parties' joint FAIR account which had a balance on that date of $30,763.65. Husband spent this money during the pendency of the divorce despite the court's order to refrain from unreasonably dissipating such money. The court finds that the $30,763.65 removed by Husband from the joint account regained its separate character when it was so removed. For this reason, Wife is not entitled to any share therein.

(7) Wife will receive the 1993 Pontiac automobile, and Husband will receive any motor vehicles that are titled in his name. Each party will hold the other harmless from any debt secured by an encumbrance on any vehicle awarded herein, as well as from the cost of operating same. Husband will maintain auto insurance on Wife's 1993 Ponitac automobile through December 31, 1995, after which it will become Wife's duty to obtain insurance on her vehicle. She will furnish Husband with evidence of such insurance.

(8) Each party will receive the personal property that each presently has in his or her possession, free and clear of the claims of the other party.

(9) Wife worked at the same job throughout the marriage, and her employer properly withheld an appropriate sum of money for federal income taxes. Husband was variously employed during the marriage, and he may have received income from which no federal income tax was withheld. Husband will therefore be solely responsible for paying any deficiency assessment which may in the future be made by the IRS against the parties for any year in which they filed a joint federal income tax return. Husband will hold Wife harmless on any such deficiency.

(10) Wife will continue to maintain healthcare insurance on Husband through her employment until December 15, 1995. After that date, Husband will reimburse Wife at the rate of $10.00 a week to assist her in maintaining his insurance. Once there is a final order in this

Husband will be entitled to maintain such insurance pursuant to COBRA, provided that he pays the premium thereon. Husband may contact Wife's employer directly to obtain information on such insurance. If Husband chooses to acquire his own coverage, he will notify Wife and he will have no duty to pay her the aforementioned $10.00 a week.

(11) Wife will be restored to her former name of Frances Joy Rogers.

(12) Wife has incurred court reporter bills in this cause totaling $864.75. She is awarded a judgment against Husband for this amount, to bear interest at the statutory rate.

(13) Husband paid an initial filing fee in this cause. All court costs incurred after the filing fee will be divided equally. Execution may issue if necessary.

(14) The foregoing does not constitute a final order of the court until the issue of appreciation of the parties' residences is resolved.

This 20 day of November, 1995.

JUDGE

APPROVED FOR ENTRY:

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STATE OF TENNESSEE

BOOK 9924 PG 373

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 20 day of NOVEMBER , 19 95 , in the Case Number 94D4127 between MORRIS, BUDDY JR. Plaintiff, and MORRIS, FRANCIS JOY ROGERS Defendant, as same remains of record in Book 161B , Page 938 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 17 day of JANUARY in the year one thousand nine hundred and ninety-six and in the 220th year of American Independence.

RICHARD R. ROOKER, Clerk,

By Tracy Cartwright
Deputy Clerk

SEAL

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DAVIDSON COUNTY, TN.

IDENTIFICATION REFERENCE

014,3065