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RICHARD R. ROOKER, CLERK
D.C.

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

BOOK 10121 PG 626

PHYLLIS ELAINE MURPHY,
Social Security No. 410-96-3477
Plaintiff,

v.

LARRY MURPHY,
Social Security No. 408-02-7759
Defendant.

DOCKET NO. 96D-1039

ORDER GRANTING DEFAULT JUDGMENT AND FINAL DECREE OF ABSOLUTE DIVORCE

This cause came to be heard on the 27th day of June, 1996 before the Honorable Marietta Shipley, Judge of the Second Circuit Court for Davidson County, Tennessee, upon the Complaint for Absolute Divorce filed by the Plaintiff, Motion for Default Judgment filed by the Plaintiff, failure to answer and/or appear by the Defendant, statements of Plaintiff and corroborating witnesses, and the entire record herein, the Court finds as follows:

1. A Complaint for Divorce was filed in this cause on April 8, 1996;

2. Defendant was duly served with process by personal service on April 12, 1996;

3. Defendant was required to enter his appearance and make defense on or before May 17, 1996;

4. Defendant has failed to plead or otherwise defend as provided by law and the Tennessee Rules of Civil Procedure;

5. This Court has jurisdiction in all necessary particulars of this case and the facts alleged in the Complaint are true and correct as to the necessary elements of a divorce on the grounds of inappropriate marital conduct.

It is therefore ORDERED, ADJUDGED and DECREED that, pursuant to Rule 55.01 of the Tennessee Rules of Civil Procedure, Plaintiff is granted a judgment by default.

It is further ORDERED, ADJUDGED and DECREED that the Plaintiff, PHYLLIS ELAINE MURPHY (hereinafter referred to as "Wife"), have and is hereby awarded an absolute divorce from the Defendant, LARRY MURPHY (hereinafter referred to as "Husband"), on the grounds of cruel and inhuman treatment and/or conduct pursuant to Tennessee Code Annotated Section 36-4-102(a)(1), and the bonds of matrimony heretofore existing between Husband and Wife are hereby held for naught, and each party is hereby restored to all the rights and privileges of an unmarried person.

It is further ORDERED, ADJUDGED and DECREED that Wife shall be, and is hereby, awarded all right, title and interest in and to the parties' marital residence, located at 848 Joseph Avenue, Nashville, Tennessee 37207, and more specifically described as follows:

> LAND in Davidson County, Tennessee, being Lot No. 20 on the Plan of The Nashville Housing Authority, Subdivision Number One, of record in Book 3700, page 42, Register's Office for Davidson County, Tennessee,

to which plan reference is hereby made for a more complete description of said lot.

BEING the same property conveyed to Phyllis E. Murphy and husband, Larry Murphy, by deed from Milton J. White, II and wife, Ann C. White, of record in Book 9431, page 771, Register's Office for Davidson County, Tennessee.

All right, title and interest which Husband has in and to the above described real estate is hereby divested out of Husband and the sole and exclusive ownership shall be vested in Wife in fee simple, and she shall assume the balance of the mortgage indebtedness thereon and hold Husband harmless for any responsibility thereon.

It is further ORDERED, ADJUDGED and DECREED that Wife is awarded those items of marital and/or separate property presently in her possession and/or located in the marital residence. All right, title and interest of Husband in and to the household furnishings and personal property in the possession of Wife shall be, and is hereby, divested out of him and vested absolutely in Wife.

It is further ORDERED, ADJUDGED and DECREED that each party is awarded, as his or her sole and separate property , free and clear of any claims by the other party, the respective vehicle driven by him or her and/or titled in his or her name. Each party shall hereby assume sole and separate responsibility for paying all debts, costs, expenses, and liabilities associated with his or her own vehicles and shall hold the other party harmless from any liability therefor.

It is further ORDERED, ADJUDGED and DECREED that each party shall be solely responsible for any and all indebtedness incurred in his or her respective individual names and shall hold the other party harmless therefrom.

It is further ORDERED, ADJUDGED and DECREED that Husband shall pay directly to Wife alimony in solido in the amount of eleven thousand and 00/100 dollars ($11,000.00), payable at the rate of three hundred five and 56/100 dollars ($305.56) per month, for a period of thirty-six (36) months. Said payments shall be due and payable on the 1st day of each month, beginning on July 1, 1996.

It is further ORDERED, ADJUDGED and DECREED that Husband shall pay Wife's attorney's fees in the amount of $500.00. Said amount shall be payable in equal installments for a period of five (5) months, at a rate of one hundred and 00/100 dollars ($100.00) per month. Said payments shall be due and payable on the 1st day of each month, beginning on July 1, 1996.

It is further the affirmative finding of this Honorable Court that Wife is in need of the alimony as set forth herein as same is necessary for her maintenance and support; and, that upon testimony of Wife, it appears to the Court that Husband is able and capable of providing said support. Therefore it is the ORDER of this Court that whensoever Husband is required by the terms of this order to provide support for the Wife, such obligation shall be deemed to be a support obligation under 11 U.S.C. Section 523(5) which is not dischargeable in bankruptcy by Husband as to Wife, and that this order for support and attorney's fees is neither excessive nor unreasonable.

It is further ORDERED, ADJUDGED and DECREED that the costs of this cause shall be borne by Husband, for which execution may issue.

The addresses of the parties are as follows:

Phyllis Elaine Murphy
848 Joseph Avenue
Nashville, Tennessee 37207

Larry Murphy
279 North 8th Street
Nashville, Tennessee 37206

ENTERED this the 2nd day of July, 1996.

JUDGE MARIETTA SHIPLEY

APPROVED FOR ENTRY:

BILL EASTERLY #15425
Attorney for Plaintiff / Wife
530 Church Street, Suite 301
Nashville, TN 37219
(615)244-2222

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Order has been sent, via the United States Postal Service, postage prepaid, to Mr. Larry Murphy, Defendant / Husband, at 279 North 8th Street, Nashville, Tennessee 37206, on this the 1ST day of July, 1996.

BILL EASTERLY

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IDENTIF. # REFERENCE
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STATE OF TENNESSEE

BOOK 10121 PG 629

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 02 day of JULY , 19 96 , in the Case Number 96D1039 between MURPHY, PHYLLIS ELAINE Plaintiff, and MURPHY, LARRY Defendant, as same remains of record in Book 164C , Page 1958 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 12 day of JULY in the year one thousand nine hundred and ninety-six and in the 221st year of American Independence.

RICHARD R. ROOKER, Clerk,

By Kelly Baltz
Deputy Clerk

SEAL