BOOK 10154 PG 168

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

96 JUN 28 AM 8:48

RICHARD R. ROOKER, CLERK

D.C.

CRAIG R. PARKS,

Plaintiff/Counter-Defendant

vs.

BARBARA YVONNE WEBB PARKS,

Defendant/Counter-Plaintiff

No. 94D-4203

218 2nd Av. 43-13 158
209 Brawner Av. 43-13 151
3104 Nawakwa Tr. 53-14 6

FINAL DECREE

This cause came on to be heard on the 29th day of May, 1996, on the original Complaint of CRAIG R. PARKS (hereafter referred to as "Husband"), Answer and Counter-Complaint of BARBARA YVONNE WEBB PARKS (hereafter referred to as "Wife"), Answer to the Counter-Complaint, testimony of the parties and witnesses in open Court, documentary evidence submitted, statement of counsel, and the entire record, from all of which the Court found that both parties have grounds for divorce against each in that both have been guilty of inappropriate marital conduct and the Court, therefore, declared the parties to be divorced pursuant to T.C.A. § 36-4-129.

The Court further found that the Husband was to be awarded the Second Avenue and the Brawner Avenue property as his separate property, free of any claim of Wife. The Court specifically found that the marital home place located on Nawakwa Trail was joint property, although said property was awarded to Husband, with Husband being required to pay to Wife Twenty-Five Thousand Dollars ($25,000.00) as her interest in said property. Husband was also to pay the mortgages outstanding on said property. The amount to be paid to Wife shall be a lien on said property and shall be paid within ninety (90) days of the final decree. After the first thirty (30) days, the legal rate of interest will apply to said amount if it has not been paid.

The Court awarded each party their own automobiles subject to any liens thereon, free and clear of any claim of the other. Each party was awarded their personal property that is in their possession, free and clear of any claim of the other party. Husband is to maintain hospitalization and major medical insurance on the parties' minor child and pay for all medical expenses not covered by insurance.

The Court found that the 401-K's and the IRA's of the parties shall be divided equally with said amounts being transferred in accordance with the plans either by transferring the funds from one account to another, or by a qualified domestic relations order, if necessary. The Husband's Whirlpool pension account is awarded to him as his sole and separate property. The savings account of $552.00 is awarded to Husband as his sole and separate property.

Custody of the parties' minor child, JONATHAN CRAIG PARKS, is awarded jointly to the parties with Husband having primary physical custody of the minor child during the school year, and Wife having primary physical custody during the summer months from June 1st until two days before school starts. Each party is enjoined from interfering with the other party's method of discipline of said child. Each party shall have every other weekend visitation, from Friday at 6:00 p.m. until Sunday at 6:00 p.m., with the child at any period of time the child is in the other party's physical custody. Holidays will be alternated being New Year's Day, Easter Sunday, Memorial Day, July 4th, Labor Day, Thanksgiving Day, week at Christmas, and Spring Break. The Court found that the Child Support Guidelines should be deviated due to the division of time that the child is staying with each party and due to the fact that Husband's income is substantially more than Wife's. Neither party shall be required to pay child support to the other during any period of time during which the minor child is in the primary care of the other party. If Husband is out of town for more than three days, the minor child is to stay with Wife while Husband is gone.

Wife is awarded, as periodic alimony or alimony *in futuro*, for a period of three (3) years a monthly amount of Three Hundred Fifty Dollars ($350.00), beginning June 1, 1996, and will be paid directly to the Wife. At the end of three (3) years, there will no further obligation to make said alimony payments.

Husband is required to pay as attorney's fees for Wife One Thousand Five Hundred Dollars ($1,500.00). Court costs are taxed to Husband.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. That the parties are declared divorced pursuant to T.C.A. § 36-4-129, and each party is restored to all rights and privileges of an unmarried person.

2. That the parties are awarded joint custody of the minor child of the parties, JONATHAN CRAIG PARKS, d/o/b 7/6/84, with Husband having primary physical custody of the minor child during each school year and Wife having primary physical custody of said child during the summer months, from June 1st of each year until two days before school starts. Each party is enjoined from interfering with the other party's method of discipline of said child. During the school year, Wife shall have visitation with the minor child every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m. During the summer months, Husband shall have visitation with the minor child every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m. The following holidays shall be alternated between the parties: New Year's Day, Easter Sunday, Memorial Day, July 4th, Labor Day, Thanksgiving Day, with the parent who has the child on the holiday having the minor child from 6:00 p.m. on the eve of the holiday to 8:00 p.m. on the holiday every other year; each parent having one week during school Christmas holidays with one parent having the child from one week prior to Christmas to Christmas Eve at 9:00 p.m. and the other parent having the child from 9:00 p.m. Chirstmas Eve to 6:00 p.m. New Year's Eve, said weeks to alternate each year; and each parent will have the child during the school Spring Break in alternating years; the child shall spend Mother's Day with Wife from 9:00 a.m. to 6:00 p.m.; and shall spend Father's Day with Husband from 9:00 a.m. ~~et~~ to 6:00 p.m.; Holiday periods will supercede other custody and visitation periods. If Husband is out of town from more than three (3) days, the minor child shall stay with Wife during the period in which Husband is gone.

3. Due to the fact that the Husband's income is substantially more than Wife's, and due to the alimony award herein, Wife shall not pay any child support to Husband during the school year and Husband shall not pay any child support to Wife during the summer months. This is a deviation from the Child Support Guidelines due to the division of time the child is staying with each party and the disproportionate income between the parties. Husband shall maintain hospitalization and major medical insurance on the parties' minor child and pay for all medical expenses not covered by insurance for said child.

4. Husband shall pay to Wife, as periodic alimony or alimony *in futuro*, Three Hundred Fifty Dollars ($350.00) per month beginning June 1, 1996, said payments to be made directly to Wife for a period of three (3) years. At the end of three years, there shall be no further obligation by Husband to make any further alimony payments to Wife.

5. Husband is awarded as his sole and separate property the house and lot located at 218 Second Avenue, Madison, Tennessee, the lot and building located at 209 Brawner Avenue, Madison, Tennessee, his Whirlpool pension, and the savings account at First American National Bank in the amount of $552.00. Wife is divested of any claim she has in said property by virtue of the marriage and said interest is reinvested in Husband.

6. Husband is also awarded as his sole and separate property the house and lot located at 310 Nawakwa Trail, Madison, Tennessee, and Wife is divested of any claim she has in said property by virtue of the marriage and said interest is reinvested in Husband, except as set out herein. Husband shall pay all mortgages outstanding on said property and hold Wife harmless from same. Husband shall also pay, to Wife for her interest in said property, Twenty-Five Thousand Dollars ($25,000.00). Husband shall pay said amount to Wife within ninety (90) days of the entry of the final decree herein. After the first thirty (30) days, the legal rate of interest will apply to any amounts still owed. Said amount owed to Wife shall be a lien on said property until it has been paid in full. Said lien shall be released when the amount ordered herein is paid in full and all Wife's interest in said property at that time will be and is reinvested in Husband.

7. Husband is awarded as his sole and separate property all household goods, furnishings and personal items in his possession and located in the marital home at 310 Nawakwa Trail, Madison, Tennessee, the 1973 Vega, and the 1989 Chevrolet Astro. Wife is divested of any claims she has therein by virtue of the marriage and said interest is reinvested in Husband, except for the Oneida stainless steel silverware and one-half (½) of the wedding china, which are to be awarded to Wife.

8. Wife is awarded as her sole and separate property all household goods, furnishings and personal property that she has in her possession, including the 1995 Mitsubishi Galant, and she shall be responsible for all amounts owed on said vehicle and

shall hold Husband harmless on same, plus the Oneida stainless steel silverware and one-half (½) of the wedding china located at the marital home. Husband is divested of any claim he has in said property by virtue of the marriage and said interest is reinvested in Wife.

9. The Whirlpool 401-K listed solely in Husband's name in the amount of Fifty-Nine Thousand One Hundred Seventy-Nine and 15/100 Dollars ($59,179.15) and the First Resources IRA listed solely in Husband's name in the amount of Four Thousand Seven Hundred One and 90/100 Dollars ($4,701.90), and the Associates Cardiology 401-K listed solely in Wife's name in the amount of Twenty-Two Thousand Four and 01/100 Dollars ($22,004.01), the St. Thomas IRA listed solely in Wife's name in the amount of Six Thousand Three Hundred Twenty-One and 34/100 Dollars ($6,321.34) shall be divided equally such that Wife is awarded as her sole and separate property the Associates Cardiology 401-K and pension plan and the St. Thomas IRA and husband is divested of any claim he has therein and any interest he may have by virtue of the marriage is reinvested in Wife. Seventeen Thousand Seven Hundred Seventy-Seven and 85/100 Dollars ($17,777.85) shall be transferred from Husband's 401-K and transferred into whatever account is designated by Wife with said amount being Wife's sole and separate property and Husband is divested of any claim he has in said funds. The remaining balance in the Whirlpool 401-K and the funds in the First Resources IRA are awarded to Husband as his sole and separate property and Wife is divested of any claim she has therein by virture of the marriage and is reinvested in Husband. The transfer of the Seventeen Thousand Seven Hundred Seventy-Seven and 85/100 Dollars ($17,777.85) shall be done in accordance with the terms allowable under the appropriate plans and may be done by direct transfer, if that is allowable, or done by the filing of a qualified domestic relations order, if that is necessary.

10. Husband shall pay to Wife's attorney as attorney's fees One Thousand Five Hundred Dollars ($1,500.00).

11. Court costs shall be taxed Husband.

Entered this 27th day of June, 1996.

MURIEL ROBINSON, Judge

APPROVED FOR ENTRY:

DOBBINS & VENICK

By: _____
Dot Dobbins, #2510

Counsel for Plaintiff/Counter-Defendant
2100 West End Avenue, Suite 850
Nashville, Tennessee 37203
(615) 321-5659

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree has been sent by regular U.S. Mail, postage prepaid, to Philip E. Smith, Attorney for Defendant/Counter-Plaintiff, at 213 Third Avenue North, Nashville, TN 37201, this 25 day of June, 1996.

DOT DOBBINS

BOOK 10154 PG 174

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 28 day of JUNE , 19 96 , in the Case Number 94D4203 between PARKS, CRAIG R. Plaintiff, and PARKS, BARBARA YVONNE WEBB Defendant, as same remains of record in Book 258B , Page 1437 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 AUGUST in the year one thousand nine hundred and ninety-six and in the 221st year of American Independence.

RICHARD R. ROOKER, Clerk,

By B. Goodwin
Deputy Clerk

SEAL

0213827
IDENTIF. & REFERENCE

96 AUG 12 PM 2:50
FELIX Z. WILSON II REGISTER
DAVIDSON COUNTY, TN.

6263 08/12 0101 03CHECK 28.00