2616/843

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

DIANA CHERYLE POWELL, )
)
Plaintiff, )
)
vs. ) NO. 95D-3085
)
RICHARD EUGENE POWELL, )
)
Defendant. )

96 SEP 23 PM 4:06

D.C.

BOOK 10207 PG 849

# FINAL DECREE

This cause came on to be heard on the 10th day of September, 1996, before the Honorable Muriel Robinson, Judge, upon the Original Complaint for Divorce filed by Plaintiff, Diana Cheryle Powell (hereafter referred to as "Wife"); Answer and Counter-Complaint for Divorce filed by Defendant, Richard Eugene Powell (hereafter referred to as "Husband"); testimony of Wife and Husband; submission of numerous exhibits; argument of counsel; statements of the Court and the entire record in this cause, from all of which the Court finds as follows. It is therefore

ORDERED, ADJUDGED and DECREED that from the proof presented, the Court finds pursuant to Tennessee Code Annotated Section 36-4-129 that the Wife has a lesser degree of fault in the break-up of this marriage, and as such, the Wife is hereby granted an absolute divorce from Husband upon the grounds of inappropriate marital conduct. Both parties are hereby restored to all the rights and privileges of unmarried persons, and the bonds of matrimony previously existing between the parties is hereby forever and perpetually dissolved.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the marital residence located at 736 Harpeth Bend Drive, Nashville, Tennessee, shall be immediately listed for sale. Any proceeds realized from the sale of the marital residence shall be divided equally between the parties and any liens placed on said property shall be paid from that person's share whose responsibility it is to pay such judgment pursuant to the orders of this court as reflected in this Final Decree of Divorce. Husband is responsible for paying the mortgage on said property until sold and shall hold Wife harmless of any liability thereon. Because the Court finds that the Husband has been the sole keeper of the parties' finances during the marriage, should the marital

residence be foreclosed upon before the marital residence is sold, Wife is awarded the sum of Thirteen Thousand Five Hundred Dollars ($13,500.00) as alimony in solido which is in the nature of spousal support and non-dischargeable by Husband in any bankruptcy proceedings.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Husband is responsible for all joint marital debts incurred by the parties. Husband shall be responsible for paying the total indebtedness of these bills and shall indemnify and hold Wife harmless of any liability thereon. Said debts include, but are not limited to, the following: Asheville Federal Bank, NationsBank, Compass Bank, Citibank Ready Credit, First Fidelity Bank, Chase Mastercard, First Union Bankcard Center, Greenwood Trust Company, Avco Financial Service, Castner Knott, Circuit City Stores, Dillard's, Goldsmith's, Home Depot, Parisian, Goldner Associates, Inc., Amoco Oil Co., Phillips 66, Shell Oil Co., Texaco, and British Petroleum. Any debts that have been incurred solely in that person's name shall be paid by the respective party incurring said debt.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Husband is solely responsible for paying the Internal Revenue Service debt incurred by the parties during the marriage and shall indemnify and hold Wife harmless of any liability thereon. Wife is awarded a judgment against Husband in the amount of Three Hundred Thirty Six Dollars ($336.00) for which execution may issue, for her 1995 tax refund which was held by the IRS to satisfy said debt.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Court finds that this is an appropriate case for the award of alimony in futuro to the Wife and that based upon the relative incomes of the parties and the limited earning capacity and needs of the Wife, Husband shall in addition to the payment of the above described debts, pay the sum of $400.00 per month as alimony directly to Wife, the first payment to be made on or before October 1, 1996 and continuing each month thereafter, until the death or remarriage of Wife. Said alimony award shall not be modifiable unless Wife obtains a job earning more than $25,000.00 per year and is intended by the Court to be in the nature of support and non-dischargeable by Husband in any bankruptcy proceeding.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Court finds that Husband has not paid his temporary support payment in the amount of $400.00 for the month of September. Wife is therefore granted a judgment in the amount of $400.00 against Husband, for which execution may issue, if necessary.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Wife shall be awarded all right, title and interest in and to the 1985 LTD Crown Victoria Panther vehicle presently in her possession, free and clear of any interest of Husband. Likewise, Husband shall be awarded all right title and interest in and to the 1992 Lincoln Town Car vehicle presently in his possession, free and clear of any interest of Wife, and subject to any indebtedness thereon.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that in addition to the personal property presently in her possession, Wife is awarded the following household furniture, furnishings, and other personal property, free and clear of any interest of Husband:

(2) mahogany bookcases
(2) ball and claw footed mahogany end tables
(1) glass top mahogany ball and claw footed coffee table
(1) secretary style desk - mahogany with ball and claw footed
(1) tapestry covered ball and claw footed sofa
(2) crystal lamps in living
(1) mahogany wall console shelf (upstairs hallway)
All glass and crystal wine glasses
Gold plated tissue holder
Gold plated electric clock
Waring blender (green base)
Waffle iron
All remaining books
Porcelain doll collection w/boxes and certificates
All photographs and snapshots of Mrs. Powell
(2) scrapbooks (intact)
Trampoline
Typewriter
(2) ceramic ducks
Original receipt for Rossi .357 handgun

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Wife shall be awarded her separate property, free and clear of any interest of Husband, as follows:

Stereo system
Lenox "Brookdale" China
Gorham Sterling Flatware
Jewelry Armoire
Mahogany doll chair
Gold frame mirror

Cherry Grandfather Clock
Crystal wine decanter

IT IS FURTHER ORDERED, ADJUDGED and DECREED that as additional alimony, Husband shall pay the sum of Two Thousand Five Hundred Dollars ($2,500.00) toward Wife's reasonable attorney fees and Wife shall pay any remaining balances owed to her attorney. As such, Sherry H. Goodwin, Attorney, is hereby awarded a judgment against Husband in the amount of $2,500.00 for his attorney fees, from all of which let execution issue, if necessary. This award of attorney fees is made in the nature of additional alimony to Wife and is intended by the Court to be in the nature of support and non-dischargeable by Husband in any bankruptcy proceeding.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Husband shall be responsible for the payment of any Court Costs assessed in this cause, for all of which let execution issue, if necessary.

ENTERED this 23rd day of September, 1996.

JUDGE MURIEL ROBINSON

APPROVED FOR ENTRY:

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IDENTIF. & REFERENCE

SEP 30 PM 2:27

BOOK 10207 PG 853

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 23 day of SEPTEMBER , 19 96 , in the Case Number 95D3085 between POWELL, DIANA CHERYLE Plaintiff, and POWELL, RICHARD EUGENE Defendant, as same remains of record in Book 261B , Page 843 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 SEPTEMBER 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

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