IN THE FOURTH CIRCUIT COURT FOR THE STATE OF TENNESSEE

20TH JUDICIAL DISTRICT, DAVIDSON COUNTY

FILED
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RICHARD R. ROOT, CIRCUIT CLERK
D.C.

ALECIA ANN MCCUTCHEN)
PLAINTIFF)
vs.) DOCKET NO. 96D-768
JACKIE M. MCCUTCHEN)
DEFENDANT)

FINAL DECREE

This cause came to be heard on the 19th day of June, 1996, before the Judge Muriel Robinson, in the Fourth Circuit Court for Davidson County, Tennessee, on the Complaint for Divorce filed by the Plaintiff, a default judgment having been rendered against the Defendant on the 31st day of May, 1996. Upon hearing testimony of Plaintiff, Defendant, and witnesses, statements of Counsel for the Plaintiff, and upon the record as a whole, the Court found that the Plaintiff should be awarded a divorced based upon the inappropriate marital conduct of the Defendant.

Further, the Court found that the Plaintiff should be awarded custody of the minor child, Crystal Dawn McCutchen. The Defendant should have reasonable visitation with the child.

Further, the Defendant should maintain medical insurance coverage on the minor child and the Defendant and the Plaintiff should equally divide any medical expenses uncovered by insurance. "Medical expenses" should include doctor bills, hospital bills, eye-care costs, glasses, contacts, dental bills and orthodontic bills.

In addition, the Court held that both parties are awarded their personal belongings, and motor vehicles in their possession with the Plaintiff to be awarded the contents of the marital home.

The Court held that the title to the marital home is awarded to the Plaintiff who should immediately place the house on the market and handle all details of the sale of the home. Until the marital home has been sold and the sale closed, the Defendant

shall continue to pay the mortgages on the home, the utilities, the credit cards and accounts, as agreed in the pendente lite Order.

The Court held that the Plaintiff should pay the following debts from said proceeds: Visa ($2500), Circuit City ($1500), MasterCard ($1900), and Plaintiff's attorney's fees ($2500). Net proceeds should be equally divided between the parties, and the capital gain on the sale of the home should be equally divided between the parties.

Further, the Court held that the Defendant should be awarded assets totaling $14,900 (ITT Hartford stock, PFL Life Insurance, and the Defendant's Metro pension) with Plaintiff to receive her $ 7,450 share by reducing the Defendant's share of the net proceeds from the sale of the marital home by said amount and disbursing $7,450 to Plaintiff.

Further, the Plaintiff is awarded a $1,579 judgment against Defendant due to Defendant's contempt of the pendente lite order, with Plaintiff to receive her $1,579 by reducing the Defendant's share of the net proceeds from the sale of the marital home by said amount and disbursing $1,579 to Plaintiff.

Based upon Defendant's income at Metro Fire Department, child support was set at $500 per month to be paid in the amount of $250 on the 7th and 22nd of each month by wage assignment. Child support should begin on the Defendant's first payday after the date of closing of the sale of the marital home. Defendant should pay the child support to the Davidson Co. Circuit Court Clerk, whenever the wage assignment is not in effect.

In addition, the Defendant should pay rehabilitative alimony to the Plaintiff in the amount of $400 per month, to be paid in the amount of $200 on the 7th and 22nd of each month by wage assignment. Spousal support should begin on the first payday after the date of closing of the sale of the marital home, and should continue for two years. Defendant should pay the spousal support to the Davidson Co. Circuit Court Clerk whenever the wage assignment is not in effect.

The Court held that all injunction and restraining orders should be vacated and the costs of this action should be assessed against the Defendant.

It is, therefore, **ORDERED, ADJUDGED AND DECREED** that the Plaintiff, ALECIA ANN MCCUTCHEN, is hereby awarded an absolute divorce from the Defendant, JACKIE M. MCCUTCHEN, on the grounds of inappropriate marital conduct and is hereby restored to all of the rights and privileges of an unmarried person.

Further, it is **ORDERED, ADJUDGED AND DECREED** that the Plaintiff shall be awarded custody of the minor child, Crystal Dawn McCutchen. The Defendant shall have reasonable visitation with the child.

Further, it is **ORDERED, ADJUDGED AND DECREED** that the Defendant shall maintain medical insurance coverage on the minor child and the Parties shall equally divide any medical expenses uncovered by insurance. "Medical expenses" shall include doctor bills, hospital bills, eye-care costs, glasses, contacts, dental bills and orthodontic bills.

Further, it is **ORDERED, ADJUDGED AND DECREED** that both parties are awarded their personal belongings, and motor vehicles in their possession with the Plaintiff to be awarded the contents of the marital home: the Plaintiff is awarded the 1987 gray Fleetwood Cadillac VIN # 1G6CB518XH4249258 and the Defendant is awarded the 1979 blue and silver GMC truck, a boat PN55764, a boat TN2300J and trailer, a moped and a Suzuki motorcycle.

Further, it is **ORDERED, ADJUDGED AND DECREED** that all right, title, and interest of JACKIE MCCUTCHEN in the marital home located at 1242 Apache Lane, Madison, Tennessee 37115, shall be divested from JACKIE MCCUTCHEN and is fully vested in ALECIA MCCUTCHEN subject to any and all mortgages, restrictions, easements, and liens of record; said property is described as follows, to-wit:

Being Lot No. 5 on the Plan of Sequoia Valley, Section 2, of record in Book 3700, page 114, Register's office for Davidson County, Tennessee, to which plan reference is here made for a more complete and accurate description.

Being the same property conveyed to Jackie McCutchen et ux, Alecia McCutchen, by deed from Elsie Holt, a single person, of record in Book 6628, page 706, said Register's Office.

This is improved property known as 1242 Apache Lane, Madison, Tennessee 37115. The map number 52-12 and parcel number is 102.

Further, it is **ORDERED, ADJUDGED AND DECREED** that the Plaintiff shall immediately place the house on the market and handle all details of the sale of the home. Until the marital home has been sold and the sale closed, the Defendant shall continue to pay the mortgages on the home, the utilities, the credit cards and accounts, as agreed in the pendente lite Order.

Further, it is **ORDERED, ADJUDGED AND DECREED** that the Plaintiff shall pay the following debts from said proceeds: Visa ($2500), Circuit City ($1500), MasterCard ($1900), and Plaintiff's attorney's fees ($2500). Net proceeds shall be equally divided between the parties, and the capital gain on the sale of the home shall be equally divided between the parties.

Further, it is **ORDERED, ADJUDGED AND DECREED** that the Defendant shall be awarded assets totaling $14,900 (ITT Hartford stock, PFL Life Insurance, and the Defendant's Metro pension) with Plaintiff to receive her $ 7,450 share by reducing the Defendant's share of the net proceeds from the sale of the marital home by said amount and disbursing $7,450 to Plaintiff.

Further, it is **ORDERED, ADJUDGED AND DECREED** that the Plaintiff is awarded a $1,579 judgment against Defendant due to Defendant's contempt of the pendente lite order, with Plaintiff to receive her $1,579 by reducing the Defendant's share of the net proceeds from the sale of the marital home by said amount and disbursing $1,579 to Plaintiff.

Further, it is **ORDERED, ADJUDGED AND DECREED** that beginning on the Defendant's first payday after the closing of the sale of the marital home, on the 7th and 22nd of each month (Defendant's paydays), Defendant JACKIE M. MCCUTCHEN shall pay to the Circuit Court Clerk of Davidson County under the Docket No. 96D-768, the

amount of $472.50: $250 child support, and $200 rehabilitative alimony, plus the Clerk's fee of $22.50, whenever the wage assignment is not in effect.

Thus, on the 7th and 22nd of each month, after sale of the marital home is closed, under **Docket No. 96D-768**, the employer or other income provider of JACKIE M. MCCUTCHEN (So. Sec. #414-90-4453):

Davidson Co. Metro Fire Department
Stahlman Bldg., Room #202
Nashville, TN 37201

shall deduct from any wages, salary, or other income due the Defendant the sum of $472.50: $250 child support, and $200 rehabilitative alimony, plus the Clerk's fee of $22.50. Payment shall be made to:

Circuit Court Clerk of Davidson Co.
Child Support Division, Docket No. 96D-768
506 Metropolitan Courthouse
Nashville, Tennessee 37201
RE: JACKIE M. MCCUTCHEN

and that the Clerk shall disburse said payments to:

Alecia Ann McCutchen
c/o Pauline Mitchell
101 Ivy Drive
Hendersonville, TN 37075

Further, it is **ORDERED, ADJUDGED AND DECREED** that this wage assignment shall not be used as a basis of discharge or disciplinary action against the Defendant; that failure to comply with this Order will result in a judgment being ordered against said employer or other income provider and successor employers or other income providers as set out in Tennessee Code § 26-2-209 and as provided by law, this Order is binding upon said employer or other income provider and successor employers or other income providers fifteen (15) days after receipt and until further Orders of this Court.

Further, it is **ORDERED, ADJUDGED AND DECREED** that the Defendant shall inform the Wife and the Court of the names and addresses of any new employers or other income providers within thirty (30) days after such change. Further, the Defendant shall inform the Wife and the Court of any change in his personal residence within thirty (30) days after such a change.

It is **ORDERED, ADJUDGED AND DECREED** that all injunction and restrain orders shall be vacated and the costs of this action shall be assessed against the Defendant, for which execution may issue, if necessary.

This, the 28th day of June, 1996.

JUDGE MURIEL ROBINSON

APPROVED FOR ENTRY:

ELLEN TAYLOR TURLEY #11715
Attorney for ALECIA ANN MCCUTCHEN
2623 Lebanon Pike
Nashville, TN 37214
(615) 889-5350

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent to Defendant JACKIE M. MCCUTCHEN, 1242 Apache Lane, Nashville, TN 37115, and Plaintiff ALECIA ANN MCCUTCHEN, 1242 Apache Lane, Nashville, TN 37115, on this 21 day of June, 1996.

ELLEN TAYLOR TURLEY

0233020
IDENTIF. & REFERENCE
96 OCT -4 AM 11:11
FELIX Z. HILL SOR REGISTER
DAVIDSON COUNTY, TN.
PICK-UP

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 02 day of JULY , 19 96 , in the Case Number 96D768 between MCCUTCHEN, ALECIA ANN Plaintiff, and MCCUTCHEN, JACKIE M. Defendant, as same remains of record in Book 258C , Page 1700 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 04 day of OCTOBER in the year one thousand nine hundred and ninety-six and in the 221st year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By B. Goodwin
Deputy Clerk

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