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FILED

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IN THE SECOND CIRCUIT COURT FOR THE STATE OF TENNESSEE

20TH JUDICIAL DISTRICT, DAVIDSON COUNTY

JULIE ANN LUTHER)
)
PLAINTIFF)
)
vs.) DOCKET NO. 96D-1806
)
)
WILLIAM KEITH LUTHER)
)
DEFENDANT)

FINAL DECREE

This cause came to be heard on the 29th day of August, 1996, before the Honorable Marietta Shipley, Judge of the Second Circuit Court for Davidson County, Tennessee, on the Complaint for Divorce filed by the Plaintiff, a default judgment having been rendered on August 2, 1996. Plaintiff submitted the certificate of attendance of the required seminar which she received on July 11, 1996. Defendant appeared without counsel and made no statement to the Court. Upon hearing testimony of Plaintiff, testimony of witnesses, statements of Counsel for the Plaintiff, and upon the record as a whole, the Court found that the Plaintiff should be awarded a divorce on the grounds of inappropriate marital conduct and habitual drunkeness of Defendant.

Further, the Court awarded Plaintiff sole custody of the minor children, Angela Marie Luther and Dale Everett Luther. Defendant shall pay $433.33 child support per month, which should be paid at the rate of $100 per week, he should procure medical insurance for the minor children and he should pay one-half of all uncovered medical and dental expenses of the children: doctor bills, hospital bills, eye-care costs, glasses, contacts, dental bills and orthodontic bills. The Defendant should pay all medical bills incurred by himself, the Wife and the children during the term of the marriage.

Further, the Court awarded the Plaintiff her car, the marital home and the contents therein, with each party to be awarded their own personal belongings. The Defendant should pick

up any remaining personal belongings at the marital residence within thirty (30) days or said property shall become the property of the Plaintiff.

Further, the Defendant is enjoined and restrained from becoming intoxicated, drinking or using drugs in the presence of the minor children, especially when driving the children in the car. The Court found that due to the Defendant presently residing with the woman with whom he has a sexual relationship and uses crack cocaine, Defendant is further enjoined from inappropriate overnight visitation with non-related women while the children are in his care. The Defendant should have reasonable daytime visitation with the children.

Further, the Court found that the Defendant has a presently pending lawsuit William K. Luther vs. Jack Howell, and the wife is awarded a lien on the lawsuit for fifty-percent (50%) of the net proceeds after payment of the attorney's fees and litigation costs. Plaintiff is also awarded a judgment for $. 137.50 which is one-half of amounts in Defendant's checking account and a judgment for attorney's fees of $ 1,000 which should be collectable as a lien against aforementioned lawsuit, with costs to be assessed against the Defendant.

It is, therefore, ORDERED, ADJUDGED AND DECREED that the Plaintiff, JULIE ANN LUTHER, is hereby awarded an absolute divorce from the Defendant, WILLIAM KEITH LUTHER, on the grounds of inappropriate marital conduct and habitual drunkeness of Defendant and is hereby restored to all of the rights and privileges of an unmarried person.

It is, therefore, ORDERED, ADJUDGED AND DECREED that the Wife shall have full custody of the minor children, Angela Marie Luther and Dale Everett Luther. Said minor children shall live and reside with the Wife.

It is, therefore, ORDERED, ADJUDGED AND DECREED that the Defendant WILLIAM KEITH LUTHER shall be enjoined and restrained from becoming intoxicated, drinking or using drugs in the presence of the minor children, especially when driving the

children in the car. Defendant is further enjoined from inappropriate overnight visitation with non-related women while the children are in his care.

It is ORDERED, ADJUDGED AND DECREED that Defendant shall be granted reasonable daytime visitation with the children.

It is ORDERED, ADJUDGED AND DECREED that the Husband shall pay to the Wife at the Wife's residential address, the amount of $433.33 per month in child support which shall be paid in installments of $ 100.00 per week to begin on August 30, 1996. The aforementioned amount is in compliance with the presently existing Department of Human Services Guidelines as referred to in Tennessee Code § 36-5-101(e)(1).

It is, therefore, ORDERED, ADJUDGED AND DECREED that the Husband shall maintain medical insurance coverage on the minor children. The Husband shall pay one-half of the children's medical expenses uncovered by insurance. "Medical expenses" shall include doctor bills, hospital bills, eye-care costs, glasses, contacts, dental bills and orthodontic bills.

It is, therefore, ORDERED, ADJUDGED AND DECREED that all right, title, and interest of the Husband to a 1986 Dodge ~~Van~~ Colt VIN # JB3BA36K4GU135891 shall be divested from the Husband and fully vested in the Wife and the Wife shall hold the Husband harmless for any liabilities thereupon.

It is, therefore, ORDERED, ADJUDGED AND DECREED that all right, title, and interest of William Keith Luther in the marital home located at 2203 Weona Drive, Nashville, Tennessee 37214, shall be divested from William Keith Luther and is fully vested in Julie A. Luther, subject to any and all mortgages, restrictions, easements, and liens of record; said property is described as follows, to-wit:

> Land in Davidson County, Tennessee, being Lot No. 287 on the Map of Maplecrest, as of record in Book 1835, pages 27 and 28, Register's Office for Davidson County, Tennessee to which plan reference is hereby made for a more complete and accurate description of said lot.
>
> Being the same property conveyed to William K. Luther and wife, Julie A. Luther of record in Book 8800, page 536, Register's Office for Davidson County, Tennessee.

This conveyance is made subject to any and all existing easements, restrictions and setback lines of record.

This is improved property known as 2203 Weona Drive, Nashville, Tennessee 37214. The map number is Map 084-10-0, Parcel 054.00.

It is, therefore, **ORDERED, ADJUDGED AND DECREED** that the Wife is awarded the contents of the marital home, with each party to be awarded their own personal belongings. The Defendant shall pick up any remaining personal belongings at the marital residence within thirty (30) days or said property shall become the property of the Plaintiff.

It is, therefore, **ORDERED, ADJUDGED AND DECREED** that the Defendant shall pay all medical bills incurred during the term of this marriage by himself, the Plaintiff, and the children and Defendant shall hold the Plaintiff harmless for any liability thereon.

It is **ORDERED, ADJUDGED AND DECREED** that the Defendant has a presently pending lawsuit William K. Luther vs. Jack Howell, and the wife is awarded a lien on the lawsuit for fifty-percent (50%) of the net proceeds after payment of the attorney's fees and litigation costs.

It is **ORDERED, ADJUDGED AND DECREED** that Plaintiff is awarded a judgment for $ 137.50 which is one-half of amounts in Defendant's checking account and a judgment for attorney's fees of $ 1,000 which shall be collectable as a lien against Defendant's presently pending lawsuit William K. Luther vs. Jack Howell.

It is **ORDERED, ADJUDGED AND DECREED** that the final costs of this cause shall assessed against the Defendant, for which execution may issue, if necessary.

This, the 5th day of Septem, 1996.

JUDGE MARIETTA SHIPLEY

APPROVED FOR ENTRY:

ELLEN TAYLOR TURLEY #11715
Attorney for JULIE ANN LUTHER
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 William Keith Luther, 417 Enon Springs Road, Apt. D-57, Smyrna, TN, and Plaintiff Julie Ann Luther, 2203 Weona Drive, Nashville, TN 37214 and Attorney John B. Stark, 4207 Lebanon Road, Hermitage, TN 37076, on this 29th day of August, 1996.

Ellen Turley
ELLEN TAYLOR TURLEY

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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 SECOND Circuit Court for Davidson County, Tennessee, on the 05 day of SEPTEMBER , 19 96 , in the Case Number 96D1806 between LUTHER, JULIE ANN Plaintiff, and LUTHER, WILLIAM KEITH Defendant, as same remains of record in Book 165C , Page 1662 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 07 day of OCTOBER 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

0233811
IDENTIFICATION REFERENCE

96 OCT -7 PM 3:14
FELIX A. HILLSMAN REGISTER
DAVIDSON COUNTY, TN.

PICK-UP

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