BOOK 10288 PG 421

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

96 DEC -3 PM 2:40

RICHARD R. ROOT, CIR. CLERK

D.C.

STELLA MAE ROBERTSON
706 SOUTH 16TH STREET
NASHVILLE, TENNESSEE 37206,

Plaintiff/Wife,

vs.

JOHNNY RAY ROBERTSON
3408 LUNA COURT
NASHVILLE, TENNESSEE 37211,

Defendant/Husband.

DOCKET NO: 96D-752

96 DEC 12 AM 11:12

REGISTER'S OFFICE
DAVIDSON COUNTY, TN

PICK-UP

IDENTIFICATION

02551163

## FINAL DECREE OF DIVORCE

This cause came to be heard on the 9th Day of October, 1996, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court of Davidson County, Tennessee, upon the Plaintiff/Wife's Complaint for Absolute Divorce; Answer having been filed by the Husband; testimony of the parties and the Wife's witnesses heard in Open Court; argument from each parties attorney and the record in its entirety from all of which the Court finds that the Wife has sustained her burden of proof evidencing that the Husband has been guilty of inappropriate marital conduct such as would entitle her to an absolute divorce. The Court further finds that it would be in the best interest of their minor child for the Wife to be awarded custody with the Husband to have visitation as previously ordered *Pendente Lite.* The Court further finds that the Husband is able bodied but under employed. Taking into further consideration the fact that the Wife provides health, hospitalization and medical insurance coverage upon the minor child and that the expense of said health insurance coverage is paid for by the Wife, the Court finds that the Husband should pay one-half (1/2) of the expense of said insurance and that the payment therefore should be considered in the nature of the payment of ordinary child support. Therefore, the Court finds that child support should be set at the monthly rate of Two Hundred Eighty-Nine Dollars ($289.00) as more specifically ordered below, to be paid through the Office of the Clerk of the Circuit Court of Davidson County, Tennessee. The Court further finds that insomuch that the Husband is under employed, this case should be reviewed in ninety (90) days, it being the intent of this Honorable Court that the Husband should have gainful employment at that time so child support can be set accordingly.

Law Office of:
W. ALLEN BARRETT
176 Second Ave., North
Suite 509
Nashville, TN 37201
Tel: 256-3148
256-3147

The Court further finds there is little equity in the marital residence and that the Wife should be granted the marital residence so that she and the minor child will have a place to live. The Wife shall be responsible for the timely payment of the first mortgage and she shall indemnify and hold the Husband from the payment thereon as more specifically ordered below.

The Court further finds that prior to the hearing of this cause, the parties have made an equitable distribution of the household furniture, furnishings and personal property with each party acknowledging and ratifying this division as being fair and equitable. The Court further finds that there is marital credit card debt, to-wit: the Visa charge card, the Sears charge card and the Circuit City charge card and that it would equitable for the Wife to pay the Sears and Circuit City charge card with the Husband being individually responsible for the payment of the Visa charge card, with certain restraining orders being entered for the protection of each parties credit, as more specifically ordered below.

The Court further finds that the Wife should be awarded sole and exclusive possession of her 1993 Chevrolet Cavalier station wagon which is encumbered by a lien and she shall indemnify and hold the Husband harmless from the payment of same. Further, the Husband should be awarded sole and exclusive possession of his 1988 Chevrolet Cavalier which is not encumbered by a lien free and clear of any claims from the Wife.

The Court further finds that restraining orders should be entered for the protection of the Wife and for the best interest of the minor child as more specifically ordered below.

The Court further finds that the Wife should be granted her reasonable attorneys fees and that the Husband should be responsible for paying the Court Cost incurred in connection with this matter.

It is, therefore, **ORDERED** that the Wife, Stella Mae Robertson, shall be and hereby is awarded an absolute divorce from the Husband, Johnny Ray Robertson, upon the grounds of inappropriate marital conduct and each party shall be restored to all the rights and privileges of unmarried persons.

It is, further, **ORDERED** that the Wife shall be awarded the full care, custody and control of the parties' minor child, to-wit: Johnny Ray Robertson, Jr. (DOB: March 7, 1984).

It is, further, **ORDERED** that to aid in the support and maintenance of the minor

child, the Wife shall be awarded ordinary child support in the amount of Fifty Dollars ($50.00) per week plus the sum of Seventeen Dollars and Twenty Cents ($17.20) as reimbursement for health insurance premiums for an aggregate weekly child support in the amount of Sixty-Seven Dollars and Twenty Cents ($67.20) to be paid through the Office of the Clerk of the Circuit Court of Davidson County, Tennessee, in conjunction with the Clerk's lawful five percent (5%) commission, to-wit: Three Dollars and Thirty-Six Cents ($3.36) for a total weekly payment of Seventy Dollars and Fifty-Six Cents ($70.56) beginning Friday, October 18, 1996, and due and payable on each and every Friday thereafter pending further Orders from this Court.

It is, further, **ORDERED** that each party acknowledges that not action by either will be effective to reduce the above ordered child support after the due date of each payment and each party understands that Court approval must be obtained before child support can be reduced unless such payments are automatically reduced or terminated pursuant to the terms of this Final Decree of Divorce.

It is, further, **ORDERED** that the Husband shall make the weekly child support payment (plus Clerk's commission) in the amount of Seventy Dollars and Fifty-Six Cents ($70.56) to:

**CLERK OF THE CIRCUIT COURT**

ATTN: Child Support, Docket No. 96D-752

506 Metropolitan Courthouse

Nashville, Tennessee 37201

It is, further, **ORDERED** that upon receipt of said monies the Clerk of the Circuit Court of Davidson County, shall be entitled to withhold its lawful commission and forward the balance of the proceeds to the Wife, at:

**STELLA MAE ROBERTSON**

706 South 16th Street

Nashville, Tennessee 37206

It is, further, **ORDERED** that this case shall be placed back upon the Court's Motion docket for review in ninety (90) days subsequent to the entry of this Order for the purposes

of determining whether or not Mr. Robertson has obtained employment so that child support can be set accordingly.

It is, further, **ORDERED** that the Husband shall be granted reasonable visitation to include alternating weekends from Friday at 6:00 P.M. until Sunday at 6:00 P.M., beginning Friday, October 11, 1996. It is, further, **ORDERED** that the Husband shall be granted reasonable telephone access with the minor child.

It is, further, **ORDERED** that the Wife shall be awarded sole and exclusive possession of the marital residence located at 706 South 16th Street, City of Nashville, County of Davidson, State of Tennessee 37206, to be hers absolutely in fee simple, free and clear of any claims from the Husband, said real property being more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 82 on the Plan of Shelby Village No. 2 of record in Book 1835, Page 48, Register's Office for Davidson county, Tennessee, to which plan reference is hereby made for a more complete and accurate description.
>
> BEING the same property conveyed to Bernice P. Woodard and JoAnn Woodard by Deed from Samuel F. Pierce, Jr., Secretary of Housing and Urban Development, as of record in Book 6336, page 660, Register's Office for Davidson County, Tennessee.
>
> BEING the same property conveyed to Johnny R. Robertson and wife, Stella M. Robertson by Deed from Bernice R. Woodard and JoAnn Woodard of record in Book 7352, page 356, Register's Office of Davidson County, Tennessee.

It is, further, **ORDERED** that the Wife shall timely pay and keep current the first mortgage encumbering the above described real property and she shall indemnify and hold the Husband harmless from the payment of same.

It is, further, **ORDERED** that the Wife shall be granted leave of the Court to file this Final Decree of Divorce with the Office of the Register of Deeds of Davidson County, Tennessee, for the express purpose of divesting the Husband of any and all interest he may have in the above described real property and revesting his interest, if any, into the name of the Wife only to be hers in fee simple absolute.

It is, further, **ORDERED** that each party shall retain sole and exclusive possession of any and all household furniture, furnishings or personal property in their possession as of October 9, 1996.

It is, further, **ORDERED** that the Wife shall be granted sole and exclusive possession of her 1993 Chevrolet Cavalier station wagon which is encumbered by a lien. It is, further, **ORDERED** that the Wife shall timely pay and keep current \the indebtedness owned on the station wagon and she shall indemnify and hold the Husband harmless from the payment of same.

It is, further, **ORDERED** that the Husband shall be granted sole and exclusive possession of his 1988 Chevrolet Cavalier which is not encumbered by a lien, to be his absolutely, free and clear of any claims from the Wife.

It is, further, **ORDERED** that the Husband shall timely pay and keep current the Visa credit card indebtedness and he shall indemnify and hold the Wife harmless from the payment of same. It is, further, **ORDERED** that this Court makes an affirmative finding that the payment of the Visa credit card is necessary for the support of the Wife and is in fact alimony not dischargeable in any bankruptcy proceedings so as to allow said creditor to make a claim against the Wife.

It is, further, **ORDERED** that the Wife shall timely pay and keep current the indebtedness owed on the Sears credit card and the Circuit City credit card and she shall indemnify and hold the Husband harmless from the payment of same.

It is, further, **ORDERED** that each party shall be and hereby is **ENJOINED AND RESTRAINED** from making any charges on the other's credit.

It is, further, **ORDERED** that the Husband, Johnny Ray Robertson, shall be and hereby is **ENJOINED AND RESTRAINED** from coming upon the Wife's real property located at 706 South 16th Street, Nashville, Tennessee 37206; and he is further permanently **ENJOINED AND RESTRAINED** from stalking, driving or walking up and down the street in front of the Wife's residence or harassing the Wife in any other manner.

It is, further, **ORDERED** that each party shall be permanently **ENJOINED AND RESTRAINED** from making any degrading, belittling or otherwise derogatory comments about the other parent in the presence of the minor child or allowing any third parties to make such comments in the presence of the minor child.

It is, further, **ORDERED** that each party shall be permanently **ENJOINED AND RESTRAINED** from taking any actions directly calculated to alienate the child's affections from the other parent.

It is, further, **ORDERED** that the Husband, Johnny Ray Robertson, shall be and hereby is **ENJOINED AND RESTRAINED** from cursing in the presence of the minor child.

It is, further, **ORDERED** that Attorney W. Allen Barrett is awarded a Judgment against the Husband, Johnny Ray Robertson, in the amount of One Thousand Five Hundred Dollars ($1,500.00) which represents his reasonable attorney fees.

It is, further, **ORDERED** that the Husband, Johnny Ray Robertson, whose mailing address is 3408 Luna Court, Nashville, Tennessee 37211, shall be responsible to pay the Court Cost incurred in connection with this matter; said Court Cost being herein reduced to Judgement for which execution may issue if necessary.

**ENTERED** this the 3rd Day of ~~October~~ December, 1996.

**MURIEL ROBINSON, JUDGE**

**APPROVED FOR ENTRY:**

**W. ALLEN BARRETT #10894**
Attorney for the Plaintiff/Wife
176 Second Avenue North
Suite 176
Nashville, Tennessee 37201
(615) 256-3148

## CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree of Divorce has been forwarded by First Class U.S. Mail, Postage Prepaid, to The Honorable Jack Green, 141 Thompson Lane, Nashville, Tennessee 37211 on this the 25th day of ~~October~~ November, 1996.

W. Allen Barrett, Attorney

BOOK 10288 PG 427

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 03 day of DECEMBER , 19 96 , in the Case Number 96D752 between ROBERTSON, STELLA MAE Plaintiff, and ROBERTSON, JOHNNY RAY Defendant, as same remains of record in Book 263C , Page 1718 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 DECEMBER in the year one thousand nine hundred and ninety-six and in the 221st year of American Independence.

SEAL

**RICHARD R. ROOKER,** Clerk,

By Terry Campion
Deputy Clerk

4882 12/12 0101 01CASH 28.00