Box 45
Attn: P. Taylor
Farris, Warfield & Kanaday

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED
96 JUN 10 AM 10:07
RICHARD R. ROOT, CLERK
D.C.

VICKIE HARPER NOE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 95D-1205
	)	
ARVILLE NOE,	)	
	)	
Defendant.	)	

BOOK 10331 PG 813

FINAL DECREE OF DIVORCE

This matter came on to be heard on April 18, 1996, before the Honorable Marietta Shipley, upon the Complaint for Absolute Divorce filed on behalf of Vickie Harper Noe, constructive service of the Complaint, the Order of Default entered against Mr. Noe on April 9, 1996, the testimony of Mrs. Noe and her two (2) corroborating witnesses, the statements of counsel for Mrs. Noe, the failure of Mr. Noe to appear, and the entire record, from all of which the Court found that Mr. Noe has been guilty of such inappropriate marital conduct as renders further cohabitation unsafe and improper so as to entitle Mrs. Noe to an absolute divorce. Further, the Court found that Mrs. Noe should be awarded absolute care, custody, and control of the parties' minor children, Mary Helen Noe, Elizabeth Mae Noe, Arville Noe, Jr., and Clinton James Noe, and that no visitation privileges are to be awarded to Mr. Noe at this time because of his prior conduct. In the event Mr. Noe desires to have visitation with the children in the future, his request will be considered by the Court at that time upon the filing of a Petition and after hearing the evidence. Further, the Court found that the issue of the award of child support should be held in abeyance as this decree is being entered by default. In the event Mr. Noe is personally served in the future, then the Court will consider that the child support could have been set at $231.00 per month for four (4) children based on Mr. Noe's prior employment history and earning capacity as of the date of his last known employment and that in that event the Court can consider making the award of child support retroactive to the hearing of April 18,

1996. Further, the Court found that Mrs. Noe should be awarded the marital residence located at 3935 Plantation Drive, Hermitage, Davidson County, Tennessee, and that Mrs. Noe should be responsible for paying all costs, expenses, and liabilities associated with the residence. Further, the Court found that Mrs. Noe should be awarded all items of household furniture, furnishings, and other personal property in her possession. Further, the Court found that each party should be responsible for paying any and all debts in his or her individual name and should hold the party harmless from any liability therefor. Finally, the Court found that the costs of this cause should be taxed against Mr. Noe. Accordingly,

It is therefore, ORDERED, ADJUDGED AND DECREED that the plaintiff, Vickie Harper Noe, shall be, and is hereby, awarded an absolute divorce from the defendant, Arville Noe, that she shall be restored to all of the rights and privileges of an unmarried person, and that the bonds of matrimony between Vickie Harper Noe and Arville Noe shall be, and are hereby, perpetually dissolved.

It is further ORDERED, ADJUDGED AND DECREED that Vickie Harper Noe shall be, and is hereby, awarded absolute care, custody, and control of the parties' four (4) minor children, Mary Helen Noe, born September 26, 1980 (age 15), Elizabeth Mae Noe, born May 27, 1988 (age 11), Arville Noe, Jr., born April 11, 1991 (age 5), and Clinton James Noe, born December 28, 1992 (age 3). Mr. Noe is not awarded visitation privileges with the minor children at this time because of his prior conduct. In the event Mr. Noe wants to have visitation with the children in the future, his request will be considered by the Court at that time upon the filing of a Petition and after hearing the evidence.

It is further ORDERED, ADJUDGED AND DECREED that the award child support shall be held in abeyance as the decree is being entered by default. In the event Mr. Noe is personally served in the future, then the Court shall consider that the child support could have been set at $331.00 per month for four (4) children, this amount being based upon Mr. Noe's employment history and earning capacity as of the date of his last employment. In the

event Mr. Noe is personally served in the future, the Court can consider making the award of child support retroactive to April 18, 1996.

It is further ORDERED, ADJUDGED AND DECREED that all right, title, and interest of Mr. Noe in and to the marital residence located at 3935 Plantation Drive, Hermitage, Nashville, Davidson County, Tennessee, shall be, and is hereby, divested out of him and vested absolutely in Mrs. Noe, free and clear of any claim by Mr. Noe. The legal description of said property is as follows:

> Land in Davidson County, Tennessee, being Lot No. 111 on the Plan of Hermitage Hills, Section I of record in Plat Book 2900, page 48, Register's Office for said County, to which reference is made for a more complete description.
>
> Being the same property conveyed to Arville Noe, Jr. and wife, Vickie H. Noe, by deed from Jerry L. Neider and wife, Glenda Winchester Neider, in Book 7935, page 578, Register's Office for Davidson County, Tennessee.

It is further ORDERED, ADJUDGED AND DECREED that Mrs. Noe shall receive all items of household furniture, furnishings, and personal property in her possession.

It is further ORDERED, ADJUDGED AND DECREED that each party shall be responsible for paying any and all debts in his or her individual name and shall hold the other party harmless from any liability therefor.

It is further ORDERED, ADJUDGED AND DECREED that the costs of this cause shall be, and are hereby, taxed against the defendant, Arville Noe, for which execution shall issue if necessary.

ENTERED this the 10th day of June, 1996.

Marietta M. Shipley
Marietta Shipley, Judge

APPROVED FOR ENTRY:

Pamela A. Taylor
Pamela A. Taylor
Sup. Ct. No. 12264

FARRIS, WARFIELD & KANADAY
Eighteenth Floor
SunTrust Center
424 Church Street
Nashville, Tennessee 37219
(615) 244-5200

Attorney for Plaintiff,
Vickie Harper Noe

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Final Decree of Divorce has been mailed first class, postage prepaid to Mr. Arville Noe, 215 Rachel Court, Whitehouse, Tennessee 37188 and 14411 Palm Dale 44 Victorville, California 92392, this 4th day of June, 1996.

Pamela A. Taylor
Pamela A. Taylor

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IDENTIFICATION REFERENCE

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STATE OF TENNESSEE

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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 _10 day of _JUNE , 19 _96 , in the Case Number _95D1205 between _NOE, VICKIE HARPER Plaintiff, and _NOE, ARVILLE Defendant, as same remains of record in Book 164B , Page _1050 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 _28 day of _JANUARY in the year one thousand nine hundred and _ninety-seven and in the _221st_ year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk