BOOK 10373 PG 38

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RICHARD R. ROOKER, CLERK
D.C.

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

DEBORAH DIANE SHEARER,

Complainant/Wife,

vs.

MICHAEL DOYLE SHEARER,

Respondent/Husband.

DOCKET NO. 96D-584

97 MAR 12 PM 2:09
FELIX Z. WILSCHEI REGISTER
DAVIDSON COUNTY, TN.
PICK-UP

IDENTIF. # REFERENCE
0282063

ORDER OF DIVORCE

This matter came on to be heard on December 12, 1996, before the Honorable Judge Marietta Shipley for the Second Circuit Court of Davidson County upon Petitioner's Complaint For Divorce with the Respondent having not responded to the notices of hearing and therefore not being in court. A Motion granting a Default Judgment was entered by this Court on December 9, 1996, and was duly served on the Defendant by the Attorney for the Complainant by mail on December 5, 1996.

Upon the Court's review of the pleadings, the testimony of the witnesses and the information provided by counsel for the Wife, the Court makes the following findings:

1. The Parties were married on November 15, 1976 (Common Law) at Fort Bend County, Texas.
2. There is one (1) minor child of this marriage, Jacob Howard Shearer (Date of Birth: December 20, 1985).
3. The minor child, Jacob Howard Shearer, resides with the Mother at the marital residence at 312 Harvard Avenue, Nashville, Tennessee, and has continuously resided with his Mother since birth.
4. The Husband was served with the Complaint for Divorce on March 13, 1996 by accepting a copy of the Complaint at the office of the Wife's attorney, Randall C. Haynes, in Nashville, Tennessee.
5. The Court ordered that the Husband was to pay the Wife One Thousand Dollars ($1,000.00) per month as *pendente lite* support starting on August 30, 1996.
6. As of the date of this hearing no payments of *pendente lite* support have been made

to the Wife. The Husband has not responded to any notices sent to him nor has he participated in any attempts to resolve the issues between these Parties, thereby requiring the Wife to seek the relief through Default proceedings.

7. The Husband is in arrears Four Thousand Dollars ($4,000.00) through December 30, 1996, on the *pendente lite* support payment ordered by this Court for which a judgment is hereby given and execution may be had to which court costs and attorney's fees may be added to allow the Wife to pursue the collection of this amount.

8. The Wife's Complaint for an Absolute Divorce was heard on the grounds of Inappropriate Marital Conduct.

9. The Wife has established to the satisfaction of the Court that the Wife has suffered from the Inappropriate Marital Conduct on the part of the Husband and is entitled to an Absolute Divorce on those grounds.

10. The Parties have been continuously separated and living apart since January, 1996;

11. The Husband's whereabouts are not known by the Wife.

12. The Parties own a residence at 312 Harvard Avenue, Nashville, Tennessee, which has been the marital home.

13. The marital home is mortgaged as follows:

(a) 1st Mortgage held by Jacqueline Fowler.

Balance of 1st Mortgage: $41,923.36

Monthly payments of 1st Mortgage: $ 480.00

(b) 2nd Mortgage held by First Union Bank

Balance of 2nd Mortgage: $17,125.26

Monthly payments of 2nd Mortgage: $360.07

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, That:

1. The Wife, Deborah Diane Shearer, is granted an absolute divorce on the grounds of inappropriate marital conduct.

2. The Parties are hereby restored to all the rights and privileges of unmarried Parties.

3. The Parties minor son, Jacob Howard Shearer, is placed in the legal custody of his Mother, Deborah Diane Shearer.

4. The Husband is to have visitation with the Parties minor son on a schedule to be agreed upon between the Parties.

5. The Husband is to pay child support to the Wife in the amount of Four Hundred Fifty Dollars ($450.00) per month which may be paid through a wage assignment or directly through the Court upon the Court being furnished the necessary information for such payment. Wife will be responsible to notify clerk's office if she has knowledge of husband's employer.

6. The Husband shall pay the cost of health insurance coverage for the minor child, Jacob Howard Shearer. All expenses not covered by insurance shall be divided equally between the Parties with the Wife providing proof of any uncovered expense to the Husband within fifteen (15) days of receipt of any such proof by her. Thereafter the Husband is to reimburse Wife for any such expenses within fifteen (15) days of Wife's attempt to deliver such proof to him.

7. Michael Doyle Shearer is hereby found to be in arrears on *pendente lite* support ordered by this Court in the amount of Four Thousand Dollars ($4,000.00) being the amount due for such support from August 30, 1996, through December 30, 1996. A judgment for this amount is hereby granted to the Wife for which execution may be had, with sums being added to this judgment for court costs and attorney's fees for collecting same.

8. The Wife is hereby awarded all personal property in the marital residence on or after the date of separation in January, 1996.

9. The Husband is to return any property taken from the marital residence after the date of separation in January, 1996.

10. The Wife is awarded the 1995 Dodge Neon, VIN Number 3B3E547C2ST347571 which is to become her sole and exclusive property. The Husband is awarded the 1987 Dodge Pick-Up Truck, VIN Number 1B7HW04T3H5468021 which is to become his sole and exclusive property. The above vehicles are encumbered by liens for which the Parties will be responsible only for the debt and responsibility of ownership for the vehicle awarded to each party. Documents of proof of ownership, registration and title shall be executed by the Parties as necessary to implement the provisions of this section.

11. The marital residence located at 312 Harvard Avenue, Nashville, Tennessee, is hereby divested from the Husband and vested in the Wife to be hers exclusively.

9. The current value of the marital home is found to be One Hundred Two Thousand Dollars ($102,000).

10. The Parties are hereby awarded Seventeen Thousand One Hundred Twenty-Five Dollars Twenty-Six Cents ($17,500.00) each as their respective share of the equity in the marital home.

11. The Wife is hereby awarded Ten Thousand Dollars ($10,000.00) as alimony *in solido* out of the Husband's share of the equity in the marital home.

12. The balance of Seven Thousand Five Hundred Dollars ($7,500.00) of the Husband's share of the equity in the home is to remain in the home to secure his payment of the second mortgage on the marital property payable to First Union Bank in the amount of Seventeen Thousand One Hundred Twenty-Five Dollars Twenty-Six Cents ($17,125.26) payable in monthly payments of Three Hundred Sixty Dollars Seven Cents ($360.07) beginning with the monthly payments due in February, 1997. Should the Husband make all such payments starting with the February, 1997, payment on a timely basis, his Seven Thousand Five Hundred Dollar ($7,500.00) share of the equity may be paid to him following the sale of the property if and when such sale should occur, or upon the payment in full of both of the existing mortgages, the Wife having sole authority to determine which of these options is in her best interest.

13. The Seven Thousand Five Hundred Dollar ($7,500.00) share of the Husband's equity in the marital home, as stated hereinabove, is to serve as security to Jacqueline Fowler who has been making the payments on the second mortgage due to the parties financial inability to do so and may be claimed by the Husband only after strict compliance with the provisions of Paragraph 12 hereinabove.

14. Should the Husband fail to make any of these payments on a timely basis, he will thereafter forfeit any ownership interest and any equity granted to him by this Court that he may have in this home. Such equity interest shall thereafter become the property of the Wife exclusively.

BOOK 10378

PAGE 42

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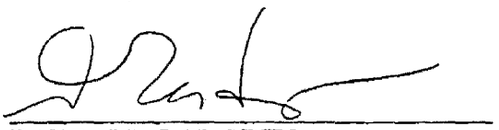
APPROVED FOR ENTRY:



RANDALL C. HAYNES #11281
Attorney for Complainant/Wife
2021 Richard Jones Road, Suite 350
Nashville, Tennessee 37215
615-383-3332

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the Divorce Order has been sent via the United States Postal Service, postage prepaid, to Michael Doyle Shearer at 801 Hillview Heights, Apartment 26, Nashville, Tennessee 37204, this 24th day of December, 1996.



RANDALL C. HAYNES

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BOOK 10373 PG 44

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 29 day of JANUARY , 19 97 , in the Case Number 96D584 between SHEARER, DEBORAH DIANE Plaintiff, and SHEARER, MICHAEL DOYLE Defendant, as same remains of record in Book 167B , Page 1339 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 MARCH in the year one thousand nine hundred and ninety-seven and in the 221st year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

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