1509/870

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

BETTY RUTH BROWN,)
)
Plaintiff,)
)
vs.) NO. 92D-1857
)
MELVIN EUGENE BROWN,)
)
Defendant.)

93 SEP 14 PM 4:01
RICHARD R. ROOKER, CLERK
D.C.
BOOK 10424 PG 871

FINAL DECREE OF DIVORCE

This cause came on to be heard on the 10th day of August, 1993 before the Honorable Marietta Shipley, Judge of the Second Circuit Court for Davidson County, Tennessee, upon the original complaint for divorce filed by the Plaintiff, Betty Ruth Brown. Upon testimony of witnesses, the statements of counsel, and the entire record in this cause, the Court finds as follows:

1. That the Plaintiff/Wife is granted a divorce on the grounds of inappropriate marital conduct and that both parties are restored to all the rights and privileges of unmarried persons.

2. That the Plaintiff/Wife is awarded the house located at 4113 Eaton Creek Road, Nashville, Tennessee and that the Defendant/Husband is awarded a certain portion of the house, that being his homestead interest in the house, which is FIVE THOUSAND DOLLARS AND 00/100 ($5,000.00), which will be paid at the time the house is sold. In the event that the profit from the house is less than TEN THOUSAND DOLLARS AND 00/100 ($10,000.00), then the Defendant/Husband will get 50 percent of whatever the profit is at the time. The house either must be sold in ten (10) years or his FIVE THOUSAND DOLLARS AND 00/100 ($5,000.00) must be paid off in ten (10) years, which will earn interest at the rate of 5 percent per year. The legal description of said property is as follows:

> Land in Davidson County, Tennessee, being Lot No. 214 on the Plan of Enchanted Hills, Section 12, of record in Book 4675, page 165, as amended in Book 5407, page 949, both in the Register's Office for said County, and described as follows:
>
> Beginning a at a point in the westerly margin of Eaton's Creek Road, said point being the common front corner of Lots Nos. 213 and 214 on said Plan; thence, with the line between said lots westwardly 354 feet, more or less, passing a witness line at 295.0 feet, to a point in the center line of Eaton's Creek; thence, with the meanders of the center line of Eaton's Creek in a southerly direction a portion of the property conveyed to Enchanted

Hills, Inc. by deed with Enchanted Hill's northerly line N. 71° 31' E 301 feet, more or less, passing a witness line at 81 feet, more or less, to a point in the westerly margin of Eaton's Creek Road; thence, with said westerly margin, northwardly 156.0 feet to the point of beginning.

Being the same property conveyed to Melvin E. Brown and wife, Betty R. Brown by deed from W. C. Allen and wife, Irene Allen of record in Book 6035, page 230, said Register's Office.

In the event the Plaintiff/Wife has to surrender the house and is foreclosed on, then Defendant/Husband will not receive anything. Defendant/Husband cannot receive more that 50 percent of any profit of the house up to a maximum of FIVE THOUSAND DOLLARS AND 00/100 ($5,000.00).

3. Further, as to all of the debts of the parties, the Defendant/Husband will be responsible for all the debts listed on his list, and all the debts listed on his bankruptcy, which were presented to the Court and are as follows:

DEBTS KNOWN TO HUSBAND	APPROX. BALANCE
1. SEG Employee's Federal Credit Union	$ 8,000.00
2. Franklin Motor Company (Husband's vehicle)	$ 2,300.00
3. ACI Collection Agency (Wife's medical bill, @ $50.00/month)	$ 650.00
4. Internal Revenue Service, 1992	$ 3,000.00
5. Dr. Spalding (Husband's medical)	$ 2,700.00

4. As to the Plaintiff/Wife's bills, the Defendant/Husband will make an affirmative effort to see that his insurance carrier pays whatever is necessary on the rest of the Plaintiff/Wife's medical bills. The remainder of those bills, the Plaintiff/Wife will be responsible for, but the Defendant/Husband must make an affirmative effort to see that those are paid.

5. The Defendant/Husband will notify the Plaintiff/Wife and/or their son if he intends to drop the son from his insurance.

6. As to the retirement account at Greyhound, the Plaintiff/Wife is entitled to 50 percent of whatever is vested to the Defendant/Husband the Plaintiff/Wife will receive 50 percent of the retirement account at Greyhound.

7. The Defendant/Husband will make the Plaintiff/Wife beneficiary of his life insurance with the their two (2) sons will be second beneficiaries.

8. The Defendant/Husband shall pay to the Plaintiff/Wife as

rehabilitative alimony, the amount of FOUR HUNDRED FIFTY DOLLARS AND 00/100 ($450.00) per month while she is receiving disability, which will continue until she either returns to work or receives a workers' compensation claim and in no event shall it last longer than two (2) years at this amount. Further, if the Plaintiff/Wife receives a workers' compensation claim, Defendant/Husband will not have a part of that. In the event the Plaintiff/Wife returns to work then the Defendant/Husband shall pay to the Plaintiff/Wife the amount of THREE HUNDRED DOLLARS AND 00/100 ($300.00) as alimony in futuro and this will last until her death or remarriage. If there is a change of circumstances then either party may petition the Court to adjust the alimony.

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9. The Court costs in this cause are assessed against the Defendant/Husband for which execution may issue if necessary.

10. The Defendant/Husband shall pay the Plaintiff/Wife's attorney fees in the amount of $1,000.00 which is considered alimony and is non-dischargeable under 11 U.S.C. Sec. 523(5), and for which execution may issue if necessary.

11. The last know address of the Plaintiff/Wife is 4113 Eaton Creek Road, Nashville, Tennessee 37218. The last known address of the Defendant/Husband is 1150 Vultee Boulevard, Apt. C-209, Nashville, Tennessee.

All of which is therefore accordingly,

ORDERED, ADJUDGED AND DECREED.

ENTER this 14th day of September, 1993.

Marietta M. Shipley

MARIETTA SHIPLEY, JUDGE

APPROVED FOR ENTRY:

James L. Curtis

JAMES L. CURTIS #4317
Attorney for Plaintiff/Wife
Washington Square, Suite 204
214 Second Avenue, North
Nashville, Tennessee 37201
(615) 256-4747

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree of Divorce has been forwarded to Mr. Morris Levine, Attorney for Defendant, 1119 Stahlman Building, 211 Union Street, Nashville, TN 37201 on this the 10th day of August, 1993.

James L. Curtis

JAMES L. CURTIS #4317

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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 14 day of SEPTEMBER , 19 93 , in the Case Number 92D1857 between BROWN, BETTY RUTH Plaintiff, and BROWN, MELVIN EUGENE Defendant, as same remains of record in Book 150B , Page 890 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 22 day of APRIL 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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IDENTIFICATION REFERENCE

PICK-UP

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DAVIDSON COUNTY, TN