BOOK 10630 PG 923 273A/732

IN THE FOURTH CIRCUIT COURT FOR TENNESSEE
20TH JUDICIAL DISTRICT
AT NASHVILLE

97 SEP 15 [illegible]

RICHARD [illegible] D.C.

JAMES L. MYERS]
]
Plaintiff,]
] 960 2637
VS.] No. ~~95D-2637~~
]
GLENDA T. MYERS]
]
Defendant.]

PICK-UP

97 OCT -2 AM 10:55

FELIX [illegible]
DAVIDSON COUNTY, TN.

IDENTIFICATION REFERENCE

0351790

FINAL DECREE OF DIVORCE

This matter came on to be heard before the Honorable Muriel Robinson on the 14th day of July, 1997 ex parte in the Fourth Circuit Court for Nashville, Davidson County, Tennessee, 20th Judicial District. It appearing to the Court that the defendant in this matter has been duly notified of this action, but has taken no action to obtain representation, to represent herself, or to otherwise participate in this action. It further appearing to the Court that pursuant to *Tenn. Code Ann.* 36-4-102 § (a)(1) & *Tenn. Code Ann.* 36-4-101 (a)(3) the Husband is entitled to a divorce based upon the grounds of inappropriate marital conduct and the fact that the defendant is a habitual drunkard. It further appearing to the Court that the Husband should pay the Wife one-half of the increase in equity value of the real property, which, although titled in both parties names, was purchased solely from funds inherited by the plaintiff, located at 1010 Graybar Lane, Nashville, Davidson County, Tennessee 37204, which is $55,000.00, within 60 days of the entry of the final decree of divorce, by depositing said funds with the Circuit Court Clerk's Office, who shall hold said funds for the benefit of defendant until she can demonstrate that she is no longer addicted to alcohol or drugs to the extent she is competent to handle her affairs without the threat that said funds will be wasted on her addiction as determined by a court of competent jurisdiction. It further appearing to the Court that the Wife should be awarded one-half of the Schawb I.R.A. account, stocks, and mutual funds as of July 14, 1997 and one-half as of July 14, 1997 of the CINergy Corp. common stock within 60 days of the entry of the final decree of divorce, by depositing said property with the Circuit Court Clerk's Office, who shall hold said funds for the benefit of defendant until she can demonstrate that she is no longer addicted to alcohol or drugs to the extent she is competent to handle her affairs without the threat that said funds will be wasted on her addiction as determined by a court of competent jurisdic-

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tion. It further appearing to the Court that the Clerk should invest the defendant's funds, deposited with the Clerk's office, in such accounts as will provide interest income on the property and to prevent, to the extent possible, any penalties or additional taxes from the distribution or transfer of any retirement accounts. It further appearing to the Court that the defendant should be awarded the following items of personal property: the cat, French silver, books and collectibles (toy robots and marionettes) in addition to one-half the home furnishings. It further appearing to the Court that the plaintiff should be awarded the following items of personal property: the dog, musical instruments, books and collectibles (model trains and radios) and one-half the home furnishings. It further appearing to the Court that the defendant is awarded her 1979 Oldsmobile and the plaintiff is awarded his 1985 Jaguar. It further appearing to the Court that defendant should be divested of any interest she may have and the plaintiff is solely vested in the the real property, located at 1010 Graybar Lane, Nashville, Davidson County, Tennessee 37204. Said real property is more particularly described as follows:

> Being Lot No. 16 on the Map of Section 1, Oriental Golf Club Subdivision, as of record in Book 1424, Page 10, Register's Office for Davidson County, Tennessee. Said Lot No. 16 fronts 75 feet on the northerly side of Graybar Lane and extends back 177.1 feet on the westerly line and 183.5 feet on the easterly line to a dead line, measuring 75 feet thereon.
>
> Being the same property conveyed to James L. Myers, III et ux. Glenda T. Myers by deed from Wade R. Baggette and wife, Nancy W. Baggette dated August 1, 1975, said deed being of record in Book 6108, Page 496, Register's Office of Davidson County, Tennessee.

It further appaering to the Court that the plaintiff should be awarded his separate property, to wit: 260 shares of American Electric Power Co., 200 shares of Pennsylvania Power and Light Co., 400 shares of Potomac Electric Power Co., certain furniture, china, silverware, and glassware, all of which was an inheritance from plaintiff's mother's estate to the plaintiff. 260 shares of American Electric Power Co., 200 shares of Pennsylvania Power and Light Co., 400 shares of Potomac Electric Power Co., certain furniture, china, silverware, and glassware, all of which was an inheritance from plaintiff's mother's estate to the plaintiff. It further appearing to the Court that the defendant should vacate the home within 60 days of the date of the hearing. It further appearing to the Court that the plaintiff should pay the costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that pursuant to *Tenn. Code Ann.* 36-4-102 § (a)(1) & *Tenn. Code Ann.* 36-4-101 (a)(3) the Husband is entitled to a divorce based upon the grounds of inappropriate marital conduct and the fact that the defendant is a habitual drunkard.

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IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Husband shall pay the Wife one-half of the increase in equity value of the real property, which, although titled in both parties names, was purchased solely from funds inherited by the plaintiff, located at 1010 Graybar Lane, Nashville, Davidson County, Tennessee 37204, which is $55,000.00, within 60 days of the entry of the final decree of divorce, by depositing said funds with the Circuit Court Clerk's Office, who shall hold said funds for the benefit of defendant until she can demonstrate that she is no longer addicted to alcohol or drugs to the extent she is competent to handle her affairs without the threat that said funds will be wasted on her addiction as determined by a court of competent jurisdiction.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Wife is awarded one-half of the Schawb I.R.A. account, stocks and mutual funds as of July 14, 1997 and one-half as of July 14, 1997 of the CINergy Corp. common stock within 60 days of the entry of the final decree of divorce, by depositing said property with the Circuit Court Clerk's Office, who shall hold said funds for the benefit of defendant until she can demonstrate that she is no longer addicted to alcohol or drugs to the extent she is competent to handle her affairs without the threat that said funds will be wasted on her addiction as determined by a court of competent jurisdiction.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the clerk shall invest the defendant's funds deposited with the Clerk's office in such accounts as will provide interest income on the property and to prevent, to the extent possible, any penalties or additional taxes from the distribution or transfer of any retirement accounts.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the defendant is awarded the following items of personal property: the cat, French silver, books and collectibles (toy robots and marionettes) in addition to one-half the home furnishings.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the plaintiff is awarded the following items of personal property: the dog, musical instruments, books and collectibles (model trains and radios) and one-half the home furnishings.

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IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the defendant is awarded her 1979 Oldsmobile and the plaintiff is awarded his 1985 Jaguar.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the defendant is divested of any interest she may have and the plaintiff is solely vested in the the real property, located at 1010 Graybar Lane, Nashville, Davidson County, Tennessee 37204. Said real property is more particularly described as follows:

> Being Lot No. 16 on the Map of Section 1, Oriental Golf Club Subdivision, as of record in Book 1424, Page 10, Register's Office for Davidson County, Tennessee. Said Lot No. 16 fronts 75 feet on the

northerly side of Graybar Lane and extends back 177.1 feet on the westerly line and 183.5 feet on the easterly line to a dead line, measuring 75 feet thereon.

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IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the plaintiff is awrded his separate property, to wit: 260 shares of American Electric Power Co., 200 shares of Pennsylvania Power and Light Co., 400 shares of Potomac Electric Power Co., certain furniture, china, silverware, and glassware, all of which was an inheritance from plaintiff's mother's estate to the plaintiff.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the defendant shall vacate the home within 60 days of the date of the hearing.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the plaintiff shall pay the costs of this action for which execution may issue.

ENTERED THIS 15-YH **DAY OF** ~~AUGUST~~ Sept, **1997** MRJ.

Nunc Pro Tunc to 7-14-97.

HONORABLE MURIEL ROBINSON

APPROVED FOR ENTRY:

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been sent via United States Mail, postage prepaid, to Glenda T. Myers, 1010 Graybar Lane, Nashville, Tennessee 37204 this 19 day of August, 1997.

Clark Lee Shaw

S:\WS2000\1997\7JUL.97\MYERS.O

BK/10630PG927

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 15 day of SEPTEMBER , 19 97 , in the Case Number 96D2637 between MYERS, JAMES L. Plaintiff, and MYERS, GLENDA T. Defendant, as same remains of record in Book 273A , Page 732 of the Minutes of said Court.

5330 10/02 0101 01CASH 20.00

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 02 day of OCTOBER in the year one thousand nine hundred and ninety-seven and in the 222nd year of American Independence.

RICHARD R. ROOKER, Clerk,

By B. Goodwin
Deputy Clerk