BOOK 1073 PAGE 316

IN THE CHANCERY COURT FOR SUMNER COUNTY, TENNESSEE
AT GALLATIN

FILED ✓ REC
SUMNER CO. CHANCERY COURT
MAR 02 1994
CIVIL/DOMESTIC DIV.
BRENDA M. PAGE, C & M
BY: _____
DEPUTY CLERK & MASTER

ROBERT EUGENE POOLE,

Plaintiff

VS.

ROBYN HATFIELD POOLE,

Defendant

No. 92D2-95

MINUTES
MAR 02 1994
CHANCERY COURT

FINAL DECREE OF DIVORCE

This matter came on to be heard on the 9th and 10th days of February, 1994, when at such time the Court having taken all the proof in this cause, took the same under advisement. After consideration of all the evidence and the entire record, the Court issued a Memorandum dated the 2nd day of March, 1994.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED the Memorandum dated the 2nd day of March, 1994, is incorporated herein and made a part hereof and said document reads in words and figures as follows:

1702 8th Ave N
D-Book 8140
page 961
Map & Parcel
Map 81-8
parcel 378

PICK-UP

97 DEC 22 AM 11:23
REGISTER

0382697
IDENTIFICATION REFERENCE

4021 12/22 0101 01CASH 56.00

ORDER FILED & ENTERED 3-2-94
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IN THE CHANCERY COURT FOR SUMNER COUNTY, TENNESSEE
AT GALLATIN

ROBERT EUGENE POOLE,	)	
	)	
Plaintiff	)	
	)	
	)	
VS.	)	No. 92D2-95
	)	
	)	
ROBYN HATFIELD POOLE,	)	
	)	
Defendant	)	

MEMORANDUM

These parties were divorced by Order entered on the 7th day of July, 1987. At the trial held on the 25th day of June, 1987 Robert Eugene Poole caused to be entered as Exhibit 3 to trial an Asset and Liability Summary which showed the following:

Titled:	*Item*	*Fair Market Value*	*Mortgage/Debt*
Jt	1. 617 Bonita Parkway Hendersonville, TN (appraised by Lomas & Nettleton) $1,080 a month	148,000.00	105,000.00
Husb	2. Business - Colonial Construction Co. (founded April, 1963)	Separate property of husband	
	Mortgage accounts receivable	Present value unknown	
	Fidelity Federal (mortgage account)		30,000.00
Husb	3. Third National - CD (used in business)	20,000.00	20,000.00
	Fidelity Federal savings	1,240.00	
	Fidelity Federal savings	316.00	
	Fidelity Federal (children's educ.)	4,000.00	
Husb	4. IRA (started in 1979)	12,000.00	
	5. Cars:		
Husb	1987 Cadillac	20,000.00	
Jt	1986 Buick Park Avenue	15,000.00	
Jt	1985 Nissan Truck	3,000.00	

Titled:	*Item:*	*Fair Market Value*	*Mortgage/Debt*
Husb	Bayliner Boat	5,000.00	
Jt	6. Furniture	25,000.00	
	7. Debts:		
	a. Third National		5,000.00
	b. GMAC (son's leased car)		15,000.00
	c. Nissan Credit Corp. (son's truck)		20,000.00
	d. Sears		200.00
	e. Circuit City		800.00
	f. First American (Credit Line)		15,000.00
	8. Rental property 1715-14th Avenue, North (Purchased in 1978)		14,000.00

The 1987 division of property, real and personal, provided that Mr. Poole was awarded the following:

1. 1987 Cadillac;

2. 1985 Nissan truck;

3. Bayliner boat;

4. All right, title and interest in the real property located at 1715 Fourteenth Avenue, North, Nashville, Tennessee;

5. All right, title and interest including assets and liabilities, mortgage accounts receivable in the sole proprietorship known as Colonial Construction Company;

6. All right, title and interest in remaining savings accounts, certificate of deposit and IRA accounts;

7. Thirty (30%) percent interest in improved real property located at 617 Bonita Parkway, Hendersonville, Sumner County, Tennessee.

The 1987 Order provided that Ms. Poole was awarded property as follows:

1. Seventy (70%) percent interest in the improved real property located at 617 Bonita Parkway, Hendersonville, Sumner County, Tennessee;

2. A savings account located at Fidelity Federal in the approximate sum of $316.00;

3. Household furniture, furnishings and personal belongings located at 617

Bonita Parkway, Hendersonville, Sumner County, Tennessee;

4. 1986 Buick Park Avenue.

Two savings accounts containing approximately $2,000.00 each in the name of the children were to remain as titled.

The parties remarried on the 31st day of December, 1988.

By Order entered on the 30th day of August, 1993 the Court granted the parties an absolute divorce pursuant to T.C.A. 36-4-129. Custody of the parties' minor children was placed with the mother and the father was granted liberal and reasonable visitation. All other matters were reserved and set for trial on the 9th and 10th days of February, 1994. Following the trial the Court held the matter under advisement.

The issues before the Court are:

1. What amount of child support shall the father pay?
2. What is the separate property of the parties?
3. What is the property of the marital estate?
4. What is an equitable division of the marital estate?
5. What are the marital debts and how shall they be paid?
6. Shall one spouse have an obligation for any type of spousal support?
7. Shall there be an award of attorney's fees.

The separate property of the wife consists of the following:

1. Seventy (70%) percent interest in the real property located at 617 Bonita Parkway, Hendersonville, Sumner County, Tennessee. Fair market value is $165,000.00 with indebtedness of $97,575.00. The equity is $47,197.50;
2. Kitchen/dinette suite
3. Refrigerator
4. Living room furniture
5. Piano

6. Den furniture and table

7. Personal clothes, personal jewelry, personal memorabilia.

The separate property of the husband consists of the following:

1. Third National Bank $29,704.46
   IRA #00000639716 ($35,704.46 less $6,000.00)

2. Real property at 1715 14th Avenue North, Nashville Tennessee

3. Thirty (30%) percent interest in the real property located at 617 Bonita Parkway, Hendersonville, Sumner County, Tennessee. Fair market value is $165,000.00 with indebtedness of $97,575.00 and equity of $20,227.50

4. Mortgage accounts receivable 621,258.66

5. 1985 Nissan truck

6. Third National Bank
   #8-657326 27,061.00

7. Third National Bank
   #21710007 4,011.00

8. Union Planters Savings
   #150-020-840 1,072.16

9. First American Bank
   #0008608989 4,055.88

10. Third National Bank
    #162034-7 23,644.88

11. Big screen television 1,200.00

12. Life insurance cash surrender value 19,750.00

13. Office furniture and personal furniture

14. 1994 Camaro.

The marital estate consists of the following:

1. Third National Bank
   #1300004805 2,646.47

2. Third National Bank
   #162034-7 633.18

3. Third National Bank
   #300969600 2,299.28

4. Third National Bank
   #668481-5 3,649.24

5. Third National Bank

IRA contributions during marriage #0000639716	6,000.00
6. Union Planters #700703222	2,005.05
7. Union Planters #702772372	2,557.66
8. First American Bank #827-341-2	2,364.82
9. Third National Bank #112165202	555.00
10. 1990 Cadillac	18,000.00
11. 1992 Cadillac	25,288.00
12. 1992 Plymouth Voyager	14,000.00
13. Gym set and pool	1,500.00
14. Computer and printer	2,000.00
15. Televisions	1,300.00
16. Life insurance cash value less lien	8,204.00
17. 1989 Formula F-26 boat	33,000.00 ($38,000.00 less $5,000.00 for Bayliner)
18. Real property known as 1700 ½ 8th Ave, North	150,000.00
19. Real property known as 1706 St. Louis	32,000.00 less debt of 10,135.00 equity - 21,065.00
20. Real property known as 807 North 2nd Avenue	25,000.00 less debt of 20,396.00 equity - 4,604.00
21. Real property known as 1720 St. Louis Street	31,500.00 less debt of 14,165.00 equity - 17,335.00
22. Real property known as 186 Edgewood Drive	47,000.00 less debt of 44,831.00 equity - 2,169.00
23. Real property known as 1015 11th Ave. North	15,000.00
24. Mortgage accounts receivable	62,456.00
25. Household furnishings	
a. Washer/dryer	300.00
b. Dining room suite	500.00
c. Children double bed, dressers, desks	3,000.00
d. Riding mower	700.00
e. Push mower	50.00
f. Pictures, clocks	3,000.00

g. Stereo	1,200.00
h. Bedroom furniture	1,500.00
i. Patio furniture	200.00
j. Kitchen appliances - Sony TV, microwave	3,000.00
k. 25" color TV	
l. Box springs and mattress	
m. Hutch.	

As an equitable division of the marital estate, the Court awards to Robert Eugene Poole the following:

1. 1992 Cadillac	22,288.00
2. 1992 Plymouth Voyager	14,000.00
3. Real property known as 1700 ½ 8th Ave, North	150,000.00
4. Real property known as 1706 St. Louis	21,065.00
5. Real property known as 807 North 2nd Avenue	4,604.00
6. Real property known as 1720 St. Louis Street	17,335.00
7. Real property known as 186 Edgewood Drive	2,169.00
8. Mortgage accounts receivable and all interest in Colonial Construction Company	62,456.00
9. Life insurance cash value	4,865.00
10. IRA #00000639716	6,000.00
11. Third National Bank #1300004805	2,646.47
12. Third National Bank #162034-7	633.18
13. Third National Bank #300969600	2,299.28
14. Third National Bank #668481-5	3,649.24
15. Union Planters #700703222	2,005.05
16. Union Planters #702772372	2,557.66

17. First American Bank
#827-341-2 2,364.82

18. 1989 Formula F-26 boat 33,000.00

19. 25" color TV, box springs and mattress, hutch.

As an equitable division of the marital estate, the Court awards to the wife the following:

1. Third National Bank
#112165202 555.00

2. 1990 Cadillac 18,000.00

3. Gym set and pool 1,500.00

4. Den furniture and table 3,500.00

5. Computer and printer 2,000.00

6. Televisions 1,300.00

7. Household furnishings
   a. Washer/dryer 300.00
   b. Dining room suite 500.00
   c. Children double bed, dressers, desks 3,000.00
   d. Riding mower 700.00
   e. Push mower 50.00
   f. Pictures, clocks 3,000.00
   g. Stereo 1,200.00
   h. Bedroom furniture 1,500.00
   i. Patio furniture 200.00
   j. Kitchen appliances - Sony TV, microwave 3,000.00

8. Life insurance policy #75399477
cash value on Robyn Poole 3,339.19

9. Cash 140,000.00

From the separate property of the husband, the Court awards to the wife the thirty (30%) percent interest in the improved real property located at 617 Bonita Parkway, Hendersonville, Sumner County, Tennessee. All right, title and interest of Robert Eugene Poole in the real property known as 617 Bonita Parkway, Hendersonville, Sumner County, Tennessee is divested from him and all interest is vested in Robyn Hatfield Poole.

The marital debts acknowledged by Robyn Hatfield Poole are:

1. Dillards	$	287.40
2. Castner Knott		715.97
3. Castner Knott		716.54
4. MasterCard		6,079.53
5. Service Merchandise		115.91
6. Lomas Mortgage		97,575.00

By Exhibit 43 to the trial on the 9th day of February, 1994, Robert Eugene Poole listed the following debts:

Creditor	*July, 1993*	*February, 1994*
First USA Credit	500.00	1,000.00
GM Gold Card	1,000.00	2,000.00
Boatman Bank of Tennessee	3,200.00	18,853.00
Third National Bank (business loan)	42,455.00	42,455.00
Giles Krebs	2,900.00	2,900.00
Giles Krebs	6,500.00	6,500.00
Third National Bank Credit Line	9,000.00	9,000.00
Colonial Pacific Leasing	11,500.00	11,500.00
Discover Credit Card	550.00	550.00
Chevy Chase F.S.B. Credit Card	3,330.00	4,000.00
Third National Bank Visa	640.00	200.00
Uptons	530.00	530.00
Mercantile Bank	450.00	1,700.00
Progressive Co. Car Insurance	2,440.00	1,200.00
Third National Bank Visa Gold	940.00	300.00
First U.S.A. Bank Credit Card	450.00	1,000.00
Castner Knott (wife)	260.00	260.00
Society Bank Credit Card	940.00	1,500.00
Haverty's Furniture	1,750.00	paid
Dillards	520.00	200.00

First American Credit Line Account	12,000.00	13,000.00
Optima	1,810.00	4,000.00.

The Court finds that there are loans on the life insurance policies in the names of the parties.

Robyn Hatfield Poole shall pay the following debts:

1. Dillards;
2. Both Castner Knott accounts;
3. MasterCard, which she carries with debt of $6,079.53;
4. Service Merchandise;
5. Lomas Mortgage - $97,575.00.

She shall hold harmless Robert Eugene Poole on the above listed debts.

Robert Eugene Poole shall pay any debts not ordered to be paid by Robyn Hatfield Poole and he shall hold her harmless. He shall pay any loans on the insurance policy #75399477 on the life of Robyn Hatfield Poole. She shall be the owner of the policy. She may surrender the policy for its cash value, or she may maintain the policy. If maintained, the parties' minor children shall be named as equal beneficiaries.

Robert Eugene Poole shall name the parties' minor children as beneficiaries under life insurance policies on his life with each minor child to receive benefits of $100,000.00 in case of his death. Each child shall remain a beneficiary for a minimum of $100,000.00 payable in life insurance proceeds until the child attains age 18. The Court does not require until he graduates from high school.

Robert Eugene Poole shall pay ONE THOUSAND TWO HUNDRED SEVENTY DOLLARS ($1,270.00) per month as child support with the first payment to be made on or before the 8th day of March, 1994 and on or before the 8th day of the month

thereafter until the youngest child attains age 18 or graduates from high school, whichever occurs last or upon modification by Court order. Robert Eugene Poole shall maintain health insurance on the parties' minor children, and he shall pay one-half (½) of the medical, dental, optic, orthodontia, and prescription pharmacy expenses not covered by insurance.

As rehabilitative alimony, Robert Eugene Poole shall pay to Robyn Hatfield Poole ONE THOUSAND FIVE HUNDRED DOLLARS ($1,500.00) per month for a period not to exceed thirty-six (36) months with the rehabilitative alimony to terminate upon her death, remarriage or cohabitation with an unrelated person. The Court does not require that Robert Eugene Poole maintain health insurance on Robyn Hatfield Poole.

As alimony in gross the Court awards additional attorney's fees in the amount of SEVEN THOUSAND ONE HUNDRED SEVENTY-NINE DOLLARS AND THIRTY-THREE CENTS ($7,179.33). Robert Eugene Poole was the cause for much of Robyn Hatfield Poole's attorney's fees and he should have to bear the burden of the greatest portion. The total fees of Robyn Hatfield Poole were $29,084.75; expenses and costs were $3,314.98. The Court previously awarded $14,634.23 in attorney's fees. Robyn Hatfield Poole should be responsible for a portion of her attorney's fees. Discretionary costs shall be awarded pursuant to T.R.C.P. 54.04.

Costs are assessed to Robert Eugene Poole for which execution may issue, if necessary.

Entered this 2 day of March, 1994.

Tom E. Gray, Chancellor

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CERTIFICATE OF SERVICE

I do hereby certify that a true and exact copy of the foregoing Memorandum has been sent postage prepaid to Mr. F. Dulin Kelly, Attorney at Law, 629 East Main Street, Hendersonville, Tennessee 37075; to Mr. Robert Todd Jackson, Attorney at Law, One Washington Square, 214 Second Avenue North, Nashville, Tennessee 37201; and hand-delivered to Ms. Laura Goodall, 113 West Main Street, Gallatin, Tennessee 37066, on this the 2 day of March, 1994.

Dameron Tennant

Dameron Tennant, Secretary

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. By Order entered on the 30th day of August, 1993, the Court declared the parties divorced pursuant to T.C.A. 36-4-129.

2. The separate property of Robert Eugene Poole, with the exception of the thirty (30%) percent interest in improved real property located at 617 Bonita Parkway, Hendersonville, Sumner County, Tennessee identified in the Memorandum entered on the 2nd day of March, 1994, is awarded to Robert Eugene Poole.

3.The separate property of Robyn Hatfield Poole identified in the Memorandum entered on the 2nd day of March, 1994 is awarded to Robyn Hatfield Poole.

4. All right, title and interest of Robert Eugene Poole in improved real property located at 617 Bonita Parkway, Hendersonville, Sumner County, Tennessee, is divested out of Robert Eugene Poole and all right, title and interest is vested in Robyn Hatfield Poole.

5. The marital estate is equitably divided and awarded as stated in the Memorandum entered on the 2nd day of March, 1994, and the Memorandum is incorporated and made a part of the Final Decree of Divorce.

6. Custody of the parties' minor children shall be placed with the mother and the father is granted liberal and reasonable visitation.

7. As child support the father shall pay ONE THOUSAND TWO HUNDRED SEVENTY DOLLARS ($1,270.00) per month as child support pursuant to the guidelines based upon income for 1993 of $67,709.00, and the father shall maintain health insurance on the minor children and pay one-half (½) of the medical, dental, optic, orthodontia and prescription pharmacy expenses not covered by insurance. The first payment of child support shall be the 8th day of March, 1994 and on or before the 8th day of the month thereafter.

8. Robert Eugene Poole shall pay to Robyn Hatfield Poole rehabilitative alimony of ONE THOUSAND FIVE HUNDRED DOLLARS ($1,500.00) per month for a period not to exceed thirty-six (36) months with the rehabilitative alimony to terminate upon her death, remarriage or cohabitation with an unrelated person.

9. Robert Eugene Poole shall pay as alimony in solido SEVEN THOUSAND

ONE HUNDRED SEVENTY-NINE DOLLARS AND THIRTY-THREE CENTS ($7,179.33) as additional attorney's fees and the $7,179.33 shall be a judgment in favor of Robyn Hatfield Poole against Robert Eugene Poole for which execution may issue, if necessary.

10. Robert Eugene Poole shall maintain a minimum of $200,000.00 in life insurance with each minor child named as beneficiary for $100,000.00 and to be so named until the child attains age 18.

11. Marital debts, including any loans on insurance policy #75399477 on the life of Robin Hatfield Poole, shall be paid according to the Memorandum entered on the 2nd day of March, 1994 which is incorporated and made a part of this Final Decree of Divorce.

12. The Memorandum entered on the 2nd day of March, 1994 is incorporated and made a part of this Final Decree of Divorce.

13. Costs are assessed to Robert Eugene Poole for which execution may issue, if necessary.

Entered this 2 day of ~~February,~~ March 1994.

Tom E. Gray, Chancellor

CERTIFICATE OF SERVICE

I do hereby certify that a true and exact copy of the foregoing Order and Memorandum have been sent postage prepaid to Mr. F. Dulin Kelly, Attorney at Law, 629 East Main Street, Hendersonville, Tennessee 37075; to Mr. Robert Todd Jackson, Attorney at Law, One Washington Square, 214 Second Avenue North, Nashville, Tennessee 37201; and hand-delivered to Ms. Laura Goodall, 113 West Main Street, Gallatin, Tennessee 37066, on this the 2 day of March, 1994.

Dameron Tennant, Secretary

STATE OF TENNESSEE
SUMNER COUNTY

I, Brenda M. Page, Clerk & Master of said County, do hereby certify that the foregoing instrument contains a true and complete copy of [illegible] as same appears of record on the [illegible] Book 150 Page 297 of the records of the Chancery Court of Sumner County, Tennessee
Given under my hand and seal this 30 day of Jan 1997

BRENDA M. PAGE, Clerk & Master

By _____ DC