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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

CARLA RENEE REGAN,)
)
Plaintiff/Wife,)
)
-vs-) No. 96D-2963
)
SCOTT BRADLEY REGAN,)
)
Defendant/Husband.)

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D.C.

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FINAL DECREE

This cause came on to be heard on this the 12th day of November, 1997 before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee upon the Complaint for Absolute Divorce filed by the Wife, Answer and Counter-Complaint filed by the Husband, Petition for Contempt filed by the Husband, Answer and Counter-Petition for Contempt filed by the Wife, Petition for Order of Protection filed by Husband, stipulation of the parties that the Court should declare the parties divorced, testimony of the parties and witnesses heard in open Court and the entire file from all of which the Court finds as follows:

It is ORDERED, ADJUDGED and DECREED that both parties are guilty of misconduct during the marriage and the parties shall and hereby are declared divorced pursuant to T.C.A. § 36-4-129.

It is further ORDERED, ADJUDGED and DECREED that the Wife shall and hereby is awarded the care, custody and control of the parties' minor child Daniel Thomas Regan, date of birth, October 11, 1995 and the Husband shall and hereby is awarded visitation every other weekend from 6:00 p.m. on Friday until 6:00 p.m. on Sunday commencing Friday, November 21, 1997. Husband shall further be awarded the standard alternating holidays including Spring break once the minor child is in school. The holidays shall be defined as New Year's Day, Easter Sunday, Memorial Day, Fourth of July, Labor Day and Thanksgiving Day. Visitation shall begin at 6:00 p.m. on the eve of the holiday and shall end at 8:00 p.m. on the evening of the holiday. The father shall have Father's Day from 8:00 a.m. until 6:00 p.m. and Mother shall have Mother's Day from 8:00 a.m. until 6:00 p.m. In the odd years Husband shall have visitation on Easter Sunday, Fourth and July and Labor Day. In the even years, Husband shall have visitation on New Year's Day, Memorial

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Day and Thanksgiving Day. The Christmas visitation shall alternate from year to year with Husband having the week before Christmas until 9:00 p.m. on Christmas Eve during the odd years and in the even years Husband shall have visitation the week after Christmas beginning on Christmas Eve at 9:00 p.m. until New Year's Eve at 6:00 p.m. Further, Husband shall have extended summer visitation for the month of July each year during which time Wife shall have visitation during the middle weekend from 6:00 p.m. on Friday until 6:00 p.m. on Sunday. It is further Ordered that child support shall be reduced one-half during the month of July when Husband has visitation with the minor child. It is further Ordered that Wife shall deliver a suitcase with appropriate clothing for the minor child for visitation purposes and that the Husband shall return the suitcase and clothes at the end of the visitation period.

It is further ORDERED, ADJUDGED and DECREED that Husband shall pay the sum of Four Hundred and 00/100 ($400.00) Dollars per month as child support for the parties' minor child and said amount represents twenty-one (21%) percent of Husband's pay in accordance with the Child Support Guidelines and is based on Husband's current income of Twenty-nine Thousand and 00/100 ($29,000.00) Dollars per year. Said support shall continue to be paid weekly through the Clerk's office beginning Friday, November 14, 1997 and Husband shall pay the sum of Ninety-two and 31/100 ($92.31) Dollars per week plus the Clerk's five (5%) percent fee in the amount of Four and 62/100 ($4.62) Dollars for a total weekly child support payment in the amount of Ninety-six and 93/100 ($96.93) Dollars. Said payments shall be sent to the Circuit Court Clerk, Metropolitan Courthouse, Room 506, Public Square, Nashville, Tennessee 37201, and shall be paid simultaneously with the weekly alimony as Ordered below.

It is further ORDERED, ADJUDGED and DECREED that Husband shall pay an additional Fifty and 00/100 ($50.00) Dollars in child support for any weekend he does not exercise visitation.

Said support obligation shall not terminate until the minor child reaches the age of eighteen (18) or the high school class of which he is a member upon attaining the age of eighteen (18) graduates, whichever event occurs last. The parties further acknowledge that for so long as Husband is required to pay child support, the amount shall not be reduced or modified without first obtaining Court permission and further that after any support payment

has become due, neither party will be able to take any action with respect to said payment.

Husband shall further reimburse Wife the costs of medical insurance coverage for the minor child in the event TennCare will no longer cover said child free of charge. If said event occurs, Wife shall notify Husband in writing and provide proof of the cost of said health insurance. The parties shall equally be responsible for any and all medical expenses not covered by insurance, medical, eye care, glasses, dental and orthodontics.

It is further ORDERED, ADJUDGED and DECREED in accordance with T.C.A. §36-6-101(a) that the Complainant shall and hereby is granted the following rights when the minor child is not in his possession:

a) The right to unimpeded telephone conversations with the child at least twice a week at reasonable times and for reasonable duration;

b) The right to send mail to the child which the other parent shall not open or censor;

c) The right to receive notice and relevant information as soon as practicable but within twenty-four (24) hours of any event of hospitalization, major illness or death of the child;

d) The right to receive directly from the child's school upon written request which includes a current mailing address and upon payment of reasonable costs of duplicating, copies of the child's report cards, attendance records, names of teachers, class schedules, standardized test scores and any other records customarily made available to parents;

e) The right to receive copies of the child's medical records directly from the child's doctor or other health care provider upon written request which contains a current mailing address and upon payment of reasonable costs of duplication;

f) The right to be free of unwarranted derogatory remarks made about him or her or his or her family by the other parent to or in the presence of the child.

It is further ORDERED, ADJUDGED and DECREED that Wife shall and hereby is awarded rehabilitative alimony in the amount of Three Hundred and 00/100 ($300.00) Dollars per month for a period of two years. Said amount shall be paid weekly beginning Friday, November 14, 1997 and shall be paid through the Circuit Court Clerk. Husband

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shall pay the sum of Sixty-nine and 23/100 ($69.23) Dollars per week plus the Clerk's five (5%) percent fee in the amount of Three and 46/100 ($3.46) Dollars for a total weekly alimony payment of Seventy-two and 69/100 ($72.69) Dollars.

It is further ORDERED, ADJUDGED and DECREED that said alimony and child support shall be combined for a total weekly payment of One Hundred Sixty-nine and 62/100 ($169.62) Dollars. After deducting the five (5%) percent fee, the Clerk shall forward the sum of One Hundred Sixty-one and 54/100 ($161.54) Dollars per week to the Wife, Carla Renee Regan, 4406 Elkins Avenue, Nashville, Tennessee 37209.

It is further ORDERED, ADJUDGED and DECREED that all right, title and interest of Husband in and to the marital home located at 4406 Elkins Avenue, Nashville, Tennessee 37209 of record in Book 9687, page 690, shall be divested out of him and all right, title and interest in said home shall be vested in Wife, subject to the first mortgage deed of trust to Countrywide Mortgage. Such real property is described as follow:

> Land in Davidson County, Tennessee, being the westerly 9 feet of Lot No. 307 of Block No. 13 on the Plan of Charlotte Park Company's First Addition to Nashville, of record in Book 57, page 103, Register's Office for Davidson County, Tennessee.
>
> Said parts of Lot Nos. 305 and 307 front together 50 feet on the northerly side of Elkins, formerly Second Avenue, and run back between parallel lines 150 feet to an alley.
>
> Being the same property conveyed to James Conner and spouse, Dianne Conner, and Evelyn Lovelace by deed from Alice M. Robinson, a single person, of record in Book 8527, page 705, Register's Office for Davidson County, Tennessee, the said Evelyn Lovelace having conveyed her interest in the subject property to James Conner and wife, Dianne Conner by quitclaim deed of record in Book 9447, page 459, said Register's Office.

Any and all equity in said property shall be awarded to Wife as a division of marital property. Husband shall execute a quitclaim deed for the purpose of accomplishing the above and Wife shall be responsible for the indebtedness on said property and shall hold Husband harmless thereon.

It is further ORDERED, ADJUDGED and DECREED that Wife shall obtain a written estimate for the electrical and drywall work on said marital home and forward said estimate to Husband through counsel.

It is further ORDERED, ADJUDGED and DECREED that each party shall be responsible for one-half of the indebtedness owing to Wife's mother in the total amount of

Five Thousand One Hundred Fifteen and 00/100 ($5115.00) Dollars, and said amount shall be paid by the parties weekly. In the event weekly payments are not made the Court shall set an amount to be paid weekly.

It is further ORDERED, ADJUDGED and DECREED that Wife shall be responsible for the indebtedness owing on the Visa credit card in her name only and shall further be responsible for any other debt in her name. Husband shall be responsible for the back taxes owing to the Internal Revenue Service and shall indemnify and hold Wife harmless on same. Husband shall further be responsible for any other debt in his name.

It is further ORDERED, ADJUDGED and DECREED that Husband shall immediately pay the judgment previously awarded to Wife in the amount of Seven Hundred Eighty-nine and 70/100 ($789.70) Dollars.

It is further ORDERED, ADJUDGED and DECREED that Wife's attorney, Joanie L. Abernathy shall be awarded a judgment in the amount of One Thousand Two Hundred Fifty and 00/100 ($1,250.00) Dollars against the Husband toward reasonable attorney fees.

It is further ORDERED, ADJUDGED and DECREED that the following injunctions shall apply:

a) Neither party shall create any disturbance during the exchange of the minor child at visitation times.

b) Each shall be enjoined and restrained from harassing, intimidating, threatening, attacking or insulting each other or from destroying any item of property of the other.

c) Husband shall be enjoined and restrained from subjecting the minor child to inappropriate circumstances while he exercises visitation.

d) Wife shall be enjoined and restrained from consuming alcoholic substances and driving with the minor child and both shall be enjoined and restrained from consuming any illegal substances.

It is further ORDERED, ADJUDGED and DECREED that the Petition for Contempt filed by Husband shall be dismissed. The Husband shall be found in contempt for failure to abide by the previous Orders of this Court by failing to pay the support as Ordered but no punishment shall be imposed. The Wife shall be awarded a judgment in the amount of One

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Thousand Four Hundred and 00/100 ($1,400.00) Dollars in back support and said judgment is subject to modification at such time as Husband obtains copies of money orders. At such time as the offsets are applied, the remaining judgment shall be paid at the rate of One Hundred and 00/100 ($100.00) Dollars per month.

It is further ORDERED, ADJUDGED and DECREED that the Petition for Order of Protection filed by Husband shall be dismissed. The Order of Protection obtained by Wife shall be dismissed it is has not automatically expired.

The addresses of the parties are as follows:

Carla Renee Regan 4406 Elkins Avenue Nashville, TN 37209	Scott Bradley Regan 212 River Oak Cove Nashville, TN 37214

Costs of this cause are taxed to the Husband for which execution may issue if necessary.

JUDGE

APPROVED FOR ENTRY:

12-2-97.

JOANIE L. ABERNATHY
Attorney for Plaintiff/Wife
136 Fourth Avenue South
Franklin, TN 37064
(615) 790-1778
Supreme Court No. 11382

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Affidavit has been forwarded to Carol L. Soloman, Attorney for Scott Bradley Regan, Washington Square, Suite 400, 214 Second Avenue North, Nashville, TN 37201 and D. Scott Parsley, Attorney for Scott Bradley Regan, 217 Second Avenue North, Nashville, TN 37201 on this the 25th day of November, 1997.

JOANIE L. ABERNATHY

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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 02 day of DECEMBER , 19 97 , in the Case Number 96D2963 between REGAN, CARLA RENEE Plaintiff, and REGAN, SCOTT BRADLEY Defendant, as same remains of record in Book 275C , Page 1678 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 17 day of DECEMBER in the year one thousand nine hundred and ninety-seven and in the 222nd year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

MAIL ENV.

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REGISTER
DAVIDSON CO. TN.

INDEXING REFERENCE

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