IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

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CLERK

D.C.

YVONNE MICHELLE WEBB
800 Oak Street
Nashville, TN 37216

Plaintiff

vs.

WILLIAM JAMES WEBB, JR.
3318 Olsen Lane
Nashville, TN 37218

Defendant.

Docket No.: 95D-49

RECORDERS MEMO
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FINAL JUDGMENT OF DIVORCE

This cause came on for final hearing on the 15th day of October, 1997 before the Honorable Muriel Robinson, Judge, on the Amended and Supplemental Complaint for Divorce, Answer and Amended Counter-Complaint and Answer to Amended Counter Complaint, at which time, with both parties before the Court, the parties announced their agreement as to all matters in this divorce action. The court approving the terms of the agreement, and making same the Order of the Court, IT IS ACCORDINGLY ORDERED as follows:

1. Pursuant to TCA §36-4-129 the parties stipulate that both are guilty of misconduct so that the parties are accordingly declared to be divorced.

2. The parties shall have joint custody of their minor children, William Webb III, d/o/b: November 20, 1982; Yvonda Webb, d/o/b: January 3, 1989; Yolanda Webb, d/o/b: May 18, 1992; and Emmanuel Webb, d/o/b: February 25, 1994. However, the Husband shall have primary physical custody of William Webb III, and wife shall have primary physical custody of Yvonda, Yolanda, and Emmanuel Webb. The parties shall have equal access to the minor children's medical and school records.

3. Husband shall have visitation rights with the parties' minor children Yvonda, Yolanda, and Emmanuel Webb every weekend from Friday at 4:00 PM until Sunday at 4:00 PM. Wife shall have visitation rights with the parties' minor child William Webb III every other weekend from Friday at 4:00 PM until Sunday at 4:00 PM. The parties will alternate visitation with all of the minor children New Year's Day, Easter, Memorial Day, July 4, Labor Day, and Thanksgiving. For Christmas, Wife shall have visitation with all of the minor children until 11:00

AM on Christmas Day, at which time Husband shall have visitation with the children for the remainder of Christmas Day. Visitation with the minor children for all other time of the Christmas break from school will be divided equally between the parties. Further, the Husband shall have visitation with all of the minor children every Father's Day and Wife shall have visitation with all of minor children every Mother's Day. Husband further shall have the right to visitation with the minor children for at least two weeks during the summer. Any other visitation times shall be by agreement between the parties. Husband shall be responsible for transportation of the minor children for visitation with the exchange taking place at Wife's residence. Visitation is for the benefit of the minor children.

4. The parties are each restrained from using illegal substances. The parties are further restrained from using alcohol to excess while in the presence of the minor children and from exposing the children to domestic violence.

5. After off-set of Wife's child support responsibility for the minor child William and after allowance for Husband's more than standard visitation justifying a 15% deviation from the child support guidelines, Husband shall pay wife as child support $521 per month, to be paid semi-monthly at the rate of $260.50, plus the clerk's lawful fee of 5% ($13.03), for a total of $273.53 semi-monthly. Said payment shall be made to the Circuit Court Clerk, 506 Metropolitan Courthouse, Nashville Tennessee, 37201. Upon receipt of said payment, the clerk shall disburse the payment to the Tennessee Department of Human Services, Fiscal Services Section, IV-D #0906950, PO Box 198243, Nashville, TN 37219, until the wife notifies the clerk in writing to send the payments directly to her. The child support shall not be reduced or pro-rated except by order of the court.

Beginning no later than fourteen days after service of the Court's Order, by certified mail from the Clerk of the Davidson County Circuit Court, Husband's employer, Tennessee Department of Children's Services, 436 Sixth Avenue North, Cordull Hull Building, 7th Floor, Nashville, Tennessee 37243-1290, shall deduct $273.53 from Husband's paycheck each semi-monthly pay period and shall forward said sum to the Office of the Circuit Court Clerk, 506 Metropolitan Courthouse, Nashville Tennessee 37201.

If Husband is no longer so employed, he shall pay the child support of $273.53 semi-monthly to the Office of the Circuit Court Clerk and inform the Clerk of the name and address of any subsequent employment and of his subsequent home address.

Husband's employer shall not use this assignment as a basis for discharge or any disciplinary action against the Husband, and in the event Husband is no longer employed by said employer, said employer shall be held harmless from all child support payments that accrue after Husband's date of termination. If Husband's employment terminates, the employer shall notify the clerk of the Husband's last known address and the name and address of the Husband's new employer or source of income, if known.

This income assignment shall be binding on any and all successful employers of Husband fourteen days after service by certified mail from the Clerk of the Court.

6. As of October 15, 1997, Husband is in arrears on his Pendent Lite child support in the amount of $1,078 and a judgement for $1,078 is accordingly awarded to the Tennessee Department of Human Services.

7. Husband shall maintain comprehensive hospitalization, major medical, and dental insurance for the parties' minor children and maintain the same until the termination of his obligation to support under Tennessee law. Husband shall furnish to Wife the name of the insurance company, the group number (if said policy is a group policy), and the policy number and all documents necessary for the submission of claims for benefits under said insurance. Husband and Wife shall each pay one half of all medical and dental expenses not covered by said insurance. Medical expenses include eye glasses.

8. Husband shall maintain the life insurance on himself that he has through his employment, and shall designate and maintain the parties' minor children as sole and equal beneficiaries. Should Wife become employed and obtain life insurance through her work, she shall designate and maintain the parties' minor children as sole and equal beneficiaries.

9. The parties stipulate that there is no equity in the house and lot titled in both parties' names, and Husband is awarded said property, described below. Wife is accordingly divested of all right, title, and interest in said property, and all right, title and interest in said property is vested in Husband. Said property is located at 1832 Fourth Avenue North,

Nashville, Tennessee, in Davidson County, Tennessee, and is more specifically described in Deed Book 6934, page 92, of the Register of Deeds Office, Davidson County, Tennessee, as follows:

> LAND in Davidson County, Tennessee, being Lot No. 60 on the plan of D.T. McGavock's Subdivision, Nashville, of record in Book 21, page 64, Register's office for said County.
> SAID Lot No. 60 fronts 50 feet on the easterly margin of Fourth Avenue North, (formerly Cherry Street) and extends back between parallel lines, 161 feet to an alley.
> Being the same property conveyed to Warren G. Ellis and wife, Sylvia D. Ellis by deed from Harold W. Bamman and wife Dorothy E. Bamman of record in Book 5346, page 246, Register's Office, Davidson County, Tennessee.

Husband shall be responsible for the mortgage payment for said property and hold wife harmless thereon.

10. Each party shall retain the personal property in his/her possession and shall have all right, title, and interest therein. Wife shall remove her property from the house at 1832 Fourth Avenue North at a time to be arranged by the parties.

11. Husband shall be responsible for all debts in his name, including debts to Karco for approximately $200, Exchange Finance in the approximate amount of $350, E-Z Finance in the approximate amount of $180, and First National Bank Card in the approximate amount of $400. Wife shall be responsible for the debt in her name to Metro Water Services in the approximate amount of $268.

12. It further being declared by the parties that the Husband is a participant in the Tennessee Consolidated Retirement System (TCRS), that he is a non-contributory member of TCRS, that he is a vested member in TCRS, that he has fourteen years and seven months of creditable service as of October 15, 1997, that Husband's vested retirement benefits are marital property, that Husband is entitled to draw maximum benefits after thirty years of service, that the parties have been married 15 years and three months, and that Wife is therefore entitled to twenty-four percent of the Husband's maximum final benefit, Husband shall pay to Wife twenty-four percent of the gross benefit that he gets from TCRS, beginning with the first payment from TCRS, and continuing with each subsequent payment that he receives. Husband shall provide Wife a statement of his TCRS gross benefit and itemized deductions on an annual basis beginning with the first year of receiving said benefits.

13. Each party is responsible for his or her own attorney fee.

14. Husband shall pay the costs and litigation tax of this cause, for which execution may issue, if necessary.

BOOK 10757 PG 836

Entered this 30th day of November, 1997.

MURIEL ROBINSON, JUDGE

APPROVED FOR ENTRY:

KATHRYN F. CALHOON, B.P.R. #6317
Attorney for Wife
Legal Aid Society of Middle Tennessee
211 Union Street, Suite 800
Nashville, TN 37201
(615) 780-7118
Attorney for Yvonne Webb

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing document was served upon Patricia Mayes, attorney for Husband, 227 Second Avenue North, Nashville, TN 37201 and to Teresa Webb, Attorney, Child Support Services of Davidson County, 222 Second Avenue North, Suite 210, Nashville, TN 37201, by placing same in the U.S. Mail postage prepaid on this 26th day of November, 1997.

KATHRYN F. CALHOON

STATE OF TENNESSEE

BOOK 10757 PG 837

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 01 day of DECEMBER , 19 97 , in the Case Number 95D49 between WEBB, YVONNE MICHELLE Plaintiff, and WEBB, WILLIAM JAMES JR. Defendant, as same remains of record in Book 275B , Page 1495 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 JANUARY in the year one thousand nine hundred and ninety-eight and in the 222nd year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

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FELIX ... REGISTER
DAVIDSON COUNTY, TN.

IDENTIF. & REFERENCE 0390206