BOOK 10758 PG 277

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

LAVONDA CHERYL TOMES,

Plaintiff,

v.

AUSTIN GLENN TOMES,

Defendant.

97 DEC 22 [illegible]

RICHARD [illegible]

No. 96D-3228 B Murray D.C.

FINAL DECREE

This cause came on to be heard July 21, 1997, before the Honorable Marietta Shipley, Judge, at which time the parties announced that a disposition of this matter had been reached, and which the Court incorporates and orders as set out herein.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED as follows:

1. The wife shall be granted a divorce on the grounds of inappropriate martial conduct, and restored to all the rights and privileges of a single person.

2. The wife shall be awarded one-half (1/2) of the marital equity in the parties' real property, said one-half interest being $15,000.00. This shall be a lien on the property, known as 4604 Wyoming, Nashville, Davidson County, Tennessee, and more fully described as follows:

> Land in Davidson County, Tennessee, being Lot No. 507 and the westerly 5 feet of Lot No. 505 of Block 26, on the Plan of Charlotte Park Company's First Addition to Nashville, as of record in Book 57, page 103, Register's Office for said County.
>
> Said Lot No. 507 and part of Lot No. 505 front together 55 feet on the northerly side of Wyoming Avenue, formerly 6th Avenue, and run back between parallel lines 150 feet to an alley.
>
> Being the same property conveyed to Austin Glenn Tomes by Quitclaim Deed of record in Book 6894, page 767, Register's Office for Davidson County, Tennessee.

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ELIAZ [illegible] REGISTER
DAVIDSON COUNTY, TN.

IDENTIFICATION REFERENCE 0390336

The husband shall execute a note and deed of trust securing said lien. Said sum is due on sale, refinance, or by April 30, 1998, which ever comes first. If the lien is not satisfied by April 30, 1998, then the note and deed of trust shall be declared in default and the wife may foreclose on said property.

HUSBAND'S SEPARATE PROPERTY

6" black & white portable television
19" Panasonic color television
Sanyo home entertainment center
J.V.C. compact disc player & changer
TW complete Craftsman tool box sets
Cast iron Olympic weight set, weight lifting bench
Kerosene heater
Assorted fishing reels & accessories
Fuji 27" 12 speed bicycle
Precor rowing machine
Portable deer stand
Minolta 35 mm camera & accessories
Altec subwoofer
75 assorted compact discs (@ $5.00 a piece resale value)
Cordless telephone
.30.30 lever action Marlin deer rifle & scope
Remington 20 gauge shotgun
Meerschaum pipe collection
Floor buffer

WIFE'S SEPARATE PROPERTY

Kitchen stove
Refrigerator
Dinette set
Bedroom suite
Air conditioner
Microwave oven
Floor model television
Assorted cookware
Small recliner
Stereo component
13" color television
Miscellaneous decorations
Two lamps
End table

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3. The wife shall retain all her right, title and interest in and to her business, "Shear Elegance."

4. The husband shall assume and be fully responsible for all the marital credit cards, and all his individual credit cards, and shall indemnify and hold the wife harmless therefrom. These cards include, but are not limited to: Sears, Circuit City, H.H. Gregg, Visa (2), Mastercard, First Union and Intermedia.

5. The husband shall be responsible for all bad checks on the parties' joint account, and shall indemnify and hold the wife harmless therefrom.

6. The parties have previously divided the marital and separate personal property, and each shall keep the property in his or her possession, free of the claims of the other, except that the wife shall be allowed to have the wall hangings in the bedroom, the wood hutch in the kitchen, the rocking chair, and her personal items in the basement.

7. The husband shall assume and be fully responsible for the unsecured note in the original principal balance of $9,000.00 to James Crawford.

8. The husband shall transfer title to the 1980 Oldsmobile Toronado to the wife.

9. The husband shall be fully responsible for and indemnify and hold harmless the wife from any indebtedness on any personal property remaining in his possession.

10. The husband shall be responsible for the wife's attorney's fees in this cause as shown on the attached affidavit hereto. These fees shall also be a lien upon the real property, and shall be incorporated in the note and deed of trust thereon.

11. The restraining orders previously issued in this cause shall be a permanent injunction, and the husband is permanently restrained and enjoined from coming about the wife's person.

12. The wife shall be restored to her maiden name, Davis.

13. The costs of this cause are taxed to the defendant, Austin Glenn Tomes, for all of which execution may issue, if necessary.

14. This order is effective nunc pro tunc to July 21, 1997.

ENTERED, this 22 day of December, 1997.

Martha M Shirley
JUDGE

Approved for Entry:

CANNON, CANNON & COOPER, P.C.

By: John M. Cannon by permission Cutt
JOHN M. CANNON
Attorney for Wife

Mail

1000 Northchase Drive
Suite 110
P. O. Box 749
Goodlettsville, TN 37070-0749
BPR No. 11433

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree has been forwarded to Mr. Michael Fox, Attorney at Law, First American Center, 20th Floor, 315 Deadrick Street, Nashville, TN 37238-2075, on this the 17th day of December, 1997.

By: John M. Cannon by permission Cutt
JOHN M. CANNON

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 SECOND Circuit Court for Davidson County, Tennessee, on the 22 day of DECEMBER , 19 97 , in the Case Number 96D3228 between TOMES, LAVONDA CHERYL DAVIS Plaintiff, and TOMES, AUSTIN GLENN Defendant, as same remains of record in Book 171C , Page 2383 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 09 day of JANUARY in the year one thousand nine hundred and ninety-eight and in the 222nd year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk