162A/438

FILED

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

RICHARD R. ROOKER, CLERK

D.C.

JOSEPH S. STUBBS, III,	)	
6562 Cloverbrook Dr.	)	
Brentwood, Tennessee 37027	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**NO. 94D-3819**
	)	
THERESA MARIE STUBBS,	)	10826-984
632 Rehnea Drive	)	
Old Hickory, Tennessee 37138	)	
	)	
Defendant.	)	

FINAL JUDGMENT OF DIVORCE

This cause came on to be heard on the 14th and 21st days of December, 1995, before the Honorable Marietta Shipley, Judge, for a final hearing on the original Complaint for Divorce and the Counter-Complaint for Divorce and upon the sworn testimony of the parties and witnesses in open Court, statement of counsel, and the entire record herein, from all of which the Court finds that there is a clear history of cocaine use by both parties, that Ms. Stubbs was drinking heavily in 1994, when she virtually fell apart, and that there has been virtually no use of alcohol by Ms. Stubbs since Mr. Stubbs left the marital homestead in March, 1995. The Court further finds that both parties are entitled to a divorce.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the parties are declared divorced, pursuant to T.C.A. Section 36-4-129(b), and the parties are restored to all of the rights and privileges of unmarried persons.

IT IS FURTHER ORDERED AND ADJUDGED that Ms. Stubbs be and is hereby awarded the exclusive care, custody and control of the minor children of the parties, Emily M. Stubbs, born May 27, 1988, and Christopher B. Stubbs, born November 16, 1989, while school is in session, and that Mr. Stubbs be and is hereby awarded the exclusive care, custody and control of the minor children during summer, when school is not in session, all pending review of custody on August 22, 1996.

MMS

IT IS FURTHER ORDERED AND ADJUDGED that Mr. Stubbs pay to Ms. Stubbs as child support $670.00 per month to be paid in weekly installments of $154.62, said payments to be mailed to Ms. Stubbs each and every Friday, beginning Friday, December 29, 1995. This amount of child support ~~deviates from~~ following MS the Tennessee Child Support Guidelines ~~which would require a child support payment of approximately $870.00 per month based on Mr. Stubbs' income, as reported by his employer.~~ based upon annual income of MS $15,500 per year or $2686/month. MS

IT IS FURTHER ORDERED AND ADJUDGED that no action by the parties will be effective to reduce child support after the due date of each payment, and that court approval must be obtained before child support can be reduced or terminated.

IT IS FURTHER ORDERED AND ADJUDGED that each parent shall have the rights of visitation with the parties' minor children every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m. when the children are in the other parents' custody. In addition, each parent may telephone the minor children twice per week on Wednesday and Sunday evenings between 8:00 p.m. and 8:30 p.m., while the children are in the other parents' custody.

IT IS FURTHER ORDERED AND ADJUDGED that Mr. Stubbs shall have the children each Father's Day and Ms. Stubbs shall have the children each Mother's Day. In years when Father's Day falls on a weekend during which he does not have visitation, he shall exercise visitation from Saturday evening at 6:00 p.m. until 6:00 p.m. on Father's Day. In years when Mother's Day falls on a weekend during which Mr. Stubbs exercises visitation, Mr. Stubbs shall deliver the children to Ms. Stubbs' residence by 6:00 p.m. on Saturday evening. No other changes in weekend visitation shall be made to compensate either parent for additional time spent with the children.

IT IS FURTHER ORDERED AND ADJUDGED that the parties shall alternate holiday visitation as follows:

1. During even-numbered years, Ms. Stubbs shall have the first day of Christmas break until December 26, Martin Luther King Day or President's Day, Memorial Day and Labor Day; and Mr. Stubbs shall have the children from December 26 through January 2, Easter, 4th of July and Thanksgiving. MS at 9:00 AM. Ms. Stubbs shall have Mother's Day from 9AM to 6 pm. Mr. Stubbs shall have Father's Day from 9AM to 6 pm. MS MS

2. During odd-numbered years, the parties shall alternate these holidays.

3. Holiday visitation shall begin at 5:00 p.m. on the eve of the holiday and continue until 6:00 p.m. on the day of the holiday. MS other than Christmas

MS Holiday visitation supercedes regular weekend visitation.

4. Each parent shall have one week of vacation visitation with the children during the summer, upon ten (10) days notice to the other parent and upon the written agreement of both parents, who shall not refuse any reasonable request.

IT IS FURTHER ORDERED AND ADJUDGED that each party shall provide the other with his or her current address and telephone number.

IT IS FURTHER ORDERED AND ADJUDGED that Mr. Stubbs shall maintain hospitalization and major medical insurance covering the parties' minor children and maintain the same until the termination of his obligation to support under Tennessee law. He shall promptly pay all premiums if and when due. He shall also furnish Ms. Stubbs with a current subscriber or identification card, if appropriate and available, to expedite and verify coverage for the children. Both parents shall share equally all uninsured medical and dental expenses, including psychological, speech, hearing, optical, orthodontia, hospital and prescription expenses, incurred for the benefit of the children. The custodial parent shall provide the other parent a copy of all health care bills within two weeks of receipt from the provider.

IT IS FURTHER ORDERED AND ADJUDGED that, effective immediately, Mr. Stubbs shall keep in full force and pay the premiums on the life insurance currently in effect. The irrevocable beneficiary on said life insurance policy shall be Ms. Stubbs, as Trustee for the minor children, who shall have the right to receive accidental death benefits, if ever paid. Further, there shall be a constructive trust over the proceeds of said insurance if any other beneficiary should receive said funds. When the obligation to provide child support terminates under Tennessee law, Mr. Stubbs is free to designate any beneficiary of his choice or terminate the life insurance coverage completely. Mr. Stubbs shall furnish Ms. Stubbs with copies of such policies or evidence of there being such insurance in force during the term of the obligation, and with proof of beneficiary designation, if requested. Mr. Stubbs shall not borrow against any such policy or use any such policy as collateral or impair its value in any manner without the express written consent of Ms. Stubbs or order of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that the house and lot titled in the parties' names shall be vested solely in Mr. Stubbs. Ms. Stubbs shall be divested of all right, title, and interest in said property; and all right, title, and interest in said property shall be vested in Mr. Stubbs. Said property is located at 632 Rehnea Drive, Old Hickory, Tennessee, which is more specifically described as follows:

Land in Davidson County, Tennessee, being Lot No. 35 on the plan of Oak Creek Subdivision, of record in Book 5200, page 96, Register's Office for said County.

Said Lot No. 35 fronts 110.45 feet on the southerly margin of Rehnea Drive and extends back 128.72 feet on the easterly line and 139.40 feet on the westerly line to a broken line in the rear, measuring 122.15 feet thereon.

Being the same property conveyed to Tony A. Peek and wife, Lori A. Peek by deed from Karl E. Payton and wife, Rica Payton of record in Book 6709, page 716, Register's Office for Davidson County, Tennessee.

The property herein conveyed is subject to restrictive covenants of record in Book 5360, page 572, and Book 5382, page 827, said Register's Office, and to the matters set forth in the above referenced plan of record.

This instrument is executed on behalf of Tony A. Peek by Lori A. Peek as his attorney-in-fact pursuant to a Power of Attorney of record in Book 6708, page 658, Register's Office for Davidson County, Tennessee.

IT IS FURTHER ORDERED AND ADJUDGED that Ms. Stubbs may remain in the marital homestead, subject to her being responsible for the mortgage payments while so remaining, for up to two (2) months, until February 28, 1996.

IT IS FURTHER ORDERED AND ADJUDGED that Mr. Stubbs shall take steps necessary, pursuant to Sections 601-608 of the Employee Retirement Income Security Act of 1974, 29 U.S. C. § 1161-1168, to ensure that Ms. Stubbs may be covered by Mr. Stubbs' hospitalization and major medical insurance, including, but not limited to, notifying his employer, the administrator of the group health plan, and the insurance company 1) that the parties are divorced; and 2) that Ms. Stubbs may elect continuation coverage under the plan. Mr. Stubbs shall furnish to Ms. Stubbs the name of the insurance company, the group number, and the policy number. Mr. Stubbs shall furnish to Ms. Stubbs all documents necessary for the submission of claims for benefits under said insurance.

IT IS FURTHER ORDERED AND ADJUDGED that Mr. Stubbs shall pay the amount of $200.00 per month as and for periodic alimony, to be paid no later than the 5th day of each and every month. Said alimony payments shall continue until further order of the Court, but shall terminate upon the death or remarriage of Ms. Stubbs. Further, if Ms. Stubbs shall remarry, upon application of Mr. Stubbs, with notice to Ms. Stubbs, and upon proof of such remarriage, the Court shall vacate that portion of the Judgment requiring such alimony payments. The Court will review the alimony payments during the August 22, 1996 hearing. MHS

IT IS FURTHER ORDERED AND ADJUDGED that the following items shall be the sole and separate property of Ms. Stubbs, and Mr. Stubbs relinquishes and is divested of all rights to and ownership of said property: living room couch; blue recliner; VCR; microwave; Fry Daddy; refrigerator in storage, which Mr. Stubbs will make every reasonable effort to restore to Ms. Stubbs' possession; washer and dryer; dining room drapes; half the metal shelves in garage; enough tools to operate a home (hammer, screwdrivers, socket set, pliers, etc.); extension cords; gardening tools and yard tools; all books; children's humidifiers; 50% of equity in home (valued at $73,500); 50% of settlement from class action lawsuit Andrea T. and Peter J. Nasset; Molly K. Olson; Randall C. Johnson; Kenneth and Nancy French, and all others similarly situated, v. Margaretten & Company, Inc., Chemical Mortgage Company. In addition, the following items are the separate property of Ms. Stubbs: dresser, chest, mirrors, end tables, pedestal mirror, drapes and sheers, and black telephone in the bedroom; gravy boat, cookie jar, mixing bowls, pots and pans, silverware, toaster, canisters, glasses, cooking utensils, Cuisinart, black-handled knives, bake ware, microwave butcher block cabinet, everything that belonged to Wife before the parties met, dishwasher, spice rack, wicker baskets, knick-knacks, and boxed set of china in the kitchen; brass lamps, wooden mirror, brass ship, brass candles (trumpet), brass candle holders, brass pictures, brass clock, and video tape rewinder in the living room; lamp, horse book ends, and cedar chest in the den; and all wall pictures, vacuum cleaner, boxed set of china, crystal glassware, silver tea set, brass tea set, big cedar chest, blankets, pillows, afghans, towels, sheets, hair dryer, all holiday decorations, television in Christopher's room, blue Gloria Vanderbilt luggage.

IT IS FURTHER ORDERED AND ADJUDGED that the following items shall be the sole and separate property of Mr. Stubbs, and Ms. Stubbs relinquishes and is divested of all rights to and ownership of said property: Shop vac; space heaters; fish tank and aquarium equipment; all the radio controlled airplanes, cars, motors and other accessories; boat; computer, printers and all programs; stereo hooked to the computer; computer desk; IMC stock; tools; air compressor and accessories; tool boxes; half the metal shelves in garage; set of dishes; swimming pool; refrigerator; diningroom table; 50% of equity in home (valued at $73,500); 50% of settlement from class action lawsuit Andrea T. and Peter J. Nasset; Molly K. Olson; Randall C. Johnson; Kenneth and Nancy French, and all others similarly situated, v. Margaretten & Company, Inc., Chemical Mortgage Company. In addition, the following items are the separate property of Mr. Stubbs: brown recliner; tandem bicycle; refrigerator; drill press; floor jack; stereo; coffee table; end tables; crock pot; car ramps; one set of

knives; knife block; sharpening stone; fire place tools; brown cabinet under radial saw; tap and die set in coat closet; dart board, dart board cabinet and darts.

IT IS FURTHER ORDERED AND ADJUDGED that Mr. Stubbs shall pay and continue to pay as alimony the Sears bill for $1,200 and heat pump bill for approximately $2,500 that were made during the marriage and shall indemnify and take all action necessary to hold Ms. Stubbs harmless on any and all said debts.

IT IS FURTHER ORDERED AND ADJUDGED that Ms. Stubbs shall pay and continue to pay the dental bill of $2,813.00 that was made during the marriage and shall indemnify and take all action necessary to hold Mr. Stubbs harmless on said debt.

IT IS FURTHER ORDERED AND ADJUDGED that the 1989 Dodge Caravan, which is titled in Mr. Stubbs' name, shall be vested solely in Ms. Stubbs. Mr. Stubbs shall execute any and all documents necessary to transfer title of said vehicle to Ms. Stubbs.

IT IS FURTHER ORDERED AND ADJUDGED that the 1982 Toyota Cressida, which is titled in Mr. Stubbs' name, shall be vested solely in Mr. Stubbs. Ms. Stubbs shall execute any and all documents necessary to transfer title of said vehicle to Mr. Stubbs.

IT IS FURTHER ORDERED AND ADJUDGED that both parties are restrained, enjoined and prohibited from smoking or allowing anyone to smoke in the marital homestead.

IT IS FURTHER ORDERED AND ADJUDGED that both parties are restrained, enjoined and prohibited from smoking in the car while the children are present, or from allowing anyone else to do so.

IT IS FURTHER ORDERED AND ADJUDGED that both parties are restrained, enjoined and prohibited from using any alcohol or drugs, except for medications prescribed by a doctor, at any time, until further order of the Court.

MS IT IS FURTHER ORDERED AND ADJUDGED that Ms. Stubbs shall attend weekly Al-
Anon or AA sessions without fail, at least once each and every week and she shall submit to weekly drug screens.

IT IS FURTHER ORDERED AND ADJUDGED that Ms. Stubbs shall make all reasonable efforts to secure counseling for the minor children, and Mr. Stubbs shall provide such help as is needed to access insurance coverage.

BOOK 10826 PG 990

IT IS FURTHER ORDERED AND ADJUDGED that the costs of this cause are to be shared equally, with the exception of the initial filing fee, which has already been paid by Mr. Stubbs.

ENTERED this 11th day of ~~December~~ JANUARY, 1996.

MARIETTA SHIPLEY, JUDGE

APPROVED FOR ENTRY:

JEAN N. CROWE, NO. 11457
LEGAL AID SOCIETY OF MIDDLE TENNESSEE
211 Union Street, Suite 800
Nashville, Tennessee 37201
(615) 244-6610
Attorney for Theresa Stubbs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Final Judgment of Divorce was mailed to Mr. Philip E. Smith, Attorney for Joseph S. Stubbs, III, 213 Third Avenue, North, Nashville, Tennessee 37201, on the 29th day of December, 1995.

mail

JEAN N. CROWE

cc Jean Crowe
Philip Smith

BK/PG 10826:991

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 11 day of JANUARY , 19 96 , in the Case Number 94D3819 between STUBBS, JOSEPH S. III Plaintiff, and STUBBS, THERESA MARIE Defendant, as same remains of record in Book 162A , Page 438 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 06 day of MARCH 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

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IDENTIF. & REFERENCE