BOOK 10998 PAGE 513 2824/76

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

LINDA KAYE FORAKER REID,
SS [redacted]-1493
4372 Summertime Drive
Nashville, TN 37207

Plaintiff,

v.

BURTON COLEMAN REID,
[redacted]6-9888
4372 Summertime Drive
Nashville, TN 37207

Defendant.

FILED
98 MAY 19 PM 4:08
RICHARD R. BOOKER, CLERK
D.C.

Case No. 97D-2992

FINAL JUDGMENT

This cause came on to be heard on May 6, 1998, before the Honorable Muriel J. Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the complaint of the plaintiff, the answer and countercomplaint of the defendant, plaintiff's reply thereto, the testimony of the parties and their witnesses, the exhibits, and statements of counsel. The Court, having considered the pleadings, evidence, and statements of counsel, announced findings of fact and conclusions of law on the record at trial. Said findings and conclusions are incorporated herein.

The Court finds and orders as follows:

1. The parties both have grounds for divorce. The Court declares the parties to be divorced pursuant to T.C.A. §36-4-129(b).

2. The Court finds that the defendant, Burton C. Reid, has been either underemployed or unemployed by choice throughout the marriage and is also unemployed by choice at the time of the trial. The Court finds that he voluntarily allowed his real estate license to lapse rather than keep it in effect. The Court finds that the defendant is able-bodied and is able to work and earn a living.

3. Custody of the parties' three minor children, Jessie Reid, Spencer Reid, and Paige Reid, is hereby awarded to Wife Linda Kaye Reid. Husband Burton Reid shall have visitation priviliges with the minor children on every other weekend from 6:00 p.m. on Friday until 6:00 p.m. on Sunday, plus every Wednesday night from 5:00 p.m. until 8:00 p.m. In even-numbered years, Husband Burton Reid shall have Christmas-time visitation with the minor children from after school on the last day of school before Christmas vacation until 9:00 p.m. on December 24. In odd-numbered years, Husband shall have Christmas-time visitation with the minor children for one week beginning at 9:00 p.m. on December 24 and ending at 6:00 p.m. on December 31. The parties shall

alternate visitation on the children's spring vacation from school, with Husband having spring vacation visitation with the minor children in odd-numbered years. Husband shall have summertime visitation with the children during the months of June and July, but the children shall visit with Wife Linda Kaye Reid on the middle weekends of each month from 6:00 p.m. Friday until 6:00 p.m. Sunday. (For 1998 these weekends are June 19-21 and July 17-19, 1998). Husband and Wife shall alternate the following holidays from year to year. During even-numbered years, Husband shall have visitation on New Year's Day, Memorial Day and Labor Day. During odd-numbered years, Husband shall have visitation on Easter Sunday, July 4th, and Thanksgiving Day. In each such case, the visitation will begin on the previous day at 6:00 p.m. and end on the given holiday at 8:00 p.m. On Father's Day, Husband shall have visitation from 8:00 a.m. until 6:00 p.m. On Mother's Day, Wife shall have visitation from 8:00 a.m. until 6:00 p.m.

4. (a) Husband is hereby ordered to pay to Wife child support of $50 per week plus the Clerk's fee of 5%, a total of $52.50 per week, from August through May of each year. This child support is in accordance with the Tennessee Child Support Guidelines. Husband shall make said payments of $52.50 per week to the Clerk of the Circuit Court, 506 Metro Courthouse, Nashville, Tennessee 37201, and said payments are due on Friday of each week beginning May 8, 1998. Husband shall continue to make the payments without interruption during August through May of each year. The Clerk of the Court shall receive Husband's payments, deduct and keep the 5% Clerk's commission, and mail the balance of $50 per week as child support to Wife Linda Kaye Reid, 4372 Summertime Drive, Nashville, Tennessee 37207.

(b) During the June and July visitations periods of the children with Husband, Husband's obligation to pay support shall abate during the time he has actual custody and possession of the children. During said time Wife is ordered to pay to Husband child support of $100 per week plus the 5% Clerk's commission, a total of $105. This child support is in accordance with the Tennessee Child Support Guidelines. Wife shall make said payments of $105 per week to the Clerk of the Circuit Court, 506 Metro Courthouse, Nashville, Tennessee 37201, and said payments are due on Friday of each week beginning June 5, 1998 and ending July 31, 1998. When the children are returned to Wife's custody and possession in August 1998, Husband's obligation to pay support shall recommence and Wife's obligation shall cease as of that date. The Clerk of the Court shall receive Wife's payments, deduct and keep the 5% Clerk's commission, and mail the balance of $100 per

week as child support to Husband Burton Coleman Reid, 4372 Summertime Drive, Nashville, Tennessee 37207.

(c) No action by the parties will be effective to reduce, prorate, modify, or terminate child support after the due date of each payment, and Court approval must be obtained before child support can be reduced, prorated, modified, or terminated unless such payments are automatically reduced, prorated, modified, or terminated under the terms of this Final Judgment.

5. In light of Husband's present status of voluntary unemployment and the minimal amount of child support ordered in this judgment, the Court will review Husband's obligation of child support in approximately nine months from this judgment for the purpose of considering whether an increase should be awarded.

6. Pursuant to T.C.A. §36-6-101(a)(3), each party shall have the following rights when the children are not in his or her care:

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

(b) the right to send mail to the child which the custodial parent will not open and will not censor;

(c) the right to receive notice and relevant information as soon as practical (but not more than 24 hours) in the event of hospitalization, major illness, or death of the child;

(d) the right to receive, directly from the school, copies of the child's report cards, attendance records, teacher's names, class schedules, standardized test scores, and other records which are customarily made available to parents. A written request must be made to the school with a current mailing address, and payment must be made for the reasonable cost of duplicating and mailing these records;

(e) the right to receive, directly from the child's physician and other health care providers, copies of the child's medical records. A written request must be made to the health care provider with a current mailing address, and payment must be made for the reasonable cost of duplicating and mailing these records; and

(f) the right to be free of derogatory remarks made about the non-custodial parent and his or her family by the custodial parent to the child or in the child's presence.

7. There shall be no alimony paid to either party.

8. The Court hereby awards ownership of the parties' marital home at 4372 Summertime Drive, Nashville, TN 37207 and all the equity therein to Wife Linda Kaye Reid due to Husband's underemployment during the marriage. Husband's interest in said property, described below, is hereby divested from Husband and reinvested in Wife, subject to the mortgage thereon, Wife holding Husband harmless of said mortgage. The legal description of the property is as follows:

> Being Lot No. 101 on the Plan of Timbertrail Subdivision, Section 7, of record in Plat Book 6900, page 664, Register's Office for Davidson County, Tennessee, to which plan reference is here made for a more complete and accurate description.
>
> Being the same property conveyed to Burton C. Reid and wife, Linda K. Reid, by deed from Jim Sweeney Construction, Inc., a Tennessee corporation, of record in Book 8100, page 635, Register's Office for Davidson County, Tennessee.

9. Husband is hereby awarded ownership of the parties' Thunderbird automobile now titled in Wife's name, and Husband is hereby ordered to pay all the monthly payments on the loan for said automobile to Ford Motor Credit Company (or successor) and to hold Wife harmless thereof. This obligation to make said payments on the automobile and to hold Wife harmless thereof shall be in the nature of spousal support and alimony and non-dischargeable in bankruptcy. Wife shall keep the Altima automobile already in her name, subject to the lien thereon, holding Husband harmless thereof.

10. Wife shall provide medical insurance on the parties' minor children and shall pay for all medical services needed by the children and medical expenses that are not covered by insurance.

11. Wife owns a defined contribution pension through her employment at Baptist Hospital. It is ordered that Husband shall have one-half of the portion earned during the marriage. Husband is hereby awarded one-half of the portion of said pension that was earned during the marriage, i.e. from October 1989 to May 6, 1998. A separate Qualified Domestic Relations Order will be entered to effectuate this transfer.

12. The Court hereby adopts Wife's proposed division of the parties' personal property, said division being set forth on the attached exhibit, which is incorporated herein. The parties are ordered to divide and turn over to each other the personal properties and items on said list in accordance with the division shown thereon.

13. Husband shall vacate the marital home within 30 days of the trial of this case, which was on May 6, 1998.

14. Both parties shall pay their own attorney's fees. The Court costs are divided equally, and each party is hereby ordered to pay one-half of said court costs.

Entered this 19th day of May, 1998.

Honorable Muriel J. Robinson,
Circuit Court Judge

APPROVED FOR ENTRY:

George E. Copple, Jr. (#6411)
Attorney for Plaintiff
172 Second Avenue, North, Suite 218
Nashville, TN 37201-1908
(615) 254-9100

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Judgment has been forwarded by U.S. Mail, postage prepaid, to Edmund W. Turnley, III, Esq., Attorney for Husband, 1231-A, 17th Avenue, South, Nashville, TN 37212 on the 18th day of May, 1998.

George E. Copple, Jr.

LIST OF MARITAL PROPERTY

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98 MAY 19 PM 4:08
RICHARD R. ROOKER, CLERK
D.C.

To Wife:

Brown dresser in Spencer's room
Head board, and frame in Jesse's room
Bed, dressers and chests in master bedroom
Oval mirror
Quilt stand
Couches in playroom
Computer
Telephone table
Yellow table
Sewing machine
Television stand from playroom
Antique tables in livingroom
Kitchen table and chairs
Blue chair
Bookcase
Floor lamp
Console TV
9" television
Both VCRs (one belongs to children)
Exercise bike, ab roller
Portable telephone
Stereo and CD player
Broken vacuum cleaner
Refrigerator, stove
Coffee maker
Microwave oven
Electric skillet
Camcorder
Washer and dryer
One-half pots, pans, dishes, flatware, linens, napkins, towels, wash clothes, sheets, etc.
Lawn mower
Wife's personal effects, clothing, jewelry, personal papers, and books
Children's clothing, toys, and personal effects

To Husband:

Antique bedroom dresser and vanity
Mattress/box spring from Jessie's room
Remaining lamps, tables and couches in livingroom
One-half pots, pans, dishes, flatware, linens, napkins, towels, wash clothes, sheets
Husband's personal effects, clothing, personal papers, and books

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IDENTIF. & REFERENCE
98 JUN 30 AM 11:51
REGISTER
DAVIDSON COUNTY, TN.

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 19 day of MAY , 19 98 , in the Case Number 97D2992 between REID, LINDA KAYE FORAKER Plaintiff, and REID, BURTON COLEMAN Defendant, as same remains of record in Book 282A , Page 76 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 26 day of JUNE in the year one thousand nine hundred and ninety-eight and in the 222nd year of American Independence.

RICHARD R. ROOKER, Clerk,

By B. Rawls
Deputy Clerk

SEAL

06/26/98 01:01 03CHECK 28.00