174A/489

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
98 JUN -1 AM 11:36
RICHARD R. ROOKER, CLERK
B Murray D.C.

KENNETH WAYNE JOYCE,
Plaintiff,
vs.
TINA MARIE JOYCE,
Counter-Plaintiff.

No. 97D-1370

BOOK 11021 PAGE 324

FINAL DECREE

This cause came on for hearing on August 29, 1997, before the Honorable Marietta M. Shipley, Judge of the Second Circuit Court of Davidson County, Tennessee, upon motion for pendente lite support filed by Wife, announcement to the Court of an agreement between the parties resolving all matters pending before the Court, submission of a signed document listing the agreement between the parties, with the Court pleased to approve the agreement of the parties and make the same the order of the Court as follows:

1. Pursuant to T.C.A. 36-4-129, the parties shall be divorced upon the grounds of inappropriate marital conduct.

2. The parties shall share joint custody of their minor child with Wife as the physical custodian and residential parent. Husband shall exercise standard visitation and other times agreed upon between the parties and the teenage son.

3. Child support shall be set in the amount of $520 per month plus insurance reimbursement of $120 for a monthly total of $640, with the same to be received by Wife on or before the 8th day of each month. Husband shall be responsible for the payment of medical, dental and hospital insurance, however, for so long as insurance coverage is available to Wife through her present employer, she shall continue to provide medical and hospital insurance coverage and shall pay one-half of all medical, dental, orthodontic and optical costs not covered by said insurance with Husband paying the other one-half of uncovered expenses.

4. Within sixty (60) days, Husband shall give the parties' older son the sum of $1,000 for the purchase of a vehicle for transportation to and from college.

5. Husband has the right to insurance coverage under the COBRA provisions of Wife's medical and hospitalization insurance coverage. Wife shall execute all necessary forms to allow Husband to obtain a COBRA conversion policy in his name and at his costs.

6. Wife shall retain the parties real property located at 505 Tobylynn Drive, Nashville, Tennessee as separate property free and clear of any claim of Husband. The parties shall equally divide and pay the 1996 real property taxes on said property on or before February 28, 1998.

Husband received the approximate sum of $8,000 from insurance proceeds for necessary repairs to be made to the house. All necessary repairs were not made and Husband shall immediately furnish all receipts of repairs made so that an accounting can be made.

7. Wife shall be awarded all personalty in her possession free and clear of any claim of Husband with the exception of the following: a bedroom suit, tools, tool cabinet, file cabinet, certain games, clothing, VCR, Union Station print, trophy, and a 1957 Chevy automobile which shall be awarded to Husband. Husband shall be awarded all personalty in his possession free and clear of any claim of Wife.

8. Both parties shall be awarded the automobile in their possession free and clear of any claim of the other. Each shall be responsible for the indebtedness on said automobile, if any, and shall indemnify and hold the other harmless thereon.

9. Each party shall retain their respective pension, 401K and or any other retirement account free and clear of the other. Both shall retain all bank accounts in their individual name as separate property free and clear of any claim of the other.

10. The 1996 motorcycle titled to Husband shall be the separate property of Jared Joyce and Husband shall maintain the title in his name and shall maintain proper insurance on said vehicle until the child attains majority.

11. The two children's motorcycles shall be the separate property of the children and neither party shall sell either motorcycle.

12. Wife shall be included in Husband's pending personal injury law suit.

13. Each party shall be solely responsible for all indebtedness in their respective names and Husband shall pay all disclosed outstanding marital indebtedness.

14. Wife shall be restored to her maiden name so that her legal name shall be Tomlinson.

It is according, **ORDERED, ADJUDGED** and **DECREED** (a copy of the parties signed agreement is appended hereto as exhibit A).

It is further **ORDERED** that pursuant to T.C.A. 36-4-129 the Court finds that the marriage of the parties is irretrievable broken and should be dissolved restoring both parties to the status of unmarried persons.

It is therefore, **ORDERED, ADJUDGED** and **DECREED** that the bonds of matrimony heretofore existing between the parties be, and are hereby, forever, and perpetually dissolved, and pursuant to T.C.A. 36-4-129, **TINA MARIE JOYCE** shall be and is hereby awarded an absolute divorce from **KENNETH WAYNE JOYCE**, and both parties are restored to all the rights and privileges of unmarried persons.

It is further **ORDERED** that the parties shall share joint custody of their minor child, to wit: **JARED KYLE JOYCE**, age fifteen (15) years, with **TINA MARIE JOYCE** as the physical custodian and residential parent. **KENNETH WAYNE JOYCE** shall exercise standard visitation including every other weekend, alternate holidays, one week at Christmas, Father's Day and all other times agreed upon between the parties and the teenage son.

It is further **ORDERED** that **TINA MARIE JOYCE** shall retain the parties' real property located at 505 Tobylynn Drive, Nashville, Tennessee as separate property free and clear of any claim of **KENNETH WAYNE JOYCE**, and all right, title and or interest in and to said property held by **KENNETH WAYNE JOYCE** shall be divested from him and vested in **TINA MARIE JOYCE**. The property is better described as follows:

Land in Davidson County, Tennessee, being Lot No. 286 on the Plan of Huntington Park, Section IV, as of record in Book 4460, page 74, Register's Office for said County.

Said Lot No. 286 fronts 114.95 feet on the westerly margin of Tobylynn Drive, and extends back 140.35 feet on the northerly line, and 103.9 feet on the southerly line, to a line on the rear on which it measures 72.5 feet.

BEING the same property conveyed to Kenneth W. Joyce and wife, Tina M. Joyce by deed from William A. Ellis and wife, Sandra G. Ellis of record in Book 5667, page 270, Register's Office for Davidson County, Tennessee.

Wife shall be solely responsible for the payment of the mortgage indebtedness on said property and shall indemnify and hold Husband harmless thereon.

It is further **ORDERED** that Husband shall immediately, within ten (10) days, produce an accounting of the $8,000 received from insurance proceeds for necessary repairs to be made to the house and provide a list of the repairs made and a list of the remaining necessary repairs so that an accounting may be made.

It is further **ORDERED** that the parties shall equally divide and pay the 1996 real property taxes on said real property on or before February 28, 1998.

It is further **ORDERED** that Husband shall pay child support in the amount of **FIVE HUNDRED TWENTY DOLLARS ($520)** per month plus present insurance reimbursement of **ONE HUNDRED TWENTY DOLLARS ($120)** per month, for a monthly total of **SIX HUNDRED FORTY DOLLARS ($640)**, with the same to be received by Wife on or before the eight (8th) day of each month, with the same commencing with the September, 1997 payment, and continuing each and every month thereafter pending further orders of the Court. It is further **ORDERED** that Husband shall be responsible for the payment of medical, dental and hospital insurance for the parties' minor child. For so long as insurance coverage is available to Wife through her present employer, she shall continue to provide medical and hospital insurance coverage and shall pay one-half of all medical, dental, orthodontic and optical costs not covered by said insurance with Husband paying the other one-half of all uncovered expenses.

It is further **ORDERED** that within sixty (60) days of August 29, 1997, Husband shall give the parties' older son the sum of $1,000 for the purchase of a vehicle for transportation to and from college.

It is further **ORDERED** that Husband has the right to insurance coverage under the COBRA provisions of Wife's medical and hospitalization insurance coverage. Wife shall execute all necessary forms to allow Husband to obtain a COBRA conversion policy in his name and at his costs.

It is further **ORDERED** that Wife shall be awarded all personalty in her possession free and clear of any claim of Husband with the exception of the following: a bedroom suit, tools, tool cabinet, file cabinet, certain games, clothing, VCR, Union Station print, trophy, and a 1957 Chevy automobile which shall be awarded to Husband. Husband shall be awarded all personalty in his possession free and clear of any claim of Wife.

It is further **ORDERED** that both parties shall be awarded the automobile in their possession free and clear of any claim of the other. Each shall be responsible for the indebtedness on said automobile, if any, and shall indemnify and hold the other harmless thereon.

It is further **ORDERED** that each party shall retain their respective pension, 401K and or any other retirement account free and clear of the other. Both shall retain all bank accounts in their individual name as separate property free and clear of any claim of the other.

It is further **ORDERED** that the 1996 motorcycle titled to Husband shall be the separate property of Jared Joyce and Husband shall maintain the title in his name and shall maintain proper insurance on said vehicle until the child attains majority. It is further **ORDERED** that the two children's motorcycles shall be the separate property of the children and neither party shall sell either motorcycle.

It is further **ORDERED** that **TINA MARIE JOYCE** shall be and is allowed to join in **KENNETH WAYNE JOYCE'S** pending law suit to recover money damages for injury received in an automobile accident.

It is further **ORDERED** that each party shall be solely responsible for all indebtedness in their respective names and Husband shall pay all disclosed outstanding marital indebtedness indemnifying and holding Wife harmless thereon.

It is further **ORDERED** that Wife shall be restored to her maiden name so that her legal shall be and is **"TINA MARIE TOMLINSON."**

It is further **ORDERED** that unless specific ordered by the Court, child support as heretofore set shall not be reduced or prorated. Wife's address is 505 Tobylynn Drive, Nashville, Tennessee 37211, and Husband's address is 8136 Stewart's Ferry Parkway, Nashville, Tennessee 37214. Both parties have attended the seminar "Families first, Children Cope with Divorce".

It is further **ORDERED** that the costs of this cause not heretofore paid by Wife, shall be paid by Husband, for all of which execution may issue, if necessary.

ENTERED this 1st day of June, 1998.

Marietta M. Shipley

MARIETTA M. SHIPLEY, JUDGE

APPROVED FOR ENTRY:

Sandra Jones

Sandra Jones #7082
Attorney for Wife
213 Third Avenue, North
Nashville, Tennessee 37201
615-256-6401

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing Final Decree has been mailed to Andrew M. Cate, Attorney for Husband, 211 Donelson Pike, Suite 2, P.O. Box 148058, Nashville, Tennessee 37214 on this 31st day of May, 1998.

Sandra Jones

Sandra Jones

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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 SECOND Circuit Court for Davidson County, Tennessee, on the 01 day of JUNE , 19 98 , in the Case Number 97D1370 between JOYCE, KENNETH WAYNE Plaintiff, and JOYCE, TINA MARIE Defendant, as same remains of record in Book 174A , Page 489 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 15 day of JULY in the year one thousand nine hundred and ninety-eight and in the 223rd year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

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IDENTIF. A REFERENCE

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DAVIDSON COUNTY, TN.

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