BOOK 11202 PAGE 262 276B/80

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

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R. CLERK

SHERRY DENISE WATSON)
)
)
v.) No: 95D-3560 D.C.
)
)
JAMES RUSSELL WATSON)

FINAL DECREE

This cause came on to be heard on the 25th day of November, 1997, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon Wife's Complaint for Divorce and Husband's Answer thereto. It appearing to the Court, after a review of the record in this matter, testimony of the parties and witnesses, and argument of counsel that the following is ordered:

1. It is **ORDERED, ADJUDGED AND DECREED** that Sherry Denise Watson is granted the divorce from James Russell Watson on the ground of inappropriate marital conduct.

2. It is **ORDERED, ADJUDGED AND DECREED** that custody of the parties' eldest child, Jamie Alonzo Watson, born November 30, 1981, shall remain with the Father. It is **ORDERED, ADJUDGED AND DECREED** that custody of the parties' younger child, Jason Antonio Watson, born November 7, 1982, shall be vested with Mother.

3. The Court, after consideration of each party's earnings and in compliance with the Tennessee Child Support Guidelines, finds that Mother's child support obligation to Father would be $255.00 per month and Father's obligation to Mother would be $657.00 per month for the one child in their respective custody. The Court therefore finds that an off-set in this matter is warranted. It is, therefore, **ORDERED, ADJUDGED AND DECREED** that Father, James Russell Watson, shall pay to Mother, Sherry Denise Watson, the amount of $402.00 per month child support, through the Circuit Court Clerk's Office by wage assignment through Husband's employer, Roadway Express Company, 1077 Gorge Boulevard, P.O. Box 471, Akron, Ohio 44309-0471, telephone number 330-384-1717, fax number 330-258-6082, plus the Clerk's lawful commission of 5% of $20.10, for a total of $422.10 to be deducted from Father's wages each month for child support, beginning December 1, 1997 and the 1st of each month thereafter. Mr. Watson is further advised

that at any time the wage assignment sufficient or is not in effect to cover his child support obligation, he is **ORDERED** to make the child support payments directly to the Circuit Court Clerk's Office, 5th Floor, Metropolitan Courthouse, Nashville, Tennessee 37201, and do so in a timely manner so as not to become in arrears in his child support obligation.

4. It is further **ORDERED, ADJUDGED AND DECREED** that Father shall continue to maintain the health insurance which he currently has on both children through his employment with Roadway Express. It is further **ORDERED, ADJUDGED AND DECREED** that Father will pay all medical expenses not covered by insurance. The Court makes this finding based on the fact that Father earns more than twice the income that Mother earns.

5. It is **ORDERED, ADJUDGED AND DECREED** that Father shall continue to maintain the $30,000.00 life insurance policy which he has on his life and keep the premiums thereon paid in a timely manner. The Court further will require that Mr. Watson shall name himself and Ms. Watson equal beneficiaries on the policy until the youngest child reaches majority. At that time, Father can change the beneficiary designation to whomever he chooses. The Court further **ORDERS** that Mother will maintain any life insurance policy she has on either her life or Husband's life and do so until the youngest child reaches 18 and upon the youngest child becoming emancipated, Mother shall make whatever beneficiary designation changes she desires.

6. It is **ORDERED, ADJUDGED AND DECREED** that James Russell Watson will be awarded all title and interest to the real property located at 914 Shelby Avenue, Nashville, Tennessee, more particularly described as follows:

> Being Lot No. 3 on the Plan of Confederate Hill Lots, as of record in Book 57, Page 32, Register's Office for Davidson County, Tennessee.
>
> Said Lot No. 3 fronts 50 feet on the south side of Shelby Avenue, and runs back between parallel lines 175 feet to an alley in the rear.
>
> Being the same property conveyed to James R. Watson and wife, Sherry D. Watson, by deed from Ruth P. Stanley, unmarried, dated June 18, 1987, and of record in Book 7275, page 737, Register's Office for Davidson County, Tennessee.

Any interest the Wife has therein is divested from her and reinvested in the Husband, subject to Wife's equity in the amount of $16,000.00 as determined by the Court. The Court arrives at Wife's equity after considering the phone bill debt which the Court is unable to make a determination concerning repayment and therefore will order that James Russell Watson pay the cellular phone bill. The Court is further taking into consideration any real estate commission which

would be due less one-half of the appraisal. It is, therefore, **ORDERED, ADJUDGED AND DECREED** that within ninety (90) days of this date, James Russell Watson is **ORDERED** to pay Sherry Denise Watson the sum of $16,000.00. This judgment shall begin to accrue interest after this decree is thirty days old. It is further **ORDERED, ADJUDGED AND DECREED** that the $16,000.00 shall remain a lien against the house until its repayment by Husband pursuant to the terms of this Final Decree.

7. The Court further **ORDERS** that in the event that Mr. Watson is unable to pay Ms. Watson her equity interest, then the Court will order the house sold after the elapsing of 90 days from November 25, 1997. After the payment of the first mortgage and any costs associated therewith each party will be awarded one-half of the proceeds therein.

8. The Court further **ORDERS** that James Russell Watson is to keep the house note paid and current. The Court **ORDERS** that in the event Mr. Watson allows the house note to get behind or become late, then the Court will escalate this order and order that the property be sold immediately. The Court has further admonished Mr. Watson not to allow the house note to become delinquent.

9. It is further **ORDERED, ADJUDGED AND DECREED** that each party will be awarded the furniture in their possession. The Court **ORDERS** that the personal property as designated by the furniture exhibit list # 15 submitted by Ms. Watson shall be awarded to her in that this was supposed to have been done already. The Court **ORDERS** that Mr. Watson is to have these items ready on Saturday, November 29, 1997, at 2:00 p.m., in order for Ms. Watson to retrieve these items.

10. It is further **ORDERED, ADJUDGED AND DECREED** that the real property which Ms. Watson owns as a result of the inheritance from her mother is declared not to be marital property. The Court further finds that the rent which Ms. Watson is receiving is extremely nominal.

11. It is **ORDERED, ADJUDGED AND DECREED** that each parent shall have visitation with the minor child not in their custody every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m. The Court **ORDERS** that the parties will alternate holiday visitation: New Year's Eve, Easter Sunday, Memorial Day, 4th of July, Labor Day, Thanksgiving and Christmas. Holiday visitation will begin 6:00 p.m. the eve of the holiday and end at 8:00 p.m. the day of the holiday, except Christmas visitation, which will begin one (1) week before Christmas at 6:00 p.m. and end at 9:00 p.m. Christmas Eve. Thereafter, the other parent will have visitation until 6:00 p.m. New

Year's Eve.

The children will spend Mother's Day with Mother from 8:00 a.m. until 6:00 p.m. and will spend Father's Day with Father from 8:00 a.m. until 6:00 p.m.

12. During the Summer months, both the children will be with Mother the month of June and with the Father the month of July. The Court **ORDERS** that there will be no reduction or proration of child support during the month of July when the children are with Father. There will be no increase for the month of June when both children are with the Mother.

13. It is **ORDERED, ADJUDGED AND DECREED** that Mr. Watson owes back support in the amount of $3,200.00 plus one payment under the new system for the month of October in the amount of $402.00, for a total judgment awarded to Ms. Watson in the amount of $3,602.00, which amount is reduced to judgment; however, execution on this shall be stayed and the Court will allow Mr. Watson to pay this back child support arrearage at the rate of $100.00 per month, beginning December 1, 1997, through wage assignment plus the Clerk's lawful commission of $5.00, for a total of $105.00 per month to be paid on this arrearage, by wage assignment through Husband's employer, Roadway Express, 1077 Gorge Boulevard, P.O. Box 471, Akron, Ohio 44309-0471, telephone number 330-384-1717, fax number 330-258-6082. The Court **ORDERS** that this amount will be in addition to the $402.00 per month regular child support, making Father's child support obligation in the amount of $502.00 per month, plus the Clerk's lawful 5% commission of $25.10, for a total child support obligation of $527.10 each month, beginning December 1, 1997, by wage assignment.

14. The Court further finds that Ms. Watson has the need for alimony and that Mr. Watson has the ability to pay. It is, therefore, **ORDERED, ADJUDGED AND DECREED** that James Russell Watson shall pay to Sherry Denise Watson the amount of $400.00 per month alimony in futuro until her death or remarriage. This amount further shall be paid through the Clerk's office, plus the Clerk's lawful 5% commission of $20.00, for a total of $420.00 per month, beginning December 1, 1997, by wage assignment through Husband's employer, Roadway Express Company. The total amount for Father to pay for support is as follows:

Regular child support	$ 402.00 per month
Clerk's lawful 5% commission	20.10 per month
Regular Support	**$ 420.10** per month
Child Support Arrearage payment	$ 100.00 per month
Clerk's lawful 5% commission	5.00 per month

Arrearage Support	**$ 105.00** per month
Alimony	$ 400.00 per month
Clerk's lawful 5% commission	20.00 per month
Alimony	**$ 420.00** per month
Total Amount Due:	**$ 947.10** per month

to be deducted from James Russell Watson's wages by his employer, Roadway Express Company, the 1st of each and every month, beginning December 1, 1997. Further, any time the wage assignment is insufficient or not in effect, Mr. Watson is **ORDERED** to pay the amounts for current child support, arrearage child support and alimony directly to the Circuit Court Clerk's Office so that the same is not in arrears. The Court further **ORDERS** that the wage assignment to coincide with Mr. Watson's pay check. The Court **ORDERS** that the alimony will be reviewed after the youngest child reaches majority for the Court to determine the financial situation of both the parties.

15. As concerns Mr. Watson's pension with Roadway Express Company, the Court **ORDERS** that each party will be awarded 50% interest therein. Husband will cooperate in all ways necessary in order to assist in the preparation of a Qualified Domestic Relations Order to carry out this Court's intention that each party will be awarded one-half of the vested interest in Husband's pension with Roadway Express Company.

16. The Court further **ORDERS** that each party shall be allowed to claim the child which is in their custody for purposes of income tax deduction.

17. It is **ORDERED, ADJUDGED AND DECREED** that D. Scott Parsley is awarded a fee to be paid by James Russell Watson in the amount of $2,622.50 to partially reimburse Wife for her expenditure of attorney's fees in this matter.

18. The Court further **ORDERS** that in the event the house is sold, Mr. Parsley's fees shall be declared a lien upon each party's equity therein. Ms. Watson will be responsible for the remainder of her attorney's fees owed to D. Scott Parsley.

19. Counsel for Mr. Watson has made representations to the Court which counsel for Wife has no reason to doubt that certain payments of child support have been forwarded to the Circuit Court Clerk's Office to catch up a previous arrearage under the Court's pendente lite order of January 24, 1997. The Court **ORDERS** that counsel for the parties are to get together to discuss and come up with an arrearage figure. In the event that counsel for the parties are unable to do so, then

the Court will appoint Ms. Temesia Harris to assist in the calculation of any support arrearage due under the Court's previously ordered child support payments. The Court further **ORDERS** that any child support arrearage from the date of the pendente lite order to the date of this hearing shall be added to the judgment of $3,602.00 and continue to be paid at the rate of $100.00 per month.

20. The non-custodial parent shall have the following rights:

A. The right to unimpeded telephone conversations with the child at least twice a week at reasonable times and for reasonable durations;

B. The right to send mail to the child which the other parent shall not open or censor;

C. The right to receive notice and relevant information as soon as practicable but within twenty-four (24) hours of any event of hospitalization, major illness or death of the child;

D. The right to receive directly from the child's school upon written request which includes a current mailing address and upon payment of reasonable costs of duplicating, copies of the child's report cards, attendance records, names of teachers, class schedules, standardized test scores and any other records customarily made available to parents;

E. The right to receive copies of the child's medical records directly from the child's doctor or other health care provider upon written request which contains a current mailing address and upon payment of reasonable costs of duplication;

F. The right to be free of unwarranted derogatory remarks made about him or her or his or her family by the other parent to or in the presence of the child.

21. It is further **ORDERED, ADJUDGED AND DECREED** that the costs of this cause are assessed against James Russell Watson, 914 Shelby Avenue, Nashville, Tennessee 37206, for which let execution issue if necessary. Wife's address is 300 Kate Street, Apt. G-23, Madison, Tennessee 37115.

Enter this 17th day of December, 1997.

MURIEL ROBINSON, JUDGE

APPROVED FOR ENTRY:

D. SCOTT PARSLEY, #13606
BARRETT, JOHNSTON & PARSLEY
217 Second Avenue North
Nashville, TN 37201
(615) 244-2202

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been served on Allen Barrett, 501 Union Street, Suite 503, Nashville, TN 37219, by placing same in the U. S. Mail, postage prepaid, on this 17 day of December, 1997.

D. SCOTT PARSLEY

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 17 day of DECEMBER , 19 97 , in the Case Number 95D3560 between WATSON, SHERRY DENISE Plaintiff, and WATSON, JAMES RUSSELL Defendant, as same remains of record in Vol. 276B , Page 809 of the Minutes of said Court.

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BILL GARRETT REGISTER
DAVIDSON COUNTY, TN.
PICK-UP

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, the 12 day of NOVEMBER in the year one thousand nine hundred and ninety-eight and in the 223rd year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By Karen Rooker
Deputy Clerk

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