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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED
98 NOV 30 PM 4:03
RICHARD R. ROOKER, CLERK
D.C.

KATHERINE DRESCHER COLE

Plaintiff/Wife

v.

RUSSELL TODD COLE

Defendant/Husband

DOCKET NO. 98D-41
Notice of Entry Requested

FINAL DECREE OF DIVORCE

This matter came on to be heard on the 3rd day of November, 1998 before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee. Upon the Wife's Complaint for Divorce, the Husband's Counter-Complaint for Divorce, argument of counsel, testimony of the parties and witnesses and all exhibits presented in this matter, the Court finds that the parties should be declared divorced pursuant to T.C.A. 36-4-129 in that both parties are guilty of misconduct against the other and they should be declared divorced.

The Court finds that both parents are fit custodians for the minor children. The Court finds that it is in the best interest of the minor children that they be awarded joint custody of the two (2) minor children of the parties with the Wife designated as the primary care giver.

It is therefore **ORDERED, ADJUDGED AND DECREED** that the parties shall be declared divorced pursuant to T.C.A. 36-4-129 such that both parties have been guilty of misconduct against the other and therefore, they should be declared divorced.

It is **ORDERED, ADJUDGED AND DECREED** that the parties shall have joint custody of the minor children with the Wife designated as the primary care giver. The Husband shall have visitation every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m. and every Wednesday evening from 5:00 p.m. until 8:00 p.m. The Husband shall further have summer visitation in the months of June, July and from August 1 - August 15. During the months of June, July and August the Wife shall have visitation every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m. and every Wednesday evening from 5:00 p.m. until 8:00 p.m.

It is **ORDERED, ADJUDGED AND DECREED** that the parties shall alternate holiday visitation such that during even numbered years the Husband shall have the week before Christmas until 9:00 p.m. Christmas Eve and in odd numbered years the Husband shall have Christmas

visitation from 9:00 p.m. Christmas Eve until December 31 at 6:00 p.m. The parties shall alternate the following holidays: New Year's Day, Easter, Memorial Day, July 4th, Labor Day and Thanksgiving. The holiday visitation shall begin at 6:00 p.m. the eve of the holiday and extend until 8:00 p.m. on the day of the holiday. It is further Ordered that visitation will be with the Mother on Mother's Day and with the Father on Father's Day from 8:00 a.m. until 6:00 p.m.

Pursuant to Tennessee Code Annotated 36-6-101(a), the non-custodial parent is entitled to the following rights:

(1) unimpeded telephone conversations with the children at least twice each week at reasonable time and for reasonable duration;

(2) sending mail to the children which the custodial parent will not open and will not censor;

(3) receiving 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 children;

(4) receiving, directly from the school, copies of the children'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;

(5) receiving, directly from the children's physician and other health care providers, copies of the children'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;

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

It is **ORDERED, ADJUDGED AND DECREED** that the Husband shall pay child support to the Wife in the amount of Eight Hundred Seventy-Six Dollars ($876.00) per month beginning November, 1998. The Husband shall not be required to pay child support during the months of June and July each year. The Wife shall be required to pay child support in the amount of Five Hundred

Ninety-Five Dollars ($595.00) per month during the months of June and July each year to the Husband.

It is **ORDERED, ADJUDGED AND DECREED** that the Husband and Wife are **ENJOINED and RESTRAINED** from saying negative remarks to each other, to the children or in the presence of the minor children regarding the other parent.

It is **ORDERED, ADJUDGED AND DECREED** that the Husband shall be responsible for the payment of the credit card balances to First U.S.A. and Optima American Express and shall hold the Wife harmless from any debt thereon. The parties shall each be responsible for any other debts which they have incurred in their respective names.

It is **ORDERED, ADJUDGED AND DECREED** that the Husband shall be awarded the parties van and be responsible for the lease thereon subject to any payments due to mileage and hold the Wife harmless from any debt thereon. The Wife shall be awarded the 1989 Honda Accord LX1 free and clear of any interest or claim of the Husband.

The division of personal property contained in Wife's Proposed Ruling which is Exhibit 22 in this matter, shall be the division of personal property that this Court incorporates herein. It is therefore **ORDERED, ADJUDGED AND DECREED** that the Wife is awarded the following: Bassett recliner; Couch; Kitchen table and chairs; Onkyo Stereo System; Bookshelf ; Small end table; Queen size bed in Master; Desk in master; Dresser in master; End table in master; Zenith 20" TV; GE VCR; Whirlpool refrigerator; GE Dishwasher; Hotpoint oven; Lenox Rhythm Gold Crystal; Towle Chippendale sterling silver; Royal Doulton Martinique fine china; Kenmore washer and dryer; ½ Miscellaneous kitchen items; ½ Photo albums; ½ Children's toys; ½ Baking pans; ½ Tools and lawn equipment; Microwave; Blender; Pots and pans; Rabbit collection; Video camera; Still camera; and Speaker stands. It is further **ORDERED, ADJUDGED AND DECREED** that the Husband shall be awarded the following: Chaise; Hutch; Entertainment Center; Big end table; Chair in Master; File cabinet in master; Dresser in Master; Mitsubishi 25" TV; RCA Stereo VCR; Packard Bell Computer ; Pfalzfgraff Acadia dinnerware; Yamizaki stainless flatware; ½ Miscellaneous kitchen items; ½ Photo albums; ½ Children's toys; ½ Baking pans; ½ Tools and lawn equipment; Coffee maker; and Toaster. Any items not listed on the division of property shall be equitably divided between the parties.

It is further **ORDERED, ADJUDGED AND DECREED** that the Wife shall carry the insurance for the minor children and the Husband shall reimburse the Wife one-half (½) of the cost of the insurance. The current cost of the insurance is $120.00, therefore, the Husband shall be required to reimburse the Wife each month the amount of $60.00 for one-half (½) of the cost of the health insurance for the minor children. Any health expenses which are not covered by health insurance shall be split equally between the parties to include dental, orthodontia and eye care.

It is further **ORDERED, ADJUDGED AND DECREED** that the Wife shall be awarded the parties' home place at 5217 Meta Circle, Nashville, Tennessee 37211. The interest of the Husband in the 5212 Meta Circle, Nashville, Tennessee property is hereby divested from the Husband and reinvested in ~~revested with~~ the Wife, such that the Wife shall own the property free and clear of any interest of the Husband. The Wife is awarded the property subject to the mortgage and she shall hold the Husband harmless from the mortgage thereon. The property is more accurately described as follows:

> LAND in Davidson County, Tennessee, being Lot. No. 21 on the Plan of Section Two, McMURRAY PLACE, as shown on plat of record in Plat Book 5200, page 440 in the Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for a more particular description.
>
> SAID Lot No. 21 fronts 31.60 feet on the southeasterly margin of the cul-do-sac of Meta Circle, and extends back 125.96 feet on the northeasterly line and 109.08 feet on the southwesterly line so to a broken line in the roar, measuring 169.00 feet, thereon.
>
> BEING the same property conveyed to Stephen L. Wade and wife, Cheri A. Wade, by deed from Sheila Cheek, unmarried, of record in Book 7667, page 107, Register's Office for Davidson County, Tennessee.
>
> BEING the same property conveyed to Russell T. Cole and Wife, Katherine Cole by deed of record in Book 9078, page 492, Register's Office for Davidson County, Tennessee.

It is further **ORDERED, ADJUDGED AND DECREED** that the Wife is ordered to pay the Husband the amount of $15,731.00 as his interest in the marital residence within sixty (60) days from the entry of this Order.

It is further **ORDERED, ADJUDGED AND DECREED** that the Husband shall have ten (10) days from the date of this hearing to vacate the marital residence.

It is further **ORDERED, ADJUDGED AND DECREED** that the life insurance which the Husband currently has in place shall be made payable to the Wife until the minor children turn eighteen or graduate from high school, whichever occurs last.

It is further **ORDERED, ADJUDGED AND DECREED** that the Wife's name shall revert to her maiden name such that her legal name shall be Katherine Lynn Drescher.

It is further **ORDERED, ADJUDGED AND DECREED** that the Husband shall be awarded his retirement account free and clear of any interest of claim that the Wife may have.

It is further **ORDERED, ADJUDGED AND DECREED** that the Court costs in this matter shall be split equally between the parties for which execution may issue. The current addresses of the parties are:

Katherine Drescher Cole
5217 Meta Circle
Nashville, TN 37211

Russell Todd Cole
c/o United Clays
7003 Chadwick Drive, Suite 100
Brentwood, TN 37027

Each party shall be required to pay their own attorney's fees in this matter.

6562 04/23 0101 03CHECK 26.00

IT IS SO ORDERED.

ENTERED this the 30th day of Nov., 1998

Judge Muriel Robinson

Approved for Entry:

Cynthia J. Bohn No. 16592
Attorney for Wife
501 Union Street, Suite 502
Nashville, TN 37219
(615) 252-8866

PICK-UP

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document has been sent to the following by (/) U. S. Mail, postage prepaid; ( ) hand delivery; ( ) facsimile transmission to _____; hard copy to follow via regular U. S. Mail:

Todd Jackson
Attorney at Law
222 Second Avenue North
Suite 419
Nashville, TN 37201

This the 30 day of Nov., 1998.

Cynthia J. Bohn

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 30 day of NOVEMBER , 19 98 , in the Case Number 98D41 between COLE, KATHERINE DRESCHER Plaintiff, and COLE, RUSSELL TODD Defendant, as same remains of record in Vol. 399 , Page 73322 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 23 day of APRIL in the year one thousand nine hundred and ninety-nine and in the 223rd year of American Independence.

RICHARD R. ROOKER, Clerk,

By B. Rawls
Deputy Clerk

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