File Box 29

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

99 MAY 12 PM 4:14

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B. Murray D.C.

GABRIELA BAGOLI	]	
	]	
Plaintiff,	]	
	]	
v.	]	**DOCKET NO. 97D-2924**
	]	**Notice of Entry Requested**
GIGEL BAGOLI	]	
	]	
Defendant.	]	

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FINAL DECREE OF DIVORCE

This cause came on to be heard on the 27th day of April, 1999, before the honorable Muriel Robinson, Judge of the Fourth Circuit Court of Davidson County, Tennessee, upon the complaint for divorce filed by Wife and counter-complaint for divorce filed by Husband. It appearing to the Court from statements of counsel, testimony of the parties and their witnesses in open court that the court finds that both parties have contributed to the accumulation of assets. Insofar as custody is concerned each party is fit to be the custodian of the minor children but the parties cannot be considered as joint custodians because they cannot work together without arguing.

It is therefore, **ORDERED, ADJUDGED** and **DECREED** that the parties are hereby declared divorced in accordance with T.C.A. 36-4-129 and each party is restored to the rights and privileges of an unmarried person.

It is further **ORDERED, ADJUDGED and DECREED** that it is in the best interest of the children that custody be awarded to the Wife. The Court finds that the Wife has interfered with the Husband's relationship with the minor children during the pendency of these proceedings by attempting to alienate the children's affections for the Husband. Therefore, the Wife shall be **RESTRAINED** and **ENJOINED** from interfering with the father's visitation as ordered by this Court and from attempting to alienate the affections of the children towards their father.

It is therefore **ORDERED, ADJUDGED and DECREED** that the Husband shall be awarded visitation with the minor children every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m. and one afternoon each week from 5:00 p.m. to 8:00 p.m. Husband shall have visitation for the month of July and on alternate holidays, being visitation on Memorial day, July 4th,

Labor Day, and Christmas vacation from 9:00 p.m. Christmas Eve until 6:00 p.m. New Year's Eve in even numbered years. Husband shall have visitation on Easter Sunday, New Year's Day, Thanksgiving, and Christmas vacation from 6:00 p.m. the day school is out until 9:00 p.m. Christmas Eve in odd numbered years. The children shall remain with Wife on Memorial Day, July 4th, Labor Day and Christmas vacation from 9:00 p.m. Christmas Eve until 6:00 p.m. New Year's Eve in ~~even~~ odd numbered years and with the Wife on Easter Sunday, New Year's Day, Thanksgiving and the day school is out at 6:00 p.m. until 9:00 p.m. Christmas Eve in ever year. All visitation for holidays for both parties shall be from 6:00 p.m. on the eve of the stated day until 8:00 p.m. the next day. The Father shall always have visitation on Father's Day and the Mother shall always have visitation on Mother's Day. All visitation for Mother's Day and Father's Day shall be from 8:00 a.m. until 6:00 p.m. During the month of July when the children reside with Husband, Wife shall be awarded visitation with the minor children on the middle weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m.

It is further **ORDERED, ADJUDGED and DECREED** that whenever the children are in the other parent's possession, the non-possessory parent has the following rights of access to the children, pursuant to T.C.A. 36-6-101:

(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 further **ORDERED, ADJUDGED and DECREED** that Husband shall pay child support in the amount of Five Hundred Thirty-Five Dollars ($535.00) per month through the Clerk plus $26.75 clerk fee, for a total payment of $561.75 per month beginning May 1, 1999. This amount of child support is set in accordance with the Tennessee Child Support Guidelines. Husband shall make payments to the Circuit Court Clerk, Fifth Floor, Metro Courthouse, Nashville, Tennessee 37201 and the Clerk shall disburse the payments to: Gabriella Bagoli, at 12520 Old Hickory Blvd, Nashville, Tennessee 37211. The parties acknowledge pursuant to T.C.A. 36-5-101 (h) that no action by the parties will be effective to reduce child support after the due date of each payment, and that they understand that court approval must be obtained before child support can be reduced. The Wife shall furnish health insurance for the children by May 1, 1999, with the cost of the premium being shared equally by the parties.

It is further **ORDERED, ADJUDGED and DECREED** that the residence of the parties at 206 Blanchard Place, Nashville, Tennessee shall be sold by the Clerk of the Circuit Court and any equity after the payment of the mortgage and the expenses of sale shall be divided equally between the parties. The Husband shall maintain possession of the residence pending the sale. The Wife shall immediately vacate the marital residence. The Husband shall timely pay the note until the house is sold and will be responsible for all upkeep and utilities until the Clerk effectuates the sale.

It is further **ORDERED, ADJUDGED and DECREED** that the commercial building and lot at 12520 Old Hickory Blvd, Nashville, Tennessee shall be sold by the Clerk of the Circuit Court and any equity after the payment of the mortgage and expenses of the sale shall be divided equally between the parties. Wife shall maintain possession of the commercial building until the building is sold and shall be responsible for the timely payment of the mortgage note with no late charges until the Clerk effectuates the sale.

It is further **ORDERED, ADJUDGED and DECREED** that both parties are specifically **RESTRAINED and ENJOINED** from sabotaging or interfering with the sale of these properties and they are ordered to work with the Circuit Court Clerk to effectuate a fair and timely sale.

It is further **ORDERED, ADJUDGED and DECREED** that the household furniture and furnishings will be divided by alternating a choice of items until all items are selected. Each of the parties will keep their own automobile. There will be no further or other charges on the credit of the other.

It is further **ORDERED, ADJUDGED and DECREED** that Wife shall forthwith pay Husband his salary for the month of April in the amount of $2500.00. From this day until expert proof of the business value is before the Court, Wife shall be in charge of the gym and will keep an account of all receipts and disbursements for this period of time. The Dodge Van will remain for the use of the business, but it will be disposed of as an asset of the business. Wife is **RESTRAINED** and **ENJOINED** from keeping cash that doesn't reflect on the books because both parties have been charged with dissipating cash of the business. Both parties are **RESTRAINED** and **ENJOINED** from disposing of any equipment from this business pending the final outcome of the award of the business or the liquidation thereof.

It is further **ORDERED, ADJUDGED and DECREED** that Husband shall not go around the gym at this point because the business is about to be disposed of after a determination of the actual value. The Court has reserved the testimony of the appraiser of the business and Husband's witness regarding the business until after May 6, 1999.

Each party shall pay their own attorney's fees. The Court costs shall be split equally between the parties for which execution may issue. The current address of the parties are:

Gigel Bagoli
206 Blanchard Place
Nashville, TN

Gabriella Bagoly
12520 Old Hickory Blvd.
Nashville, TN

IT IS SO ORDERED.

ENTERED this the 12th day of May, 1999.

Honorable Muriel Robinson

Approved for Entry:

Cynthia J. Bohn BPR# 16592
Attorney for Plaintiff
501 Union Street, Suite 502
Nashville, TN 37219
(615) 252-8866

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been served upon the following by ( ) hand delivery; (X) first class mail, postage prepaid; facsimile transmission to _____, hard copy to follow via regular U.S. Mail:

Peggy D. Mathes
Attorney at Law
214 Second Avenue North
Suite 105
Nashville, TN 37201

This the 4 day of May, 1999.

Cynthia J. Bohn

STATE OF TENNESSEE BOOK 11631 PAGE 363

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 12 day of MAY , 19 99 , in the Case Number 97D2924 between BAGOLI, GABRIELA Plaintiff, and BAGOLI, GIGEL Defendant, as same remains of record in Vol. 634 , Page 116260 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 19 day of AUGUST in the year one thousand nine hundred and ninety-nine and in the 224th year of American Independence.

RICHARD R. ROOKER, Clerk,

By Karen Rooker Deputy Clerk

SEAL

06627725

IDENTIFICATION & REFERENCE

AUG 24 AM 9:13

REGISTER
DAVIDSON COUNTY, TN.