153B/942

26B

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

MARTHA J. LUND,

Plaintiff,

v.

ROBERTO F. LUND, JR.,

Defendant.

No. 93D-2612

1994 SEP -9 PM 2:23

RICHARD R. ROOKER, CLERK

D.C.

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FINAL DECREE

This cause came to be heard on the 7th day of July, 1994 before the Honorable Judge Marietta Shipley upon the Wife's Petition an Absolute Divorce and the Husband's Counter-Claim for Divorce. The Court after hearing the announcements of the parties with regard to fault and hearing the testimony of the parties was of the opinion that the parties should be declared divorced pursuant to T.C.A. §36-4-129 and are restored to the rights of unmarried persons. The Court also considered the exhibits of the parties submitted including their Income and Expense Statements and Property Lists. The ruling of the Court was as follows in the transcript which is attached hereto as Exhibit A and incorporated by reference hereto:

It is therefore, **ORDERED, ADJUDGED and DECREED**, that the parties are declared divorced pursuant to their stipulation and T.C.A. §36-4-129 and restored to the rights of unmarried persons and it is further,

ORDERED, ADJUDGED and DECREED, that the Wife shall be awarded sole custody of the parties' minor children, Grace Mary Lund and Jonathan Robert Lund, with reasonable visitation to the Husband, and it is further,

ORDERED, ADJUDGED and DECREED, that the financial obligations with regard to child support, alimony and attorney fees set forth below in this Order will be effective on August 1, 1994 and that the parties will continue under the Court's Pendente Lite support Order until that date, and it is further,

ORDERED, ADJUDGED and DECREED, that the Wife shall be awarded the parties' marital home at 5216 Cardiff Drive, Nashville, TN 37211 and that Husband shall convey his interest to the Wife by QuitClaim Deed; provided, however, that the Husband shall receive Eleven Thousand Seven Hundred Fifty ($11,750.00) Dollars in equity from the marital home to be paid within two (2) years of the Decree; provided, however, that in the

event Mrs. Lund is unable to pay Mr. Lund his share of the equity in the marital home at the end of two (2) years the marital home shall be sold in order that Mr. Lund can receive his marital share of the residence, and it is further,

ORDERED, ADJUDGED and DECREED, that Mrs. Lund shall be solely responsible for the first and second mortgages on the marital home and shall hold Husband harmless from any liability thereon; and it is further,

ORDERED, ADJUDGED and DECREED, that the parties tax lien on the marital home to the Internal Revenue Service is considered by the Court as a joint marital obligation with each party responsible for one-half (1/2) of the principle of the lien in the amount of Four Thousand One Hundred Thirty Dollars and Eighty Cents ($4,130.80) provided, however, that the Husband shall be solely responsible for the payment of any interest, penalties or other assessments which have accrued since the date of filing of the tax lien against the parties marital residence, and it is further,

ORDERED, ADJUDGED and DECREED, that in the event that Mrs. Lund chooses to remain in the marital home, which she indicated at the hearing of this cause, and Mr. Lund has been paid his share of the marital residence then Mrs. Lund shall be awarded one-half (1/2) of Mr. Lund's retirement with the Viacom Cablevision and the Court shall enter a Qualified Domestic Relations Order reflecting Mrs. Lund's one-half (1/2) interest in Mr. Lund's retirement plan, as of the date of this Decree, and it is further,

ORDERED, ADJUDGED and DECREED, that by agreement of the parties their time-share condominium at Panama City, Florida, shall be quitclaimed by the Husband and Wife to the parties' three (3) children with the Wife responsible for all payments due on such condominium after August 1, 1994, with the Husband being responsible for any arrearage and penalties due on payments for the time-share condominium through August 1, 1994, and the parties' oldest daughter, Claudia Lund will serve Trustee for the interest of the minor children, and it is further,

ORDERED, ADJUDGED and DECREED, that the Wife shall receive as assets in her name solely the 1994 Altima automobile, which the Court valued at Five Thousand Five Hundred ($5,500.00) Dollars, based on the trade-in value which Mrs. Lund received, One Thousand Five Hundred Fifty-five ($1,555.00) Dollars in retirement and Seven Thousand

($7,000.00) in furnishings, which together with the equity in the marital home the total award to the Wife of Twenty Thousand Seven Hundred Sixty-five ($23,765.00) Dollars, and it is further,

ORDERED, ADJUDGED and DECREED, that Husband is awarded the Toyota automobile valued at Five Hundred ($500.00) Dollars, the motorcycle valued at Two Thousand ($2,000.00) Dollars, the Putnam Investment Account valued at Nine Thousand ($9,000.00) Dollars and household furniture listed in the parties joint stipulation valued at Five Hundred ($500.00) Dollars for a total award together with the equity in the marital home of Twenty-one Thousand Seven Hundred Fifty ($21,750.00) Dollars, and it is further,

ORDERED, ADJUDGED and DECREED, that the Wife shall pay to the Husband an additional One Thousand ($1,000.00) Dollars and that the Husband shall pay to Wife and additional Three Thousand ($3,000.00) Dollars toward her college tuition and an additional Seven Hundred Fifty ($750.00) Dollars for a total of Three Thousand Seven Hundred Fifty ($3,750.00) Dollars, which amounts may be offset against each other or the amount of equity payable from the marital home, and it is further,

ORDERED, ADJUDGED and DECREED, that in the event the Wife remaining in the marital home the Husband shall be responsible for removing one-half (½) of the tax lien from the marital home within three (3) years of the date of this Decree and in the event the Wife pays off the tax lien prior to the Husband, based on a re-finance or sell of the marital home, the Husband shall be responsible for paying to the Wife one-half (1/2) of the amount of such lien together with any interest, tax or penalties resulting from the tax lien, and it is further,

ORDERED, ADJUDGED and DECREED, that the Husband shall pay to the Wife child support in the amount of Eight Hundred Forty-five ($845.00) Dollars per month payable in bi-weekly installments of Three Hundred Ninety ($390.00) Dollars beginning August 1, 1994, and it is further,

ORDERED, ADJUDGED and DECREED, that when the parties oldest minor child, Grace Mary Lund, reaches the age of eighteen (18) years, child support shall be adjusted based on the Guidelines for one (1) child and the Husband's current income or earning ability, and it is further,

ORDERED, ADJUDGED and DECREED, that the Husband shall pay to periodic alimony to the Wife in the amount of Five Hundred ($500.00) Dollars per month beginning August 1, 1994, and payable in bi-weekly installments of Two Hundred Thirty and 77/100 ($230.77) Dollars for a total of thirty-six (36) months, after which time alimony shall be reduced but remain payable in the amount of Three Hundred ($300.00) Dollars per month for an additional twenty-four (24) months and payable in bi-weekly installments of One Hundred Thirty-Eight and 46/100 ($138.46) Dollars, which alimony shall be terminable upon death or remarriage, and it is further,

ORDERED, ADJUDGED and DECREED, that whatever life insurance the Husband has available through his current or future employer(s) shall have the beneficiary designated as the Wife as Trustee for the minor children until the youngest child reaches the age of eighteen (18), and it is further,

ORDERED, ADJUDGED and DECREED, that the Court finds that the Husband is entitled to the Gold Key ring as his separate property and that the Wife is entitled to the marble lamp as her separate property and that Wife will make diligent effort to find the Husband's violin and bowling ball, but in the event that she does not find such violin and bowling ball, she shall pay to the Husband Three Hundred Eighty ($380.00) Dollars for the violin and bowling ball, which amount may be offset against other monies owed to her by Husband, and Wife shall return to the Husband the personal computer and the other items listed on his separate property list, provided, however, that the Wife shall retain the book on Peru and the Spanish/American dictionary, and it is

further,

ORDERED, ADJUDGED and DECREED, that the Husband shall pay the marital debt to MasterCard, Visa, Sears, J C Penney and that the Court will consider one-half (1/2) of those payments as alimony deductible on Husband's Income Tax Return and non-dischargeable in bankruptcy, and it is further,

ORDERED, ADJUDGED and DECREED, that so long as the Husband is current in his child support payments to the Wife, he shall be allowed to claim both minor children as his dependents, and it is further,

ORDERED, ADJUDGED and DECREED, that the Wife is awarded an attorney fee in the amount of Two Thousand Five Hundred ($2,500.00) Dollars for which Husband will be obligated to pay to the Wife in the amount of Fifty ($50.00) Dollars per month, payable in bi-weekly installments of Twenty-Three and 08/100 ($23.08) Dollars beginning August 1, 1994 and that such award of Two Thousand Five Hundred ($2,500.00) Dollars shall be reduced to a judgment, which shall accrue interest and in the event that Husband misses any bi-weekly payment, Wife shall immediately execute for any unpaid balance of the judgment and accumulated interest, and it is further,

ORDERED, ADJUDGED and DECREED, that both Husband and Wife are permanently ENJOINED and RESTRAINED from harassing, threatening or making derogatory comments about each other in the presence of the minor children, from discussing this divorce in the presence of the minor children, from smoking or drinking in the presence of the minor children and are required to make every effort to keep the minor children from smoking or drinking and that the Court's prior Temporary Restraining Order is made permanent, and it is further,

ORDERED, ADJUDGED and DECREED, that the Husband shall pay any additional court costs not previously paid by the Wife, and it is further,

ORDERED, ADJUDGED and DECREED, that the Wife shall within thirty (30) days announce to the Husband her intentions of staying in the marital home, which she did at the hearing of this cause.

ENTERED this 9th day of September, 1994.

MARIETTA SHIPLEY, JUDGE

APPROVED FOR ENTRY:

Helen S. Rogers

HELEN S. ROGERS, #7025
Attorney for Wife
JONES, ROGERS & FITZPATRICK
Suite 1550
Third National Bank Building
201 Fourth Avenue North
Nashville, Tennessee 37219
(615) 256-5144

CERTIFICATE OF SERVICE

The undersigned certifies that on the 6th day of September, 1994, all the persons listed below were served with a copy of the foregoing Final Decree at their respective addresses by the identified method:

✓ Deposit in the U.S. Mail
____ Hand Delivery
____ Fax
____ Overnight Delivery

Helen S. Rogers
HELEN S. ROGERS

PHILLIP R. ROBINSON #3023
Attorney for Husband
213 Third Avenue, North
Nashville, TN 37201
(615) 242-5453

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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 09 day of SEPTEMBER , 19 94 , in the Case Number 93D2612 between LUND, MARTHA JOSEFINA Plaintiff, and LUND, ROBERTO F., JR. Defendant,

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as same remains of record in Book 155B , Page 942 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 06 day of DECEMBER in the year one thousand nine hundred and ninety-six and in the 221st year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By Clay Harden
Deputy Clerk

0628561

RELEASE & REFERENCE

99 AUG 25 PM 3:27

REGISTER
DAVIDSON COUNTY, TN.

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