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FILED

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

1999 OCT 14 PM 3:28

RICHARD R. ROOKER, CLERK

B Murray D.C.

RITA SYKES SMITH
3736 Ridge Top Drive
Nashville, Tennessee 37207,

Plaintiff,

VS.

WALTER SMITH, JR.
231 Treutlan Street
Nashville, Tennessee 37207,

Defendant.

NO: 99D-1441

PICK-UP

1999 OCT 22 AM 9:40

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<u>**FINAL DECREE OF DIVORCE**</u>

This cause came on to be heard on the 22nd day of September, 1999, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the Complaint and Amended Complaints for divorce filed by the Plaintiff/Wife; Plaintiff's Order of default against the Defendant; statements of Plaintiff's counsel in open Court; the sworn testimony of the Plaintiff and her witnesses in open Court; and the entire record herein, from all of which the Court finds the following:

1. The Defendant was duly notified of this proceeding by service of process yet failed to appear at the hearing.

2. The parties have one minor child born of the marriage, to wit: Brittany Nicole Sykes, born August 31, 1998. Said child has resided with the Plaintiff continuously since the parties' separated on May 12, 1999.

3. The Defendant earns, and has a history of earning, $9.87 per hour at Nazdar Company, 625 4th Avenue, South, Nashville, Tennessee 37201.

4. The parties' own no real property together, however, the Plaintiff does own a parcel of real property in her name only at 3736 Ridge Top Drive, Nashville, Tennessee 37207. The Defendant should be divested of any equitable interest he may have acquired in said real property and the same should be vested in the Plaintiff.

5. The parties have one joint indebtedness and that is to First Family Financial. The outstanding balance of this debt is $1,600.00. As financial support/alimony to the Plaintiff, the Defendant should be responsible for paying off this entire indebtedness by paying the Plaintiff $100.00 per month on said indebtedness. The Plaintiff should, therefore, be awarded a judgment against the Respondent for $1,600.00.

6. The allegations contained in the record are sustained by the proof, that is, that the Defendant is guilty of such inappropriate marital conduct towards the Plaintiff as to render her cohabitation with him unsafe and improper. The Defendant is further guilty of abandoning the Plaintiff for no just cause.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED as follows:

1. The Plaintiff is hereby awarded an absolute divorce from the Defendant on the grounds of inappropriate marital conduct and abandonment and is restored to all of the rights and privileges of an unmarried person.

2. The Plaintiff's name shall remain "Rita Jenene Sykes-Smith".

3. The Plaintiff shall be awarded sole custody of the parties' minor child, to wit: Brittany Nicole Sykes, born August 31, 1998. The issue of visitation by the Defendant shall be reserved at this time. If the Defendant wishes the Court to consider the issue of visitation, he must make the appropriate application to the Court.

4. Beginning Friday, September 24, 1999, and based on the Defendant's average gross monthly wage of $1,710.00, the Defendant shall pay to the Plaintiff as current child support $295.00 per MONTH, or **$68.08 per WEEK** plus the Clerk's lawful commission of **$3.40 per WEEK**, for a total of **$71.48 per WEEK**. The Defendant shall pay this amount until further Order of this Court. No action by the parties shall be effective to reduce child support after the date of each payment and Court approval must be obtained before support can be reduced.

5. The Plaintiff shall be granted a judgment against the Defendant in the amount of **$1,600.00**; said amount representing the unpaid amount the parties' owe to First Family Financial. Beginning Friday, September 24, 1999, the Defendant shall liquidate this judgment at a rate of $100.00 per MONTH, or **$23.08 per WEEK** plus the Clerk's lawful commission of **$1.15 per WEEK**, for a total of **$24.23 per WEEK**. The Defendant shall pay this amount each and every week until the judgment is satisfied. This judgment is in the nature of alimony and financial support to the Plaintiff/Wife and is, therefore, deemed a nondischargeable debt under 11 USC 523(5) of the United States Bankruptcy Code.

6. All child support and judgment payments herein shall be made by wage assignment. A wage assignment Order shall issue to the Defendant's present employer, **Nazdar Company, 625 4th Avenue, South, Nashville, Tennessee 37201**. Whenever a wage assignment is not in effect, however, the Defendant shall be responsible for making these payments directly to the **Central Child Support Receipting Unit, P. O. Box 305200, Nashville, Tennessee 37229**. The Circuit Court Clerk, after deducting its lawful five percent commission, shall disburse all child support payments and judgment payments to:

Rita Jenene Sykes-Smith
3736 Ridge Top Drive
Nashville, Tennessee 37207

2606 10/22 0101 01CASH 18.00

7. The Defendant shall immediately obtain health insurance coverage on the parties' minor child and shall maintain said insurance until further Order of this Court. The Defendant shall have thirty (30) days to obtain said insurance and to present proof of such insurance to the Plaintiff. The Defendant shall further be responsible for paying all deductible amounts, co-payment amounts and medical expenses not covered by said insurance. If the Defendant fails to obtain health insurance for the child within this thirty (30) day period, then all medical costs incurred by the child shall be the responsibility of the Defendant.

8. The Defendant shall be, and hereby is, divested of all equitable right, title, and interest he may have acquired in the Plaintiff's real property known as 3736 Ridge Top Drive, Nashville, Tennessee 37207, and the same shall be, and hereby is, vested in the Plaintiff which shall become her sole property. Said real property is more particularly described as follows:

> LAND in Davidson County, Tennessee, being Lot. No. 42 on the Plan of Phase One Northbrook, of record in Plat Book 6900, Page 859, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete legal description.
>
> BEING the same property conveyed to Rita J. Sykes by Warranty Deed from Buddy Dunn Contractors, L.P., of record in Book 10654, Page 805, Register's Office for Davidson County, Tennessee.

This conveyance is subject to the Restrictive Covenants of record in Book 10373, Page 339, Register's Office for Davidson County.

This is improved property known as 3736 Ridge Top Drive, Nashville, Davidson County, Tennessee 37207.

9. The Plaintiff shall pay any and all indebtedness owed on this real property and shall indemnify and hold the Defendant harmless on the same.

10. The Plaintiff shall be awarded title to all personal property presently in her possession.

11. The Plaintiff shall be awarded title to the one motor vehicle presently in her possession.

12. The Defendant shall be awarded title to the two motor vehicles presently in his possession.

13. Pursuant to Tenn. Code Ann. § 36-5-101(a)(4)(E)(i), any money paid by the Defendant to the Plaintiff, or anyone, directly, and not paid through the Clerk of the Circuit Court for Davidson County, Tennessee, will be considered a gift from the Defendant, and the Defendant will not receive any credit for said direct payments in calculating whether or not child support arrears exist, regardless of to whom the Clerk is ordered to disburse payments.

14. The current address of the Plaintiff/Wife is 3736 Ridge Top Drive, Nashville, Tennessee 37207, and the current address of the Defendant/Husband is 231 Treutlan Street, Nashville, Tennessee 37207.

15. The Defendant shall pay all costs and litigation taxes associated with this proceeding for which execution may issue, if necessary.

ENTERED this 14th day of October, 1999.

HON. MURIEL ROBINSON, JUDGE

APPROVED FOR ENTRY:

LAURA TEK, #16523
Rivergate Park Office Building
1994 N. Gallatin Road, Suite 315
Madison, Tennessee 37115
615/851-2100
Counsel for Plaintiff/Wife

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Final Decree of Divorce was sent by U.S. Mail, postage prepaid, to the Respondent, Walter Smith, Jr., at his last known address, 231 Treutlan Street, Nashville, Tennessee 37207, on this 13 day of October, 1999.

LAURA TEK

STATE OF TENNESSEE

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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 14 day of OCTOBER , 19 99 , in the Case Number 99D1441 between

SMITH, RITA SYKES Plaintiff, and

SMITH, WALTER JR Defendant,

as same remains of record in Vol. 872 , Page 159867 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 22 day of OCTOBER in the year one thousand nine hundred and ninety-nine and in the 224th year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk