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

99 JAN -7 PM 4:1

HOWARD W. ROBERTS, JR., CLERK

B Murray D.C.

SHARON ANN HOWELL,

PLAINTIFF,

vs.

JIMMY FRANK HOWELL, SR.,

DEFENDANT.

No. 98-D-2499

FILED
JAN -7 PM 4:40
CLERK & MASTER

FINAL ENV.

95549241 06/90

FINAL DECREE

This cause came on to be heard on the 10th day of November, 1998 before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee upon Sharon Ann Howell's ("Wife") Complaint for Absolute Divorce and upon Jimmy Frank Howell's ("Husband") Answer and Counter-Complaint.

1. Both parties have grounds for divorce, therefore, neither party is entitled to a divorce in this matter. However, the Court declares the parties divorced pursuant to T.C.A. § 36-4-129.

2. That parties are declared divorced and the parties are restored to all the rights and privileges of unmarried persons.

3. Wife shall have the exclusive care, custody, and control of the parties minor children, namely Lucien Sheldon Howell, D.O.B. 4-09-90 and Jessie Kate Howell D.O.B. 4-09-90 pursuant to T.C.A. § 36-6-106 (1996).

4. To aid in the support and maintenance of the minor children, the Husband shall pay to the Wife by wage assignment the sum of **Six Hundred- Sixty Dollars 00/100 ($660.00)** per month as child support. Until the **Five Thousand Dollars 00/100 ($5,000.00)** alimony in solido awarded in accordance with paragraph 13 of this Decree is paid in full, Husband shall also pay by wage assignment monthly installments on said amount of **Two Hundred Dollars 00/100 ($200.00)** in alimony per month for a total amount of **Eight Hundred- Sixty Dollars 00/100 ($860.00)** per month. Since the Husband is paid weekly, Husband shall make payments of **One Hundred Ninety- eight Dollars 46/100 (198.46)** each week, plus the Clerk's five percent commission of $9.92 for a total weekly payment of **Two Hundred - Eight Dollars 38/100 (208.38)**;

During the months of June and July, Husband shall pay by wage assignment a total of **Five**

Hundred-Thirty Dollars 00/100 ($530.00) a month to Wife which represents one- half (1/2) of Husband's monthly child support obligation of **Three Hundred -Thirty Dollars 00/100 ($330.00)** and **Two Hundred Dollars 00/100 ($200.00)** in payment of the alimony in solido award per month. Husband shall make the payments of **One-Hundred Twenty-two Dollars 31/100 ($122.31)** each week, plus the Clerk's five percent commission of $6.12 for a total weekly payment of **One Hundred Twenty-eight Dollars 43/100 ($128.43)**.

Said payments shall commence November 13, 1998. Husband shall be responsible for making such payments directly to the Wife until his employer begins deducting the wages pursuant to the wage assignment and at anytime when a wage assignment is not in effect.

Beginning no later than fifteen (15) days after service of the Court's Order by certified mail from the Clerk of the Davidson County Circuit Court, Husband's employer, Three I Truck Lines, P.O. Box 1050, Bettendorf, Iowa 52722, shall deduct from any wages, salary or other income due Husband, the sum of $208.38 per week as reasonable child support. The employer shall forward said payment to the Circuit Court Clerk, 506 Metropolitan Courthouse, Nashville, Tennessee 37201.

This assignment shall not be used as a basis for discharge or disciplinary action against the Husband; failure to comply with this Order will result in a judgment being entered against said employer, as set out in T.C.A. § 26-2-209, and as provided by law, this Order is binding upon said employer and successor employers fifteen (15) days after receipt. The employer shall notify this Court within ten (10) days of any change or terminations of the Husband's employment.

Husband shall inform the Court of the names and addresses of any new employers immediately after such a change. Further the Husband shall immediately inform the Court of any change in his personal residence.

The Circuit Court Clerk, after deducting the five percent fee, shall disburse said weekly payments in the amount of $198.46 to Wife at 635 Griffs Hollow Lane, Bethpage, Tennessee 37022 or any subsequent address given them by Wife. During the months of June and July, the Circuit Court Clerk, after deducting the five (5) percent fee shall disburse said weekly payments in the amount of $122.31.

Pursuant to the provisions of T.C.A. § 36-5-101(h), no action by the parties will be effective to reduce child support after the due date of each payment and Court approval must be

obtained before child support can be reduced or terminated under the expressed terms of this agreement.

The Wife shall claim the minor children as a deduction for federal income tax purposes.

5. Husband shall have the rights of visitation with the parties' minor children every other weekend from Friday at 6:00 p.m. until Sunday at 6:00 p.m., and Wednesday evenings from 6:00 p.m. until 8:00 p.m.

6. Husband shall be responsible for picking up the minor children at 635 Griffs Hollow Lane, Bethpage, Tennessee 37022. Wife shall pick up the children from Husband's residence at 3953 Keeley Drive, Nashville, Tennessee 37211 after Husband's visitation.

7. Husband shall give the Wife twenty four (24) hours notice if he desires to exercise Wednesday visitation. Husband shall be responsible in picking up and returning the children on Wednesday visitation.

8. The parties shall alternate holiday visitation according to the following schedule:

(A) Wife shall have the children each Mother's Day and Husband shall have the children each Father's Day. In years when Mother's Day falls on a weekend during which Husband exercises visitation, the parties shall exchange possession of the children at 8:00 a.m. on the Mother's Day and return the children at 6:00 p.m. In years when Father's Day falls on a weekend during which Wife has visitation, the parties shall exchange possession of the children at 8:00 a.m. on Father's Day and return the children at 6:00 p.m. No other changes in weekend visitation shall be made to compensate either party for additional time spent with the child;

(B) During odd-numbered years, Husband shall have one week at Christmas, beginning Christmas Eve at 9:00 p.m. and ending on New Year's Eve at 6:00 p.m., Easter, July Fourth, and Thanksgiving; and Wife shall have the week before Christmas ending at 9:00 p.m. on Christmas Eve, New Year's day, Memorial Day and Labor Day; during even-numbered years, the parties shall alternate these holidays; and

(C) Holiday visitation shall begin at 6:00 p.m. on the eve of the holiday and continue until 8:00 p.m. on the day of the holiday, except as detailed in paragraph (B) above, and no changes shall be made to compensate for regular weekend visitation time misses to provide holiday visitation.

9. Husband shall have summer visitation with the minor children for the full months of June and July.

10. Husband shall maintain major medical/health and dental insurance in his own name covering the parties minor children at all times while the children are minors. The medical insurance shall cover medical, dental, orthodontic, normal eye care, eyeglasses and contacts.

Husband shall responsible for the paying the full expense of maintaining the aforementioned coverage on the parties minor children. Husband shall be responsible for the full amount of all medical, dental, orthodontic, optical and hospitalization expenses incurred by the minor children not covered by insurance including, but not limited to, deductibles and coinsurance payments.

The parties shall agree on the orthodontist. If the parties cannot agree on the orthodontist, the Court will appoint an Orthodontist for the parties.

11. 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 (a):

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

(B.) The right to send mail to the children 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 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 doctors or health care provider upon written request which contains a current mailing address and upon payment of reasonable costs of duplication; and

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

12. Wife shall reimburse Husband for pager expenses incurred by the Wife's son, David Lee Huff, on the telephone bill at the marital residence. Wife shall pay Husband every month until the amount owing is satisfied. No further pager charges on Husband's telephone bill shall be incurred by the Wife.

13. Wife shall be responsible for paying **Four Hundred Dollars 00/100 ($400.00)** for past due taxes currently owing to the Internal Revenue Service (I.R.S.).

14. The marital residence located at 3953 Keeley Drive, Nashville, Tennessee 37211 owned by the Husband prior to the marriage is found to be the Husband's separate property.

Wife shall be awarded as alimony in solido the sum of **Five Thousand Dollars 00/100 ($5,000.00)** for the contribution and upkeep of the 3953 Keeley Drive property as a homemaker during the marriage. Said amount shall be payable at the rate of **Two Hundred Dollars 00/100 ($200.00)** a month for twenty ~~four~~ five (25) (~~24~~) months, or until the balance is paid in full. Said payments shall be paid by wage assignment as further discussed in paragraph 4.

Wife shall have a lien on said property until said sum is paid in full. A legal description of said property is in words and figures as follows:

> LAND in Davidson County, Tennessee, being Lot No. 27 on the plan of Blanchard Heights, of record in Book 2663, pages 62 and 63, Register's Office for said County.
>
> SAID Lot No. 27 fronts 125.0 feet on the easterly margin of Keeley Drive and extends back 281.78 feet on the northerly line and 296.53 feet on the southerly line to a dead line in the rear, measuring 119.7 feet thereon.
>
> BEING the same property conveyed to James H. Bingham and wife, Dorothy N. Bingham by deed from M.T. Melvin and wife, Mary S. Melvin of record in Book 2926, page 1, Register's Office for Davidson County, Tennessee.
>
> BEING the same property conveyed to Jimmy F. Howell and wife, Jackie L. Howell by deed from James H. Bingham and wife, Dorothy N. Bingham of record in Book 5398, page 663, Register's Office for Davidson County, Tennessee.

15. Each party is awarded the items of personal property in their possession, provided, however, that Wife is awarded the following items of personal property wherever they may be located:

A. 1984 Dodge Van
B. Children's bedroom furniture, ½ half of children's toys
C. Luke and Jessie's TV and VCR
D. Children's clothing
E. Luke's shelves in bedroom
F. Jessie's stand up mirror
G. Chair in living room
H. Sectional couch in den
I. Love seat in living room
J. Panasonic stereo
K. Homework desks in kitchen
L. Family photos and album
M. Wife's clothes left at the marital residence
N. Microwave
O. 1/2 of kitchen silverware, dishes, pots, and pans, cooking ware
P. "Ginger" the dog
Q. Unicorn and angel figurines

R. Sewing machine

16. Each party shall be responsible for the separate debts which they have incurred individually and for any debts or indebtedness which they have incurred not hereinbefore addressed by the Court.

Wife shall be enjoined and restrained from making or incurring further charges on Husband's credit.

17. Both parties are enjoined and restrained from driving with the minor children while intoxicated.

18. Wife shall immediately obtain car insurance.

19. Each party shall be responsible for their own payment of attorney fees.

20. The costs of this cause shall be equally taxed between the parties for which execution may issue of necessary.

ENTER THIS 7th **DAY OF** January, **1999.**

MURIEL ROBINSON, JUDGE

APPROVED FOR ENTRY:

Greg King, BPR #17439
Attorney for Wife
Washington Square Two
222 Second Avenue North
Suite 360-M
Nashville, Tennessee 37201
(615) 244-8026

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Final Decree was mailed to Louise Fontecchio, attorney for the Husband, 315 Deaderick Street, 20th floor, Nashville, TN 37238 by U.S. Mail, Postage Prepaid on this the 6th day of January, 1999.

Greg King

Greg King

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 07 day of JANUARY , 19 99 , in the Case Number 98D2499 between HOWELL, SHARON ANN Plaintiff, and HOWELL, JIMMY FRANK SR. Defendant, as same remains of record in Vol. 451 , Page 82699 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 08 day of NOVEMBER 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

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