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RICHARD R. ROOKER, CLERK
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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

NED DAVIS SMITH,

Plaintiff,

vs.

KATHY JUNE SMITH,

Defendant.

Docket No.: 98D-667
NOTICE OF ENTRY REQUESTED

FINAL DECREE

This cause came to be heard on January 18, 2000, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court of Davidson County, Tennessee upon the Complaint for Absolute Divorce filed by the Husband, the Answer and Counter Complaint filed thereto by the Wife, the Amended and Supplemental Answer and Counter Complaint filed by the Wife and the Answer to the Counter Complaint filed by the Husband. The Court finds, based on the statement of counsel, the pleadings filed herein and the testimony of witnesses that the parties should be declared divorced.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that both parties have been guilty of inappropriate marital conduct and are hereby declared divorced pursuant to T.C.A. §36-4-129(b).

IT IS FURTHER ORDERED, based on the stipulation of the parties, that the parties marital residence located at 4742 Whites Creek Pike, Whites Creek, Tennessee 37207 shall be forthwith placed on the market and listed for sale by Elsa Morris, Barnes Reality, who will serve as the Court Appointed Real Estate Agent. **IT IS FURTHER ORDERED** that the parties shall cooperate with the Court Appointed Real Estate Agent to effectuate the sale. The parties will agree on a listing price.

IT IS FURTHER ORDERED that upon the sale of the marital homeplace and after the payment of all indebtedness associated with the homeplace, closing costs and other costs of the sale, that the parties shall equally divide all of the net proceeds.

IT IS FURTHER ORDERED that the Husband shall be awarded one-half (½) of the Pebsco account in the amount of eight thousand five hundred twenty four dollars ($8,524.00).

IT IS FURTHER ORDERED that the Wife shall be awarded one-half (½) of the Pebsco account in the amount of eight thousand five hundred twenty four dollars ($8,524.00).

IT IS FURTHER ORDERED that each party shall be awarded the Pre-need Woodlawn Funeral plan currently in the respective parties name.

IT IS FURTHER ORDERED that at present, the Husband is entitled to a monthly pension benefit of one thousand nine hundred forty seven dollars and forty three cents ($1,947.43) per month as of January 18, 2000. The Wife shall be entitled to one-half (½) of the net amount of the one thousand nine hundred seventy five dollars and forty three cents ($1,975.43) per month that the Husband is entitled to as of January 18, 2000 after the deduction of appropriate taxes at such time as the Husband receives his retirement benefits. The Court recognizes that the parties may agree to a method of payment direct to the Wife from the Husband's Fireman's Credit Union Account.

IT IS FURTHER ORDERED that the Husband shall be awarded the checking account currently in his name.

IT IS FURTHER ORDERED that the Wife shall be awarded the checking account currently in her name.

IT IS FURTHER ORDERED that the Husband shall be awarded all items of personal property currently in his possession. **IT IS FURTHER ORDERED** that in addition to the items in the Husband's current possession he should be awarded the following:

1. International Tractor and Trailer;
2. 1984 Chevrolet Truck;
3. 1976 Ford Pickup Truck;
4. 1985 Honda Goldwing Motorcycle;
5. The old king size bedroom furniture;
6. Movie camera and charger;
7. Dresser & Mirror;
8. Two night stands;
9. Chest of Drawers.

IT IS FURTHER ORDERED that the Wife shall be awarded all the personal property and home furnishings currently in her possession with the exception of the items set forth above specifically awarded to the Husband. In addition, **IT IS FURTHER ORDERED** that the Wife shall receive the following:

1. 1995 Toyota Camry;

2. All the Wife's jewelry.

IT IS FURTHER ORDERED that the issue of payment of the Chase Visa credit card debt is reserved at this time. Neither party shall make any further charges on this account.

IT IS FURTHER ORDERED that the Husband shall continue to pay the Wife's car insurance until the sale of the marital homeplace.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Wife is awarded alimony *in futuro* until her death or remarriage in the amount of four hundred dollars ($400.00) per month beginning on the first day of the first full calendar month following the sale of the marital homeplace. **IT IS FURTHER ORDERED** that until the sale of the homeplace the Husband shall be responsible for the mortgage payment in the approximate amount of eight hundred sixty dollars ($860.00) per month.

IT IS FURTHER ORDERED that the Husband shall be awarded custody of the parties minor son, Shawn Davis Smith. **IT IS FURTHER ORDERED** that the Wife shall pay child support in the amount of sixty eight dollars and sixty cents ($68.60) per week beginning January 21, 2000. The child support shall continue until the minor child graduates from high school in May of 2000. The total amount of child support shall be paid out of the Wife's share of the proceeds from the sale of the marital homeplace. Additionally, the Husband will be awarded a lien on the Wife's share of proceeds from the sale of the homeplace for the total sum of child support outstanding.

IT IS FURTHER ORDERED that the Wife will be awarded reasonable visitation with the minor child.

IT IS FURTHER ORDERED that each party shall pay their own respective attorney's fees.

IT IS FURTHER ORDERED that Philip E. Smith is awarded a lien on the Wife's share of the proceeds from the sale of the marital homeplace in the amount of two thousand four hundred dollars ($2,400.00).

IT IS FURTHER ORDERED that Robert L. Jackson is awarded a lien on the Husband's share of the proceeds from the sale of the marital homeplace in the amount of eight thousand twenty one dollars and seventy five cents ($8,021.75).

IT IS FURTHER ORDERED that the cost of this proceeding is taxed to both parties equally for which execution may issue, if necessary.

ENTERED THIS THE 25th DAY OF January, 2000.

MURIEL ROBINSON, JUDGE

Approved for entry:

PHILIP E. SMITH #13421
Attorney for the Wife
213 Third Avenue North
Nashville, TN 37201
(615) 242-5453

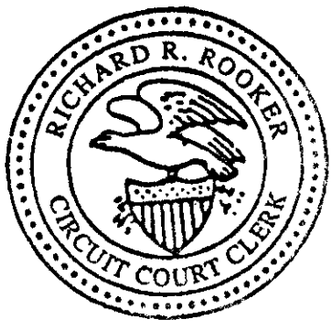
ROBERT L. JACKSON #2486
Attorney for the Husband
One Washington Square
214 Second Avenue North, Suite 103
Nashville, TN 37201
(615) 256-2602

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 25 day of JANUARY , 2000 , in the Case Number 98D667 between SMITH, NED DAVIS Plaintiff, and SMITH, KATHY JUNE Defendant, as same remains of record in Vol. 1011 , Page 185372 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 04 day of FEBRUARY in the year two thousand and in the 224th year of American Independence.

SEAL



RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk