FILED

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2000 MAR 20 PM 2:17

RICHARD R. ROOKER, CLERK

D.C.

JAMES RUSSELL GARDNER, JR.,
Plaintiff/Counter-Defendant

vs.

JOAN MARIE GARDNER
Defendant/Counter-Plaintiff

Docket No. 98D - 3179
Notice of Entry Requested

Instr:200003290031553 Page: 1 OF 6
REC'D FOR REC 03/29/2000 1:28:05PM
RECORD FEE: $26.00
M. TAX: $0.00 T. TAX: $0.00

FINAL DECREE OF DIVORCE

PICK

This cause came on to be heard on Wednesday, October 27, 1999 at 9:00 a.m., before the Honorable Marietta Shipley, Judge of the Second Circuit Court for Davidson County, Tennessee, upon the Complaint for Divorce filed by the Plaintiff/Counter-defendant, JAMES GARDNER JR.("Husband"), Counter-Complaint for Divorce filed by the Defendant/Counter-Plaintiff, JOAN M. GARDNER ('Wife"), all other pleadings heretofore filed in this cause, stipulations and agreements of the parties announced in open Court, acknowledgment under oath by the parties thereto, statement of counsel for the parties, and the entire record. From all of which the Court finds that the stipulations of the parties, and their announced agreements thereto, should be and are hereby approved and made the Order and Judgment of the Court.

It is therefore ORDERED, ADJUDGED and DECREED, pursuant to TCA §36-4-129 and the stipulations of the parties that if the Court heard the proof, the Court would find that the parties each had grounds for divorce against the other, so that the Court hereby declares the parties divorced, that the bonds of matrimony should be and hereby are dissolved, and that the parties should be, and hereby are restored to all of the rights and privileges of unmarried persons.

It is further ORDERED, ADJUDGED, and DECREED that the Husband should have and hereby is awarded sole and exclusive custody of the parties' minor son, Steven Lee Gardner, DOB 08/27/82, Soc. Sec. # 415-555-580; and that the Wife should have and hereby is awarded sole and exclusive custody of the parties' minor daughter, Natasha Marie Gardner, DOB 04/29/84, Soc. Sec. # 415-554-778.

It is further ORDERED, ADJUDGED, and DECREED that each party is responsible for the support of the child, including all of the medical expenses, in their physical possession and that neither party will pay child support to the other while both

children are in their minority because of the financial burden that the Husband has assumed in order to pay the Wife her share of the equity in the marital property. However, the Court shall review this issue upon a change of circumstance.
The Wife is currently receiving SSI disability benefits from Social Security and should the Husband ever receive any compensation from Social Security for Steven Lee Gardner, the child in his custody, he is Ordered to turn any money received over to the Wife as child support, due to the disparity in their incomes.

Is further ORDERED, ADJUDGED and DECREED that there shall be reasonable visitation between the children and their parents. The children have expressed a desire to spend some time with one another and with their non-custodial parent and the parties have agreed that there shall be no restrictions on reasonable visitation.

It is further ORDERED, ADJUDGED and DECREED that the required child support information sheet is attached hereto and incorporated by reference herein.

It is further ORDERED, ADJUDGED and DECREED that the Husband, James Russell Gardner, Jr., should be and hereby is awarded the residence and real property located at 913 Mallow Drive, Madison, TN 37115, and any interest therein of the Wife, Joan Marie Gardner, is hereby divested from her and reinvested in the Husband. The property is more particularly described as follows:

> Being Lot No. 112 on the Plan of Arrowhead Estates, Section II, a plan which is of record in Book 5050, page 83, Register's Office for Davidson County, Tennessee.
>
> Said Lot No. 112 fronts 50 feet on the westerly margin of Mallow Drive and extends back 231.46 feet on the northerly line and 163.80 feet on the southerly line to a dead line in the rear measuring 109.11 feet thereon.
>
> Being part of the same property conveyed to Jack Driver and Sons, Inc. by deed from Driver's Investments, partnership, of record in Book 5115, page 816, Register's Office for Davidson County, Tennessee.

It is further ORDERED, ADJUDGED and DECREED that the Husband shall obtain a mortgage equity loan on the aforementioned marital residence and Husband shall be solely responsible for the mortgage encumbering the real property and he shall

indemnify and hold the Wife harmless thereon.

It is further ORDERED, ADJUDGED and DECREED that the Wife shall execute a quitclaim deed conveying all interest in the aforementioned real property to the Husband as consideration for Husband's agreement to pay the Wife Twenty Two Thousand ($22,000.00) Dollars for her interest in the Marital residence and real property at the closing of the loan. It is understood that time is of the essence in the acquisition of this loan and Husband shall proceed immediately to acquire same. This is a transfer of appreciated property between spouses in connection with a divorce, and is not a sale or exchange or other disposition, but represents a division of property by co-owners.

It is further ORDERED, ADJUDGED and DECREED that the Husband agrees to pay the Wife One Thousand ($1,000.00) Dollars as compensation for her marital interest in any household goods at the marital residence which have not heretofore been divided equally between the parties. The One Thousand ($1,000.00) Dollars shall be paid to the Wife at the closing of the equity loan on the real property in addition to the Twenty Two ($22,000.00) Dollars for her interest in the aforesaid property.

It is further ORDERED, ADJUDGED and DECREED that the Husband should be and hereby is awarded the 1995 Ford Ranger pick-up truck subject to the debt thereon, free and clear of any right, title or interest of the Wife. Wife shall execute any documents necessary to divest title from herself and vest title to the Husband in the 1995 Ford Ranger pick-up truck currently in his possession.

It is further ORDERED, ADJUDGED and DECREED that the Husband should be and hereby is awarded the two interval shares in Gatlinburg, Tennessee, more particularly described as follows:

> WHEREAS, on the 7th day of September, 1995, Grantor and Grantee purchased Unit 812K/Flex Week 06 at TREE TOPS RESORT in Gatlinburg, Tennessee: and
>
> WHEREAS, Grantor now desires to convey her undivided interest in and to said week to James R. Gardner, Jr.
>
> NOW, THEREFORE, in consideration of mutual covenants herein contained, Grantor does hereby quitclaim and convey all her rights, title and undivided interest in Unit 812K/Flex

Week 06 at TREE TOPS RESORT in Gatlinburg, Tennessee unto James R. Gardner, Jr.

and the second time share is more particularly described as follows:

Whereas, on the 7th day of September, 1995, Grantor and Grantee purchased unit 4104/Flex Week 35 at TREE TOPS RESORT in Gatlinburg, Tennessee: and

WHEREAS, Grantor now desires to convey her undivided interest in and to said week to James R. Gardner, Jr.

NOW, THEREFORE, in consideration of mutual covenants herein contained Grantor does hereby quitclaim and convey all of her rights, title and undivided interest in Unit 4104/Flex Week 35 at TREE TOPS RESORT in Gatlinburg, Tennessee unto James R. Gardner, Jr.

The Wife shall be divested of any interest in said timeshares and any interest she may have shall be vested in the Husband. The Husband agrees to pay all maintenance fees, or any other encumbrances associated with the interval shares and he shall indemnify and hold Wife harmless thereon.

It is further ORDERED, ADJUDGED and DECREED that the Husband should and hereby does waive any claim he might have against any back pay, or lump sum settlement which the Wife has received or may receive in the future from Social Security due to her disability.

It is further ORDERED, ADJUDGED and DECREED that the Husband should and hereby is awarded all of the benefits in his retirement plan from Fleming foods, having a current value of approximately $1700.00, free and clear of any right, title, or interest of the Wife.

It is further ORDERED, ADJUDGED and DECREED that each party should and hereby is responsible for any debt incurred in his or her own name since the date of separation of the parties and that each party is enjoined and restrained from any further encumbrances on the debt, or credit of the other.

It is further ORDERED, ADJUDGED and DECREED that each party should be and hereby is awarded all other personal property in their possession.

It is further ORDERED, ADJUDGED and DECREED that the Order of

Protection previously in force in this case, restraining the Husband from having any contact with the Wife other than for the limited purpose of arranging visitation with the children, is hereby dismissed.

It is further ORDERED, ADJUDGED and DECREED that neither party shall make any claim for alimony against the other either now, or in the future.

It is further ORDERED, ADJUDGED and DECREED that parties shall each pay their own attorney fees for representation in this matter.

It is further ORDERED, ADJUDGED and DECREED that the costs of this cause should be and are hereby taxed to the Husband, for which let execution issue if necessary.

Entered this _____ day of March, 2000.

HONORABLE MARIETTA SHIPLEY, JUDGE

APPROVED FOR ENTRY:

Pat Nicely, #15598
Attorney for Wife
1161 Murfreesboro Road, Suite 300
Nashville, TN 37217
(615) 399-9695

James L. Curtis; #4317
Attorney for Husband
Washington Square, Suite 204,
214 Second Avenue North,
Nashville, Tennessee 37201
(615) 256-4747

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 20 day of MARCH , 2000 , in the Case Number 98D3179 between GARDNER, JAMES RUSSELL Plaintiff, and GARDNER, JOAN MARIE Defendant, as same remains of record in Vol. 1082 , Page 198462 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 29 day of MARCH in the year two thousand and in the 224th year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk