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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2000 APR 14 PM 2:21

RICHARD R. ROOKER, CLERK

BETTY LYNN SPANN,	]	
	]	
Plaintiff,	]	
	]	
VS.	]	**NO. 98D-1972** D.C.
	]	
TERRY LEE SPANN,	]	**NOTICE OF ENTRY REQUESTED**
	]	
Defendant.	]	

FINAL DECREE OF DIVORCE

This cause came on to be heard on the 21st day of March, 2000 before the Honorable Muriel Robinson, Judge, upon the original Complaint for Absolute Divorce filed by the Plaintiff, Betty Lynn Spann, hereinafter referred to as the "Wife"; no Answer filed by the Defendant, Terry Lee Spann, hereinafter referred to as the "Husband", he having been duly served with the Wife's Complaint for Absolute Divorce on July 9, 1998; two separate defaults being entered against the Husband, the first on September 25, 1998 and the second on February 25, 2000; testimony of the Wife; testimony of the Wife's witnesses; submission of exhibits; statements of counsel for the Wife; statements of the Court; and the entire record in this cause, from all of which the Court is of the opinion and finds as follows: It is therefore:

ORDERED, ADJUDGED AND DECREED that the Court finds that the Husband was duly noticed and served with the Wife's Complaint for Absolute Divorce, and he has willfully failed and refused to file an Answer or to voluntarily take part in this litigation. The Court further finds that the Husband was represented at times during this litigation by Laura Tek, Attorney at Law, who withdrew from representing the Husband on February 11, 2000. The Court finds that the Husband, despite being duly noticed, has never really complied with the prior Orders of this Court, and has totally not participated in this divorce action. The Court further finds that the Husband has designed and engineered his own financial circumstances in becoming voluntarily underemployed since the parties' separation. The Court further finds that the Husband has been guilty of inappropriate marital conduct, and has failed to adequately aid in the support of his Wife of almost twenty-four

(24) years and their seventeen (17) year old minor son. The Court further finds that the Husband has missed numerous Court appearances, and was advised personally in open Court as to the seriousness of these matters, and to be back in Court either to represent himself or with an attorney, but he still failed to appear.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that based on the evidence presented, the Court shall grant an absolute divorce to the Wife, Betty Lynn Spann, on the grounds of the Husband's adultery and inappropriate marital conduct. As such, the bonds of matrimony heretofore subsisting between the parties are hereby forever and perpetually dissolved, and the Wife is restored to all the rights and privileges of an unmarried person.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Wife shall be awarded the absolute care, custody, and control of the parties' minor son, namely, Matthew Ryan Spann, whose date of birth is April 4, 1982. The Court finds that visitation in this cause shall be reserved pending the Husband making application to the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court finds from the proof presented that the Husband is willfully underemployed, he having taken a voluntary retirement from the Metropolitan Fire Department and being terminated from his other employment with Pinkerton Security for a sexual relationship with another employee. The Court makes a specific finding that the Husband has an earning capacity of at least Fifty-Five Thousand Dollars ($55,000) per year. As a result of this finding, the Court shall hereby set child support in the amount of Seven Hundred Dollars ($700) per month, which shall be paid on the first day of each month effective April 1, 2000, payable through the Circuit Court Clerk's Office, plus the Clerk's lawful commission of five percent (5%) in the amount of Thirty-Five Dollars ($35) per month, for a total monthly child support payment of Seven Hundred Thirty-Five Dollars ($735). The Husband shall make said child support payments directly to:

Richard Rooker
Circuit Court Clerk
506 Metropolitan Davidson County Courthouse
Public Square
Nashville, TN 37201

The Clerk shall disburse said child support payments directly to the Wife at:

Betty Lynn Spann
750 May Drive
Madison, TN 37115

This child support is set consistent with the Tennessee Child Support Guidelines and twenty-one percent (21%) of the Husband's monthly earning capacity. It is affirmatively acknowledged by the parties, pursuant to the provisions of Tennessee Code Annotated §36-5-101(h), that no action by the parties will be effective to reduce, prorate, modify, or terminate child support after the due date of each payment, and that they understand that Court approval must be obtained before child support can be reduced, prorated, modified, or terminated unless such payments are automatically reduced, prorated, modified, or terminated under the terms of this agreement. The Husband's child support obligation shall terminate upon the minor child attaining the age of eighteen (18) years, or graduating with his graduating class from high school, whichever occurs last.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court finds from the proof presented that the Wife is economically disadvantaged compared to the Husband who has an earning capacity of approximately Fifty-Five Thousand Dollars ($55,000). The Court finds that the Wife has had to find gainful employment earning Nine Dollars ($9) per hour during the pendency of this cause due to the Husband failing to adequately support her and the parties' minor son despite the Court's pendente lite Order. As such, the Court shall order the Husband to pay the Wife alimony in futuro in the amount of Five Hundred Dollars ($500) per month for the remainder of her life, death, remarriage, or the Husband's death.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Husband shall continue to provide and maintain life insurance coverage on his life through his Metropolitan Employee Benefits package naming the Wife as the beneficiary thereon to insure the payment of

alimony and child support in the event of his untimely death.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties' minor son's life insurance policy shall be awarded to the Wife.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Husband shall continue to provide and maintain the health insurance coverage for the benefit of the parties' minor son through his metropolitan government benefits.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party shall be responsible for paying one-half (1/2) of any uncovered medical or dental expense incurred for the benefit of the minor son not covered by the Wife's health insurance carrier during the remainder of the son's minority.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Wife shall be responsible for providing and maintaining her own health insurance coverage following this divorce.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Wife shall be awarded all right, title, and interest in and to the real property located at 750 May Drive, in Madison, Davidson County, Tennessee 37115, subject to any indebtedness thereon, indemnifying and holding the Husband harmless from any liability thereon. The Court hereby divests any interest the Husband may have in said real property and reinvests said interest in toto to the Wife in fee simple absolute. The legal description of the real property awarded to the Wife hereunder is more specifically described as follows:

> Being Lot No. 102 on the Plan of Farview, Section 3, of record in Book 3700, page 113, Register's Office for Davidson County, Tennessee, to which plan reference is here made for a more complete and accurate description.
>
> Being the same property conveyed to Terry Lee Spann and wife, Betty L. Spann, by Warranty Deed from Gary P. Jaynes and wife, Patricia C. Jaynes, of record in Book 6083, page 956.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court finds that the Husband's present monthly metropolitan pension income is One Thousand Five Hundred Two & 79/100 Dollars ($1,502.79) per month. The Court finds this pension to be a marital asset and finds as an equitable division of said asset that the Wife shall receive one-half (1/2) of the Husband's monthly

pension amount as additional alimony in solido to be paid directly to the Wife by the Husband upon his receipt of this metropolitan pension check. As such, the Wife shall be awarded one-half (1/2) of the Husband's monthly metropolitan pension interest for the remainder of her life, death, or the Husband's death.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Wife shall be awarded all right, title, and interest in and to her IRA account in her name, her First American Bank retirement, and her First American Bank stock, free and clear of any interest of the Husband.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court finds that as of March 2000, the Husband is in arrears in pendente lite spousal and child support in the amount of Two Thousand Four Hundred Three Dollars ($2,403) per month. The Court hereby awards the Wife a judgment in the amount of Two Thousand Four Hundred Three Dollars ($2,403) against the Husband, for all of which let execution issue if necessary. This arrearage judgment represents spousal and child support arrearages owed by the Husband pursuant to the Court's pendente lite Order.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that there shall be a permanent Restraining Order enjoining and restraining the Husband from threatening, harassing, or verbally or physically abusing the Wife at any time in the future.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Wife shall be awarded all right, title, and interest in and to the 1994 Oldsmobile Cutlass vehicle and the 1986 CJ-7 Jeep vehicle, free and clear of any interest of the Husband, and subject to any indebtedness thereon. The Husband shall be awarded all right, title, and interest in and to the 1986 Chevrolet pickup truck presently in his possession, free and clear of any interest of the Wife, and subject to any indebtedness thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Wife shall be awarded all items of household furniture, furnishings, and other personal property presently in her possession, not otherwise specifically mentioned under the provisions of this Final Decree of Divorce, free and clear of any interest of the Husband, and subject

to any indebtedness thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Robert Todd Jackson, counsel of record for the Wife, shall be awarded a judgment for attorney's fees against the Husband in the amount of Three Thousand Five Hundred Dollars ($3,500), for all of which let execution issue if necessary.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any Court costs assessed in this cause shall be assessed against the Husband, for all of which let execution issue if necessary.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the address of the Wife and the last known address of the Husband are as follows:

Plaintiff/Wife:

Betty Lynn Spann
750 May Drive
Madison, TN 37115

Defendant/Husband:

Terry Lee Spann
231 New Shackle Island Road
Apt. T-146
Hendersonville, TN 37075

IT IS SO ORDERED.

ENTERED on this the 14th day of April, 2000.

JUDGE MURIEL ROBINSON

APPROVED FOR ENTRY:

JACKSON LAW OFFICE

ROBERT TODD JACKSON, #13566
Counsel for Plaintiff/Wife
222 Second Avenue North
Suite 419
Nashville, TN 37201
(615) 248-0051

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree of Divorce has been forwarded to Terry Lee Spann, Defendant, pro se, at his last known address: 231 New Shackle Island Road, Apt. T-146, Hendersonville, TN 37075, on this the 3rd day of April, 2000.

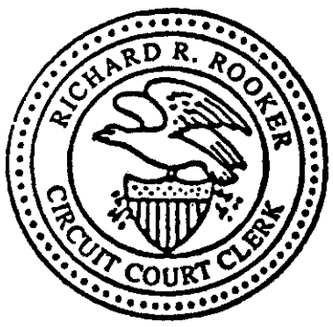
ROBERT TODD JACKSON

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 14 day of APRIL , 2000 , in the Case Number 98D1972 between SPANN, BETTY LYNN Plaintiff, and SPANN, TERRY LEE Defendant, as same remains of record in Vol. 1129 , Page 207037 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 26 day of APRIL in the year two thousand and in the 224th year of American Independence.

SEAL



RICHARD R. ROOKER, Clerk,

By Terry Campion
Deputy Clerk