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IN THE PROBATE COURT FOR DAVIDSON COUNTY, TENNESSEE,

AT NASHVILLE

ARTHUR WAYNE PRICE	)	
VS.	)	DOCKET NO. 89-D-394
	)	(TRANSFERRED TO CRIMINAL
	)	COURT, DIVISION I)
FRANCES ALMA GUSSOW PRICE	)	

FINAL ORDER

This cause came to be heard on the 28th day of January, 1991 before the Honorable Tom Shriver, Judge of the Criminal Court for Davidson County, Tennessee, at Nashville, Division I, where the issue of child custody, the issue of Division of the marital Property and all other maters was reserved by the Honorable James R. Everett, Judge of the Probate Court of Davidson County, Tennessee, at Nashville, when awarding the parties a divorce, and ordering the appointment of a guardian at litem for the interest of the parties two youngest minor children. The Court having heard the testimony of the parties, witnesses, the report and recommendaations of the guardian at litem, the stipulations, agreements, and argument of counsel for each party and having viewed exhibits, and reviewed the entire record herein determined the facts as follows:

The Court is of the opinion that with regard to the parties youngest two minor children the recommendations of the guardian at litem concerning child custody, and visitation privileges should be followed and that as a matter of fact it is in the best intrerest of the parties two youngest minor children that primary custody should be with the Husband and that the Wife should have visitation privileges. The Court further finds that as a matter of fact it is in the best interest of the parties oldest child that primary custody should be with the Wife and that the Husband shouls have visitation privileges.

The Court is of the opinion that the wife is a financially disadvantage spouse and finds as a matter of fact that Section 36-5-101 (d), of Tennessee Code Annotated is applicable. The Court

further finds that the wife desires to go to take a course that will improve her earning skills and that said course will take approximately two years to complete and that classes for said course will begin by September, 1991. The Court is of the opinion that at the best way to accomplish the intent of the General Assembly is to relieve the Husband of the necessity of paying to the wife temporary support and maintenance and to relieve the wife of the necessity of paying to the Husband child support for a period of two years, provided however; that the Wife has enrolled in classes to improve her earning skills not later than September, 1991. The Court is further of the opinion that two years from January 28, 1991 it should hold another hearing to determine the proper amount of child support to be paid by the Wife. The Court is further of the opinion that an amount of child support should be set at that time regardless of the Wife's expected graduation date. The Court is also of the opinion that if the Wife has not enrolled in courses to improve her earning skills by September, 1991 the Husband should make application to this Court for an order to set an amount of child support.

The Court finds as a matter of fact that the marital estate of the parties consist of the following:

1. REAL PROPERTY: The marital residence and the surrounding land located at Rt. 2, 8053 Old Charlotte Pike, Nashville, Tennessee and more particularly described, as follows:

> LAND in Davidson County, Tennessee, being Lot NO. 6 on the Lillie L. Field Subdivision, as of record in Book 5200, page 158, Register's Office for Davidson County, to which plan reference is herein made for a more complete description of metes and bounds.
>
> BEING part of the same property conveyed to Lillie L. Field by Warranty Deed from Frances Cantagallo, et al, being all of the heirs at law of Arthur Lee Williams, as of record in Book 5062, page 69, Register's Office for Davidson County.
>
> BEING part of the same property conveyed to Arthur Wayne Price, et ux Frances Alma Price by Installment Deed from Lillie L. Field, as record in Book 5446, page 675, Register's Office for Davidson County.
>
> LAND in Davidson County, Tennessee, being Lot NO. 5 on the Plan of Lillie L. Field Subdivision of record in Plat Book 5200, page 158, Register's Office for Davidson County, Tennessee. Reference is hereby made to said Plat for a more complete description.

BEING part of the property conveyed to Lillie L. Field by deed from Frances Cantagallo et ak if record in Book 5062, page 69, Register's Office for Davidson County, Tennessee.

BEING party of the same property conveyed to Arthur Wayne Price, et ux Frances Alma Price by Warranty Deed from Lillie L. Field, as record in Book 6172, page 472, Register's Office for Davidson County, Tennessee.

The Court assumes from the undisputed testimony that the value of the Real Property is $47,000, which is the amount of the appraisal. The Court finds as a matter of fact that to split up the land is not practical because of difficulty in trying to value the land, because the Husband uses the a five-acre tract for a shop for his car repairs and because the Wife could not afford to keep the taxes up, much less expect to do anything with the property. Further the Court finds as a matter of fact that the real property was purchased with proceeds obtained from the sale of the Husbands premarital property having a value of $4,500 and that the real property is presently encumbered with a mortgage of approximately $5,352. The Court therefore finds fact that the net value of the real property for marital distribution is $37,148, or $18,574 each.

2. PERSONAL PROPERTY: The Court finds that as a matter of fact the personal property of the marital estate consist sixteen motor vechicles, a set of household furnisher, furnishings and tools, a retirement account, and a Chris Craft Boat and Trailer. The Court is of the opinion that the distribution of the personal property of the marital estate as agreed upon by the parties should be approved. That the Husband should have as his separate property vehicles valued at $1,685, and that the Wife should have as her separate property vehicles valued at $1,600. The Court is of the opinion that the Kris Craft Boat and Trailer, FEIN CC172256 has a value of $2,000. The court further finds as a matter of fact that the value of the Jeep is diminished and is of the opinion that the Jeep should be valued at $750. The Court also finds that the value of one GTO, the doors and the hood is $350, as agreed to by the parties.

The Court further finds that as a matter of fact the Husbands Pension Fund is marital property and has a termination value of

$5,266 and should be awarded to the Husband. The court is also of the opinion that the distribution of the household items and tools as agreed to between the parties should be approved, that is the Husband should have as his sole and separate property household items and tools valued at $3,797 and the Wife shall have as her sole and separate property household items valued at $333.

The Court finds that the total value of the personal property of the marital estate to be awarded to the Husband is $12,748 and that the total value of the personal property of the marital estate awarded to the Wife is $3,033. The Court further finds that the difference in the value of the personal property of the marital estate to be distributed between the parties is $9,715, which divided between the parties is $4,857. The Court having found that the Wifes share of the real property is $18,574 and that the difference in personal property split between the parties to be $4,857 now finds that the Wifes share in the real property is $23,431.

The Court is of the opinion that the debts of the parties which are in the Husband's name includes the Mastercard, $1,599; Sears, $1,599; Goodyear, $499, Credit Union, $11,631 and $724 for a total of $15,972, for a total of $15,972. The Court further finds that the Wife is entitled to a $900 credit against her distributive share of these debts. The court also finds that there is a dental bill and a medical bill, which will be split between the parties. The Court further finds that the Wife has no means of paying her distributive share of the marital debts and obligations therefore the Court is of the opinion that the Wife's respective share of the marital debt shall be applied against her interest in the real estate and that the Husband shall be responsible and liable for the total of the marital debts and hold the Wife harmless thereon.

The court further finds that the Wife's interest in the marital property is in the amount of $16,101, which is an interest in the real estate, and which will be due and payable to her when the children are 18 years of age or in the event that the property

is sold before that time. The court further finds that the Wife is entitled to expect some income on her distributive share of the real estate and that the Husband at this time does not have the means with which to pay the Wife. The Court also finds that if the Wife were to put the monies into a savings account she could earn interest. The court finds that the Husband shall pay to the wife interest on her distributive share of the real estate in the amount of six per cent (6%) per annum to be compounded monthly. The court also finds that in two years when it deals with the issue of child support it will review the economic circumstances of the parties and as a part thereof it will review the issue of the rate of interest assessed the Husband on the wife's interest in the real estate.

The Court further finds that the Guardian at Litem is entitled to a fee of $800 for services rendered in this case and that such fee is to be taxed as cost and the cost shall be split equally between the parties. The court also finds that each party shall be liable and responsible for the payment of his or her respective attorneys fees.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Husband shall have full custody of the parties two youngest minor children and that the Wife shall have visitation privileges and that the Wife shall have full custody of the parties oldest child and the Husband shall have visitation privileges.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Mother shall be awarded visitation privileges as follows:

1. Every other weekend from six (6) o'clock p.m. Friday through seven-thirty (7:30) o'clock p.m. Sunday

2. Telephone visitation, to include daily telephone visitation with the parties minor children.

3. Overnight visitation on either Tuesday, Wednesday or Thursday night of each week. In the event that the parties cannot agree weekday visitation shall be on Wednesday overnight. Said visitation is to commence with the Wife picking the children up from school and returning them to school in time for classes to

begin. In the event school is not in session, the Wife shall pick the children up at home and return them there the next morning. In the event that it is not convenient or appropriate for the Wife to have the children overnight she shall give the Husband reasonable notice and return the children home by seven thirty (7:30) p.m.

4. Extended visitation privileges each year during the summer months to include the last two weeks of June and the last two weeks of July. In the event that the parties can agree said extended summer visitation can be for one continuous month; however, if the summer visitation is to be one continuous month then the Husband shall have visitation privileges every other weekend and overnight visitation during the week.

6. Extended visitation privileges to alternate every other year with the Mother having visitation privileges to commence on December 18th at six (6) o'clock p.m. and continue through December 25th at two (2) o'clock p.m. in each odd year and with the Mother having visitation privileges to commence on December 25th at two (2) o'clock p.m. and continue through January 2nd at six (6) o'clock p.m. in each even year.

6. Every other major holiday to commence at eight (8) o'clock a.m. and continue through seven thirty (7:30) p.m.

7. Every other Spring vacation and every other Thanksgiving vacation so that the parties shall alternate; that is the Mother shall have the children spring vacation in odd years and the Mother shall have the children Thanksgiving vacation in even years. Said visitation is to commence with the Mother picking the children up from school for the Holiday dismissal and with her returning them to school when the Holiday ends.

8. Every Easter Sunday, from one (1) o'clock p.m. through seven thirty (7:30) p.m.

9. Every Mother's Day regardless of whose weekend it is and the Father shall have the children each Father's day regardless of whose weekend it is. Said visitation shall be from eight (8) o'clock a.m. and continue through seven thirty (7:30) p.m.

10. On each childs birthday with the parties alternating so

that one parent has the children during the earlier part of the day one year and has the children during the late afternoon and early evening of the next year. The mother shall have visitation with the children on her birthday, April 18th of each year and the father shall have the children on his birthday, July 22nd of each year. Birthday visitation shall be with all the children together.

11. For family events, emergencies, reunion, funerals and so forth though said events may occur outside the normal visitation or vacation time scheduled.

12. For such other visitation privileges as the parties can agree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the Father shall give the Mother timely and reasonable notice of any and all school events, social or sporting events which involve the children such that the Mother has an opportunity to participate in these activities with the children.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Father shall provide the Mother with medical information about the children and that he shall advise the Mother when the children are sick or injured.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party is mutually restrained and enjoined from bad-mouthing each other either to the children or in the childrens presence.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party is mutually restrained and enjoined from having overnight visitors of the opposite sex when the children are in their physical care, custody and control.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the wife is relieved the necessity of paying child support for the support and maintenance of the parties two youngest children for a period of two years, provided, however; that she has enrolled in classes to improve her earning skills not later than September, 1991.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that two years from January 28, 1991 a hearing shall be set to determine the proper amount of child support that the Wife will be obligated to

pay regardless of the Wife's expected graduation date.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that if the Wife has not enrolled in courses to improve her earning skills by September, 1991 the Husband shall make application to the Court and child support shall be set at that time.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Father shall pay directly to the oldest child the sum of twenty-five dollars ($25) per week as child support.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Husband shall be awarded the marital residence and the surrounding land as his sole and separate property and the wife shall be awarded a lien on the real property in the amount of $16,.101. Said real property is commonly described as Rt.2, 8053 Old Charlotte Pike, Nashville, Tennessee and more particularly described, as follows:

> LAND in Davidson County, Tennessee, being Lot NO. 6 on the Lillie L. Field Subdivision, as of record in Book 5200, page 158, Register's Office for Davidson County, to which plan reference is herein made for a more complete description of metes and bounds.
>
> BEING part of the same property conveyed to Lillie L. Field by Warranty Deed from Frances Cantagallo, et al, being all of the heirs at law of Arthur Lee Williams, as of record in Book 5062, page 69, Register's Office for Davidson County.
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> BEING part of the same property conveyed to Arthur Wayne Price, et ux Frances Alma Price by Installment Deed from Lillie L. Field, as record in Book 5446, page 675, Register's Office for Davidson County.
>
> LAND in Davidson County, Tennessee, being Lot NO. 5 on the Plan of Lillie L. Field Subdivision of record in Plat Book 5200, page 158, Register's Office for Davidson County, Tennessee. Reference is hereby made to said Plat for a more complete description.
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> BEING part of the property conveyed to Lillie L. Field by deed from Frances Cantagallo et ak if record in Book 5062, page 69, Register's Office for Davidson County, Tennessee.
>
> BEING party of the same property conveyed to Arthur Wayne Price, et ux Frances Alma Price by Warranty Deed from Lillie L. Field, as record in Book 6172, page 472, Register's Office for Davidson County, Tennessee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Husband shall be personally and solely liable for the mortgage existing on the real property and that he shall hold the Wife harmless thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the Wife's interest in the real estate shall be due and payable to her when

the children are 18 years of age or sooner in the event that the property is sold before that time.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Wife's $16,101 interest in the real property shall accumulate interest at the rate of six per cent (6%) per annum and that said interest shall be compounded monthly.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court will review the rate of interest accruing on the wife's interest in the real property when it determines the amount of child support the wife shall become obligated to pay in two years.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the husband shall have as his sole and separate property the following motor vehicles:

1. 1966 Pontiac GTO - FEIN 242176P15323
2. 1966 Pontiac GTO - FEIN 235176P604088
3. 1967 Pontiac Lemans - FEIN 237077K134465
4. 1967 Pontiac Lemans - FEIN 237177P200382
5. 1974 Chevrolet Nova - FEIN 1427H4K155084
6. 1973 Chevrolet Nova - FEIN 1X27F3L170559
7. 1966 Pontiac Tempest- FEIN 233769P636987
8. 1961 Ford Thunderbird FEIN 1Y71Z104222
9. 1961 Ford Thunderbird FEIN 1Y71Z114399

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Husband shall have as his sole and separate property the Kris Craft Boat FEIN CC172256, the Pension Fund, and the Household Items and Tools as agreed to by and between the parties.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Wife shall have as her sole and separate property the following motor vehicles:

1. 1967 Pontiac Tempest- FEIN 235677B607456
2. 1965 Ford Mustang - FEIN 5F07C284419
3. 1963 Pontiac Bon.Cov- FEIN 863K23379
4. 1974 Jeep Wag. - FEIN J4A154CZ25260
5. 1967 Pontiac GTO - FEIN 242177P145155
6. 1966 Pontiac GTO - FEIN 242176P236424
7. 1966 Pontiac GTO - FEIN 242176P286565

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Wife shall have as her sole and separate property the household items as agreed to by and between the parties as well as the doors and hood.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the husband shall be liable and responsible for the payment of the Mastercard,

$1,599; Sears, $1,599; Goodyear, $499; Credit Union $11,631 and $724; Dental Bill for Wife 500; and a medical bill for the parties oldest child Chris and that the Husband shall hold the Wifl harmless for all amouunts oweing thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Guardian at Litem shall be awarded fees totaling $800 and that said fees shall be part of court cost and that the court cost shall be split equally between the parties.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party shall be responsible and liable for their respective attorneys fees.

ENTERED THIS 25th DAY OF FEBRUARY, 1991.

THOMAS H. SHRIVER, JUDGE

APPROVED FOR ENTRY:

BARBARA S. FREEMON,
Attorney for Wife.

FRANK E. CLAYTON
Attorney for Husband

CERTIFICATE OF SERVICE

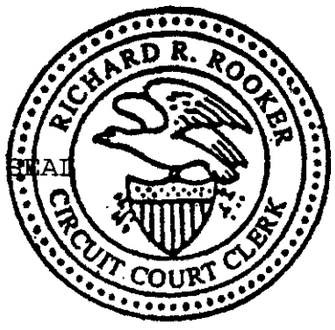
I hereby certify that a true and exact copy of the foregoing Order has been mailed, postage prepaid to the office of Mary Arline Evans, Guardian at Litem 214 Third Avenue North, Nashville, Tennessee 37201.

BARBARA S. FREEMON

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 0 Circuit Court for Davidson County, Tennessee, on the 07 day of MARCH , 1991 , in the Case Number 89D3948 between PRICE, ARTHUR WAYNE Plaintiff, and PRICE, FRANCES ALLMA G Defendant, as same remains of record in Vol. 60A , Page 133 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 30 day of AUGUST in the year two thousand and in the 225th year of American Independence.



RICHARD R. ROOKER, Clerk,

By B Rawls
Deputy Clerk