Davidson County DEEDDIV
Recvd: 09/28/00 15:57 6pgs
Fees:26.00 Taxes:0.00
20000928-0096223

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
2000 JUL 25 PM 3:54
RICHARD R. ROOKER, CLERK
B. Murray D.C.

BARBARA ANN SCALES STEPHENS,
1528 Joe Pyron Drive
Madison, Tennessee 37115
Wife,

VS.

ERNEST ANTHONY STEPHENS,
2219 10th Avenue South
Nashville, Tennessee 37204
Husband.

NO.: 99D-3190
PROOF OF ENTRY REQUESTED

FINAL DECREE

This cause came on to be heard this 10th day of July, 2000, before the Honorable Marietta Shipley, Judge, upon Petition for Absolute Divorce filed by the Wife, service of process on the Husband, Answer filed by the Husband, and the Husband having failed to appear in open court after being duly noticed of the final hearing, and testimony of the Wife heard in open court. The Court finds that the facts of the Complaint are true in that the Husband has been guilty of inappropriate marital treatment or conduct towards the Wife as renders further cohabitation unsafe and improper. The Court further finds as follows:

1. That the Wife should be granted an absolute divorce.

2. That the Wife shall receive the custody of the minor daughter of the parties, Allyson Patrice Stephens, age 6, and visitation shall be reserved.

3. That the Husband shall pay as child support by wage assignment the sum of Four Hundred Forty-Three Dollars and .00/100 ($443.00) a month, payable at the rate of Two Hundred Twenty-One Dollars and .50/100 ($221.50), plus the Clerk's commission of Eleven Dollars and 08/100 ($11.08) on the 15th day of each month, beginning July 15, 2000, and a like sum on the 30th day of each month. All medical, dental, optical and orthodontic expenses not covered by insurance shall be divided equally between the parties. The Wife shall carry medical insurance on the minor child so long as there is no cost to her, and if there is a cost to her, the Husband shall reimburse her this expense.

4. That each party shall receive all items of personal property now in his or her possession as their sole and separate property.

5. That the Wife shall receive the 1995 Jeep and she shall assume all indebtedness owed thereon and shall hold the Husband harmless. The Wife shall receive all of the Husband's right, title

and interest in and to the 1997 Dodge Truck and the Husband shall immediately return the truck to the Wife. The Wife shall be responsible for all future indebtedness on said truck.

6. That all of the Husband's right, title, and interest in and to the real property located at 1528 Joe Pyron Drive in Madison, Davidson County, Tennessee, shall be divested out of the Husband, Ernest Anthony Stephens, and shall be reinvested in the Wife, Barbara Ann Stephens, in fee simple absolute. The Wife shall assume all indebtedness owed thereon and shall hold the Husband harmless.

7. That the Wife shall receive the education fund in the approximate amount of Three Hundred Dollars and .00/100 ($300.00) to be used for the benefit of the minor child.

8. That the Husband shall pay and be solely responsible for his student loan and shall hold the Wife harmless thereon. The AT&T MasterCard debt in the approximate amount of Thirty-Nine Hundred, Twenty-Four Dollars and .53/100 ($2,924.53) shall be divided equally between the parties, and each party shall pay their one-half (½) share and hold the other party harmless thereon.

9. That the Wife shall have a judgment against the Husband in the amount of Three Thousand Dollars and .00/100 ($3,000.00) as payment on her attorney fees for which execution may issue, if necessary.

10. That the current arrearage under the terms of the pendente lite Order for the Husband's payment on child support, truck payments, and other items, is in the amount of Seven Thousand, Four Hundred Sixty-One Dollars and .00/100 ($7,461.00). The Husband also owes the Wife one-half (½) of the IRA Account, which he has received, the one-half (½) amount being Thirty-Six Hundred Dollars and .00/100 ($3,600.00). Unless the Husband fully complies with the pendente lite Order and pays these sums to the Wife, the Wife will owe the Husband none of his equity in the marital residence, said equity of the Husband being in the amount of Ten Thousand, Nine Hundred Fifty Dollars and .00/100 ($10,950.00).

11. That the Petition for Contempt shall be continued and reset for final hearing on Thursday, July 27, 2000, at 1:30 P.M. The Husband needs to appear in court at that time, or a body attachment will issue for his arrest.

12. That the Husband shall pay the court costs in connection with this cause for all of which execution may issue, if necessary.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Wife, Barbara Ann Scales Stephens, be and is hereby granted an absolute divorce from the Husband, Ernest Anthony Stephens, on the ground of inappropriate marital conduct, Tennessee Code Annotated § 36-4-101(11), and both parties shall be restored to all the rights and privileges of unmarried persons.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Wife shall receive the custody of the minor daughter of the parties, Allyson Patrice Stephens, age 6, and visitation shall be reserved.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the employer of the Husband, State of Tennessee, Middle Tennessee Reception Center, 7177 Cockrill Bend Industrial Boulevard, Nashville, Tennessee, shall deduct from any salary, wages, or other income due the Husband, the sum of Four Hundred Forty-Three Dollars and .00/100 ($443.00) a month, payable at the rate of Two Hundred Twenty-One Dollars and .50/100 ($221.50), plus the Clerk's commission of Eleven Dollars and .08/100 ($11.08), for a total of Two Hundred Thirty-Two Dollars and .58/100 ($232.58) on the 15th day of each month, beginning July 15, 2000, and a like sum on the 30th day of each month. The employer shall send said payments to Central Child Support Receipting Unit, P.O. Box 305200, Nashville, Tennessee 37229, and the payments shall be disbursed to: Barbara Ann Scales Stephens, 1528 Joe Pyron Drive, Madison, Tennessee 37115.

All medical, dental, optical and orthodontic expenses not covered by insurance shall be divided equally between the parties. The Wife shall carry medical insurance on the minor child so long as there is no cost to her, and if there is a cost to her, the Husband shall reimburse her this expense.

No action by the parties will be effective to reduce child support after the due date of each payment and the parties understand that court approval must be obtained before child support can be reduced. The Social Security Number of the Wife is [redacted]-6424, and the Social Security Number of the Husband is [redacted]-5911. The current address of the Wife is 1528 Joe Pyron Drive, Madison, Tennessee 37115, and the current address of the Husband is 2219 10th Avenue South, Nashville, Tennessee 37204.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that each party shall receive all items of personal property now in his or her possession as their sole and separate property.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Wife shall receive the 1995 Jeep and she shall assume all indebtedness owed thereon and shall hold the Husband harmless. The Wife shall receive all of the Husband's right, title and interest in and to the 1997 Dodge Truck and the Husband shall immediately return the truck to the Wife. The Wife shall be responsible for all future indebtedness on said truck.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Wife shall receive the education fund in the approximate amount of Three Hundred Dollars and .00/100 ($300.00) to be used for the benefit of the minor child.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Husband shall pay and be solely responsible for his student loan and shall hold the Wife harmless thereon. The AT&T MasterCard debt in the approximate amount of Thirty-Nine Hundred, Twenty-Four Dollars and .53/100 ($2,924.53) shall be divided equally between the parties, and each party shall pay their one-half (½) share and hold the other party harmless thereon.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Wife, Barbara Ann Scales Stephens, shall have a judgment against the Husband, Ernest Anthony Stephens, in the amount of Three Thousand Dollars and .00/100 ($3,000.00) as payment on her attorney fees for which execution may issue, if necessary.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the current arrearage under the terms of the pendente lite Order for the Husband's payment on child support, truck payments, and other items is in the amount of Seven Thousand, Four Hundred Sixty-One Dollars and .00/100 ($7,461.00). The Husband also owes the Wife one-half (½) of the IRA Account, which he has received, the one-half (½) amount being Thirty-Six Hundred Dollars and .00/100 ($3,600.00). Unless the Husband fully complies with the pendente lite Order and pays these sums to the Wife, the Wife will owe the Husband none of his equity in the marital residence, said equity of the Husband being in the amount of Ten Thousand, Nine Hundred Fifty Dollars and .00/100 ($10,950.00).

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Petition for Contempt shall be continued and reset for final hearing on Thursday, July 27, 2000, at 1:30 P.M. The Husband needs to appear in court at that time, or a body attachment will issue for his arrest.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that all of the Husband's right, title and interest in and to the real property located at 1528 Joe Pyron Drive in Madison,

Davidson County, Tennessee, shall be divested out of the Husband, Ernest Anthony Stephens, and shall be reinvested in the Wife, Barbara Ann Scales Stephens, in fee simple absolute. The Wife shall be responsible for all indebtedness owed thereon and shall hold the Husband harmless. Said real property is more particularly described as follows:

> LAND in Davidson County, Tennessee, being Lot No. 94, on the Plan of Phase I, Kimbolton, as shown on plat of record in Plat Book 6900, Pages 276, 277 and 278 in the Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for a more complete description.
>
> BEING the same property conveyed to Ernest A. Stephens, Sr., and Wife, Barbara A. Stephens, by deed from David W. Lamberth and Wife, Desiree N. Lamberth, of record in Book 9238, Page 876, Register's Office for Davidson County, Tennessee.
>
> Ernest Anthony Stephens and Ernest A. Stephens, Sr., are one and the same person. Barbara A. Stephens and Barbara Ann Scales Stephens are one and the same person.

The Husband shall pay the court costs in connection with this cause for all of which execution may issue, if necessary.

ENTER this 25 day of July, 2000.

MARIETTA SHIPLEY, JUDGE

APPROVED FOR ENTRY:

DAVID C. RUTHERFORD #2706

L. R. DeMARCO #2652
Attorneys for Wife
Suite 400, Washington Square
214 Second Avenue North
Nashville, TN 37201-1602
(615) 256-6681

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree has been mailed to the Husband, Ernest Anthony Stephens, 2219 10th Avenue South, Nashville, TN 37204, and c/o Middle Tennessee Reception Center, 7177 Cockrill Bend Industrial Boulevard, Nashville, TN, this 18th day of July, 2000.

L. R. DeMARCO

TSTATEOFTENNNNEEEE

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 25 day of JULY , 2000 , in the Case Number 99D3190 between STEPHENS, BARBARA ANN SCALES Plaintiff, and STEPHENS, ERNEST ANTHONY Defendant, as same remains of record in Vol. 1286 , Page 235889 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 28 day of SEPTEMBER in the year two thousand and in the 225th year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By Karen Rooker
Deputy Clerk