IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED
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RICHARD R. ROOKER, CLERK
B Murray D.C.

FRANCES JEAN HERNANDEZ	]	
	]	
Plaintiff/Wife	]	
	]	
v.	]	**Docket No. 97D-2557**
	]	**Notice of Entry Requested**
PHILLIP ANDREAS HERNANDEZ	]	
	]	
Defendant/Husband	]	

Davidson County JDGMT
Recvd: 10/04/00 15:43 5pgs
Fees:22.00 Taxes:0.00
20001004-0098638

FINAL DECREE OF DIVORCE

This matter came on to be heard on June 8, 1998, July 20, 1998 and January 7, 1999 before the honorable Marietta Shipley, Judge of the Second Circuit Court for Davidson County, Tennessee, and Special Master Nichols upon referral by this Court. Upon the testimony of all the parties and witnesses, argument of counsel, and exhibits before this honorable Court, the Court finds this matter is well taken. It is therefore **ORDERED, ADJUDGED AND DECREED** that the parties have stipulated that the Wife should be awarded a divorce on the Husband's grounds of inappropriate marital conduct and the parties are therefore declared divorced.

It is **ORDERED, ADJUDGED AND DECREED** that the parties have stipulated to the division of personal property between the parties pursuant to the Wife's Proposed Division of Assets except the following: the waterbed is awarded to the Husband; the riding lawnmower awarded to the Wife is the mower that she has been using during the last year; and all custom cabinetry is awarded to the Husband.

It is **ORDERED, ADJUDGED AND DECREED** that the property which is the subject of this litigation is 2408 Gardner Lane, Nashville, Davidson County, Tennessee 37207. The Court finds that Phillip, Raphael, and Mary Hernandez have legal ownership of said property. Phillip Hernandez is married to Frances Hernandez and therefore, she has a marital interest in the Husband's share of the residence. The Wife's marital interest is that interest which is her marital percentage in the appreciation in the value of the home at the time of the marriage to the present. The Court finds that the value of the home at the time of the marriage was $77,500.00 and that the current value of the home is $150,000.00.

The Court has determined the Wife's interest in the marital residence by subtracting the value at the time of the marriage from the current value of the home. This Court has subtracted out

6% realtor's fee as if the house were sold and 21% as the capital gains tax between 1994 and 1999 and then divided by three (3) to determine the Husband's interest in the residence. The Court finds that the Husband's increase in value of the residence at this time would be $19,973.00. The Court finds that the Wife is entitled to a marital interest of 75% of this value. It is therefore **ORDERED, ADJUDGED AND DECREED** that the Wife is awarded a judgment of $14,979.75 against the interest of Phillip Hernandez in the property located at 2408 Gardner Lane, Nashville, Davidson County, Tennessee.

It is further **ORDERED, ADJUDGED AND DECREED** that the Wife is awarded an arrearage judgment for past due alimony in the amount of $6,400.00.

In addition, it is **ORDERED, ADJUDGED AND DECREED** that the Wife is awarded a judgment in the amount of $250.00 as the Husband's one-half (½) portion for the payment of the appraisals on the residence to determine the above values.

Therefore, the Wife has a total judgment in the amount of $21,636.50 against the Husband's interest in the property at 2408 Gardner Lane, Nashville, Davidson County, Tennessee 37207. Said judgment is a lien against the Husband's interest in the property.

It is further **ORDERED, ADJUDGED AND DECREED** that all parties and owners of the residence, that being Phillip, Raphael, and Mary Hernandez, must file the appropriate documents with the Register of Deeds to evidence their interest in said property. The Court further refers this matter to the Probate Court to determine what documents are necessary to file to evidence the ownership of said property by Phillip, Raphael, and Mary Hernandez.

It is further **ORDERED, ADJUDGED AND DECREED** that the Wife shall be awarded attorney's fees in this matter as further alimony. The amount of fees shall be contained in a separate Order by this Court.

It is further **ORDERED, ADJUDGED AND DECREED** that the Court costs after the initial filing fee shall be paid by the Husband, Phillip Andreas Hernandez, for which execution may issue. The current addresses of the parties are:

Frances Hernandez
2408 Gardner Lane
Nashville, TN 37207

Phillip Hernandez
1909 South Hamilton
Nashville, TN 37218

It is further **ORDERED, ADJUDGED AND DECREED** that the Court finds that the fair market rental value of the property at 2408 Gardner Lane, Nashville, Davidson County, Tennessee shall be $700.00 per month. The Wife, Frances Jean Hernandez, shall have sixty (60) days to remove herself from this residence. The Court further orders that after thirty (30) days from the entry of this Order, the Wife, Frances Jean Hernandez, shall be ordered to pay rent of $700.00 for one (1) month for residing at said residence. Said money shall not be paid directly to any party but shall be reduced from the judgment awarded Frances Hernandez in this matter.

This matter is referred to the Probate Court for Davidson County Tennessee for which a conference shall be set at 1:30 p.m. on Friday, January 15, 1999, before the honorable Frank Clement.

It is further **ORDERED, ADJUDGED AND DECREED** that the Master's Report is incorporated and made an Order of this Court except for Wife's percentage of interest in the increase in value of the Husband's interest in the Gardner Lane property. The Wife's marital interest is determined to be 75% of the increase in value whereas the Master's Report determined that the Wife's interest was 90%.

IT IS SO ORDERED.

ENTERED this the 25 day of January, 1999.

Marietta M. Shipley

MARIETTA SHIPLEY, JUDGE

APPROVED FOR ENTRY:

Cynthia Bohn

Cynthia J. Bohn, BPR #16592
Attorney at Law
501 Union Street, Suite 502
Nashville, TN 37219
(615) 252-8866

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document has been sent to the following by (X) U. S. Mail, postage prepaid; ( ) hand delivery; ( ) facsimile transmission to _____, hard copy to follow via regular U. S. Mail:

Joy M. Sims
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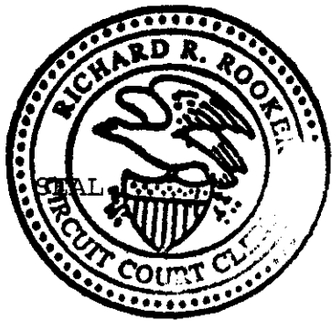
This the 15 day of January, 1999.

Cynthia J. Bohn

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 25 day of JANUARY , 1999 , in the Case Number 97D2557 between HERNANDEZ, FRANCES JEAN Plaintiff, and HERNANDEZ, PHILLIP ANDREAS ET.AL Defendant, as same remains of record in Vol. 470 , Page 86286 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 OCTOBER in the year two thousand and in the 225th year of American Independence.



RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk