PICK-UP

FILED

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

1999 OCT 14 PM 3:28

RICHARD R. ROOKER, CLERK

B Murray D.C.

NATHANIEL SHELBOURNE,	)	
	)	
Plaintiff-Husband,	)	
	)	
v.	)	**Case No. 98D-1916**
	)	
JULIA SHELBOURNE,	)	
	)	
Defendant-Wife.	)	

Davidson County DEEDDIV
Recvd: 11/02/00 10:09 6pgs
Fees:26.00 Taxes:0.00
20001102-0108761

FINAL DECREE OF DIVORCE

This cause came to be heard on July 6, 1999 before the Honorable Muriel Robinson, Judge for the Fourth Circuit Court of Davidson County, for final hearing upon husband's original Complaint for divorce and wife's Counterclaim for divorce. Wherefore, after hearing the testimony of the parties, and upon a consideration of the record as a whole, this Court makes the following findings:

1. Pursuant to Tenn. Code Ann. § 36-4-129, Julia Shelbourne (hereafter "the mother) shall be and is awarded a divorce based upon Nathaniel Shelbourne's (hereafter "the husband") inappropriate marital conduct.

2. Mother shall be awarded sole custody of the parties' minor child, Kieara R. Shelbourne, date of birth 2/4/91.

3. Father shall have visitation with the minor child every other weekend from Friday at 6:00 p.m. to Sunday at 6:00 p.m. The parties will alternate this Court's regular holiday schedule which shall include the following: New Year's Day, in even numbered years shall be with the Father; Easter, in even numbered years shall be with the Mother; Memorial Day, in even numbered years shall be with the Father; Fourth of July, in even numbered years shall be with the Mother; Labor Day, in odd numbered years shall be with the Father; Martin Luther King Day, in odd numbered years shall be with the Mother; and Thanksgiving, in odd numbered years shall be with the Father. This holiday visitation schedule shall alternate from year to year. Each visitation shall begin at 6:00 p.m. the day before the holiday and end at 8:00 p.m. the day of the holiday. This holiday visitation schedule shall have priority over regularly scheduled, every other weekend visitation.

Christmas visitation shall be alternated between the parties. For the odd numbered years,

Father shall have visitation with the minor child from at 6:00 p.m. on December 17, until 9:00 p.m. on December 24. For the even numbered years, Father shall have Christmas visitation beginning at ~~11:00 a.m.~~ 9:00 p.m. on December ~~25~~ 24 until December 31 at 6:00 p.m.

Additionally, Father shall have two (2) weeks' extended summer visitation each year.

Father shall be awarded visitation with the parties' minor child on Father's Day from 8:00 a.m. until 6:00 p.m. and Mother shall be awarded visitation with the parties' minor child on Mother's Day from 8:00 a.m. until 6:00 p.m. This visitation schedule shall be followed regardless of regularly scheduled, every other weekend visitation.

4. Pursuant to Tenn. Code Ann. § 36-4-101(a), the non-custodial parent will have: (a) the right to unimpeded telephone conversations with the child at least twice a week at reasonable times and for reasonable durations; (b) the right to send mail to the child which the other parent shall not open or censor; (c) the right to receive notice and relevant information as soon as practical within 24 hours of any event of hospitalization, major illness or death of the child; (d) the right to receive directly from the child's school, upon written request, which includes a current mailing address and upon payment of reasonable costs for duplicating, copies of the child's report cards, attendance records, names of teachers, class schedule, standardized test scores and any other records customarily made available to parents; (e) the right to receive copies of the child's medical records directly from the child's doctor or other health care provider upon written request which contains a current mailing address and upon payment of reasonable costs for duplication; and (f) the right to be free of unwarranted derogatory remarks made about him or her or his or her family by the other parent to or in the presence of the child.

5. Based upon father's income, child support shall be set at $138.60 per week. This shall be paid by wage assignment. The father's employer, United States Postal Service, Minneapolis Accounting Service Center, 1 Federal Drive, Ft. Snelling, MN 55111, shall mail the child support of $138.60 plus the statutory five percent (5%) commission ($6.93), for a total weekly payment of $145.53, directly to the Central Child Support Receipting Unit ("CCSRU"), P. O. Box 305200, Nashville, TN 37229. This check shall be made payable to Central Child Support. The CCSRU shall forward the child support to the mother, Julia Shelbourne, 2626 Bethwood Drive, Nashville, TN 37207. The Circuit Court Clerk shall forward, by certified mail,

a copy of this Order to the father's employer, United States Postal Service, Minneapolis Accounting Service Center, 1 Federal Drive, Ft. Snelling, MN 55111. This wage assignment shall not be used as a basis for any disciplinary action against the employee and further, should the employer fail to comply, it shall result in a judgment being entered against the employer for the full amount as provided by Tennessee Code Annotated. Father shall notify the Central Child Support Receipting Unit and the Circuit Court Clerk of any changes in his employment within ten (10) days of said change.

The parties affirmatively acknowledge that no actions by the parties will be effective to reduce child support after the due date of each payment, and that they understand that Court approval must be obtained before the child support can be reduced, unless such payments are automatically reduced or terminated under the terms of the Agreement.

6. Mother is also entitled to and is awarded rehabilitative alimony in the amount of $250 per month (or ~~$58.13~~ 57.69 per week) for a period of two years. This also shall be paid by wage assignment through the CCSRU, plus the statutory commission. Adding this rehabilitative alimony together with the child support, father shall pay a total of ~~$196.73~~ 196.29 per week, plus the statutory five percent (5%) commission (~~$9.84~~ 9.81), for a total weekly payment of ~~$206.57~~ 206.10. These payments shall start July 8, 1999. Until the wage assignment becomes effective, father shall pay the monies owed into the CCSRU office.

Therefore, father's employer, United States Postal Service, Minneapolis Accounting Service Center, 1 Federal Drive, Ft. Snelling, MN 55111, shall mail a total of ~~$206.57~~ 206.10 per week directly to the Central Child Support Receipting Unit, P. O. Box 305200, Nashville, TN 37229. This check shall be made payable to Central Child Support. The CCSRU shall forward the child support and rehabilitative alimony to the mother, Julia Shelbourne, 2626 Bethwood Drive, Nashville, TN 37207.

7. Father shall provide continuing for hospitalization and medical insurance coverage for the parties' minor child, and father shall pay all expenses not covered by said insurance within thirty (30) days of receipt after the insurance has paid.

8. Mother is awarded one-half (½) of the amount of father's Thrift Savings Plan, account number [redacted]-9734, accrued during the marriage, i.e., one-half of the amount accrued

between November 27, 1990 and July 6, 1999. Mother may roll the proceeds of this division into a qualified retirement plan, such as an IRA, should she so desire. The parties are ordered to take whatever additional steps are necessary to complete this division, although the exact amount to be divided is reserved pending information to be received from the Postal Service.

9. Mother is awarded one-half (½) of father's military pension accrued during the marriage, i.e., one-half of the amount accrued between November 27, 1990 and July 6, 1999. This shall include amounts accrued as a result of father's active and reserve duty. The parties are ordered to take whatever steps are necessary to complete this division.

10. Mother is awarded the real property at 2626 Bethwood Drive, Nashville, TN 37207, more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 129 on the Plan of Shepardwood Subdivision, Section 2, of record in Book 4460, page 66, Register's Office for said County, to which plan reference is hereby made for a more complete and detailed description of said lot.
>
> Being the same property conveyed to Nathaniel Shelbourne by warranty deed from Property Traders, Inc., as recorded in Book 6695, page 804, Register's Office for said County.

Therefore, all legal and equitable interest of father to this property is divested from him and reinvested in and unto the mother subject to the mortgage. Mother shall hold father harmless from the payment of the mortgage.

11. Father shall be entitled to and receive the $30,000 cash from the prior sale of the rental property at 912 North Fifth Street, Nashville, TN 37207.

12. The parties' remaining real property, the duplex located at 2516-2518 Highland Trace, Nashville, TN 37207, shall be and is ordered sold and after the expenses of sale, the remaining proceeds shall divided evenly between the parties. The mother will be in charge of the sale of this property. Pending the sale, father shall continue to collect the rent. The mother may get a contract with a real estate agent and get it ready for sale.

13. The entertainment center and the equalizer and the tool box will be awarded to the mother. The remaining items requested by father shall be his free and clear of claims of mother.

14. Mother shall be and is awarded the 1991 Lincoln Town Car and the 1991 Chevrolet Cavalier. All other cars are awarded to father, which include the 1993 Ford F-150 pickup, 1985 Dodge Ram Minivan, and TR-7 Triumph.

15. Based on the prior violence, this Court finds that it is imperative to issue a restraining order enjoining and restraining the father from threatening or physically abusing the mother in any manner whatsoever. This shall be and is made a permanent injunction.

16. Upon consideration of the affidavit of David O. Huff, counsel for the mother, she is awarded an attorney's fee of 350.00.

17. Father shall pay the Court costs of this action, for which execution shall issue if necessary.

ENTERED THIS 14th DAY OF OCTOBER, 1999.

MURIEL ROBINSON, Judge

APPROVED FOR ENTRY:

DAVID O. HUFF BPR #10996
Counsel for Wife
Washington Square, Suite 204
214 Second Avenue, North
Nashville, Tennessee 37201
(615) 256-4747

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been mailed first class mail, postage paid, to to Mr. Nathaniel Shelbourne, 4813 Linbar Drive, Nashville, TN 37211, and to Clark Lee Shaw, Esq., 2525-A Lebanon Road, Nashville, TN 37214-2414, on this 14th day of October, 1999.

DAVID O. HUFF

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 OCTOBER , 1999 , in the Case Number 98D1916 between SHELBOURNE, NATHANIEL Plaintiff, and SHELBOURNE, JULIA Defendant, as same remains of record in Vol. 871 , Page 159750 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 02 day of NOVEMBER in the year two thousand and in the 225th year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By B. Rawls
Deputy Clerk