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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
2000 OCT 23 PM 4:28
RICHARD R. ROOKER, CLERK
B Murray D.C.

KYMBERLY LYNN ANNE HAAS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**DOCKET NO. 99D-3509**
	)	
ALBERT JAMES HAAS,	)	
	)	
Defendant.	)	

FINAL DECREE OF DIVORCE

This cause came on to be heard on the 11th day of September, 2000, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the original Complaint for Legal Separation, Answer and Counter-Complaint for Divorce, testimony of the parties in open court, exhibits submitted for the Court's consideration, statement of counsel and the entire record, from all of which the Court finds as follows:

That based on the foregoing, the Court respectfully denies the Plaintiff's Complaint for Legal Separation and pursuant to T.C.A. §36-4-129, the Court finds that there are grounds for divorce pursuant to T.C.A. §36-4-101, and the Plaintiff shall be awarded a divorce upon the ground of adultery and inappropriate marital conduct.

That the Plaintiff shall receive any benefit or equity realized from the sale of the parties' houseboat. Further, the Plaintiff shall receive the following items off Exhibit No. 8 being the 1996 Sea Doo, the 60-inch Mitsubishi television, the Honda riding lawn mower, the living room couches and loveseat (5-piece set), all powder jars, Christmas decorations, patio sets, desk chair, computer equipment in the Plaintiff's possession, two filing cabinets and the walnut Victorian couch.

That the Defendant shall receive the lap-top computer, CD programs, premarital personal items, 9 mm glock pistol and snub-nosed pistol, as well as the rosewood turtle-top table, the computer with CPU upgrade and the two children's bicycles.

That except as set forth above, the Plaintiff shall receive the household furniture, furnishings, and appliances in her possession in the marital residence as listed under *Furniture and Furnishings* in the husband's Exhibit No. 17.

That the Defendant shall receive the items listed as his separate property under Exhibit No. 17.

That the Plaintiff shall be awarded the 1997 Honda Accord automobile and be responsible

for any indebtedness thereon.

That the Defendant shall be awarded the 2000 Chevrolet Silverado Pick-up truck and be responsible for any debt thereon.

The Plaintiff shall be awarded all of the U.S. Savings Bonds.

The Defendant shall be awarded the 1997 Toyota 4-Runner automobile free and clear of any claim of the Plaintiff.

That the Plaintiff will be awarded any military pension which she has accrued as well as the benefits accrued during the marriage under the Tennessee Consolidated Retirement Plan free and clear of any claim of the Defendant.

That a portion of the Plaintiff's 401K Plan through the State of Tennessee constitutes marital property. In recognition of the Defendant's interest therein, the Court will award him a judgment of $39,000 against the Plaintiff. The Defendant is awarded a lien against the marital residence in said amount.

That while the Defendant has assisted in paying the notes on the marital residence, the Plaintiff has invested more of her separate assets in that property and, therefore, she will be awarded the marital residence free and clear of any claim of the Defendant except for the lien awarded herein.

That the Plaintiff shall satisfy the above judgment within four (4) months of the date of the Final Decree of Divorce. In the event she fails to do so, the judgment shall then accrue interest at the legal rate and the described real estate shall be placed on the market and sold, and the aforesaid judgment shall be satisfied from the proceeds thereon, and any remaining proceeds shall be paid to the Plaintiff.

That each of the parties shall pay their own attorneys' fees, and each of the attorneys are hereby awarded attorneys' liens on the property awarded to their respective clients for their attorneys' fees.

The Defendant shall pay the cost of this cause.

It is therefore **ORDERED, ADJUDGED AND DECREED** pursuant to T.C.A. §36-4-129, that the Plaintiff, KYMBERLY LYNN ANNE HAAS, is hereby awarded an absolute divorce from the Defendant on the grounds of adultery and inappropriate marital conduct, and both parties are hereby restored to all the rights and privileges of unmarried persons.

It is further **ORDERED** that the Plaintiff, KYMBERLY LYNN ANNE HAAS, is awarded

the 1997 Honda Accord automobile free and clear of any claim of the Defendant, and the Plaintiff shall be responsible for any indebtedness thereon and shall indemnify and hold the Defendant harmless.

It is further **ORDERED** that the Defendant, ALBERT JAMES HAAS, is awarded the 2000 Chevrolet Silverado Pick-up truck free and clear of any claim of the Plaintiff, and the Defendant shall be responsible for any indebtedness thereon and shall indemnify and hold the Plaintiff harmless thereon.

It is further **ORDERED** that the 1997 Toyota 4-Runner automobile is hereby awarded to the Defendant free and clear of any claim of the Plaintiff.

It is further **ORDERED** that the Defendant shall be awarded the laptop computer, CD programs, pre-marital personal items, 9mm glock pistol, snub-nosed pistol, rosewood turtle top table, computer with CPU upgrade, two children's bikes, as well as the following separate property:

Marx wind-up train set
Toy roller coaster set
Man's 3 three carat diamond ring
East German 9mm
H & R Handy gun. 410
Large oil painting of Madonna with gilded frame
Two small oil paintings of Italy scenes
Wind up toy - ostrich
Wind up toy - German sulky
Wind up toy bears (one with a bottle, two with books)
Wind up Santa in original box
Traveling salesman clock
Cherry roll top desk
Formal Class A hat
Cherry ladies' writing desk
Snap on tool box with mechanics tools inside
Walnut marble-top hunt board
Bronze statue (eagle dancer)
Antique Christmas ornaments
Two Stetson hats (gray and black)
Ithaca .12 gauge shotgun
Set of golf clubs
Hydro slide knee board
Personal items from desk
Civil War items
Battery-operated train and trolley car
Structo dump truck
Glock 27 .40 caliber handgun
1800 toy Santa
Antique reindeer and sled
Hand-painted hunt scene on ivory
Class of '41 plaque
Two rechargeable mag lites
Two antique chairs (destroyed)
Box of books
Silver chest

Military equipment
Police equipment
Ski
Ammo box and shells
Police uniforms
Anvil
Quilt
Life vest

It is further **ORDERED** that the Plaintiff shall be awarded the rest and remainder of the household furniture, furnishings and appliances now in her possession.

It is further **ORDERED** that AOL Visa shall forward monthly statements on the AOL Visa Credit Card Account No. 4417-1284-1996-3820 to the Plaintiff, KYMBERLY LYNN ANNE HAAS, 5503 Saddlewood Lane, Nashville, TN 37027 and to the Defendant, ALBERT JAMES HAAS, Post Office Box 146, Wakefield, Kansas 67487, and both parties herein will cooperate in seeing that both parties receive a monthly statement.

It is further **ORDERED** that the Defendant shall be responsible for the AOL Visa debt in its entirety and shall make timely regular monthly payments on this card until the card is paid in full and hold the Plaintiff harmless thereon. The account shall be closed, and no further or other charges shall be made on the account.

It is further **ORDERED, ADJUDGED AND DECREED** that the GM MasterCard Account No. 5407-9206-8035-9236 with an outstanding balance in the amount of oapproximately $3,820 constitutes a marital debt of the parties, and shall be closed and each of the parties shall be responsible for one-half of the outstanding balance by each paying the minimum monthly payment until paid in full.

It is further **ORDERED** that the Plaintiff shall be awarded any military pension which she has accrued as well as her Tennessee Consolidated Retirement Pension accrued during the marriage and the State of Tennessee 401K Plan currently in her name.

It is further **ORDERED** that the husband is awarded any military pension accrued by him during the marriage.

It is further **ORDERED** that in recognition of the Defendant's interest in that portion of the Tennessee State 401K Plan accrued during the marriage, the Defendant, ALBERT JAMES HAAS, is awarded a judgment against the Plaintiff, KYMBERLY LYNN ANNE HAAS, in the amount of Thirty-Nine Thousand and No/100 Dollars ($39,000.)

It is further **ORDERED** that the Plaintiff, KYMBERLY LYNN ANNE HAAS, is awarded

the marital residence located at 5503 Saddlewood Lane, Nashville, TN and is more particularly described as follows:

> LAND in Davidson County, Tennessee, being Lot No. 32 on the Plan of Williamsburg at Brentwood, Section One, a Planned Unit Development, of record in Plat Book 9700, Page 99, and Boundary Plat in Book 9700, Page 76, said Register's Office, to which plan reference is hereby made for a more complete legal description.
>
> BEING the same property conveyed to KYMBERLY HAAS from BEAZER HOMES CORP. D/B/A PHILLIPS BUILDERS of record in Book 10247, Page 441 in the Register's Office for Davidson County, Tennessee;

The Defendant shall be divested of any right, title or interest in the above-described property and all interest shall vest solely in the Plaintiff who is awarded said property free and clear of any claim of the Defendant but subject to the Judgment Lien in favor of the Defendant as set forth below, and Plaintiff shall be responsible for any debt thereon and indemnify and hold the Defendant harmless.

It is further **ORDERED** that the Defendant, ALBERT JAMES HAAS, is awarded a judgment lien against the above-described marital residence in the amount of Thirty-Nine Thousand and No/100 Dollars ($39,000), and the Plaintiff shall have four (4) months from the entry of the Final Decree of Divorce in this cause within which to pay the aforesaid judgment lien. In the event the judgment lien is not paid as set forth herein, said judgment shall accrue interest at the legal rate, and the aforesaid real estate shall be placed on the market and sold and after paying the cost of the sale, and any outstanding mortgages against the property, the proceeds shall be applied to the judgment lien set forth above, and all remaining proceeds shall be paid over to the Plaintiff.

It is further **ORDERED** that each of the parties shall pay their own attorneys' fees, and the Defendant shall pay the cost of this cause for which execution may issue if necessary.

It is further **ORDERED** that Phillip Robinson, attorney for the Defendant, is awarded an attorney's lien for his fees in the amount of $12,551 against the properties and assets awarded to the Defendant ALBERT JAMES HAAS.

It is further **ORDERED** that R. Eddie Davidson, attorney for the Plaintiff, is awarded an attorney's lien in the amount of $ 12,225 against all properties or other assets awarded to the Plaintiff, KYMBERLY LYNN ANNE HAAS.

This the _____ day of _____, 2000.

JUDGE MURIEL ROBINSON

10-23-00

APPROVED FOR ENTRY:

Phillip Robinson, #3023
Attorney for Defendant
213 Third Avenue, North
Nashville, TN 37201
(615) 242-5453

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree of Divorce has been mailed to R. Eddie Davidson, Attorney for Plaintiff, 601 Woodland Street, Nashville, TN 37206 on this the 23rd day of October, 2000.

Phillip Robinson

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 23 day of OCTOBER , 2000 , in the Case Number 99D3509 between HAAS, KYMBERLY LYNN ANNE Plaintiff, and HAAS, ALBERT JAMES Defendant, as same remains of record in Vol. 1491 , Page 273267 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 13 day of NOVEMBER in the year two thousand and in the 225th year of American Independence.



RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk