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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED

2000 JUN 14 PM 2:52

RICHARD R. ROOKER, CLERK

JOHN A. SPENCER, SR.,

Plaintiff,

vs.

No. 98D-1874 B Murray D.C.

DEBORAH J. SPENCER,

Defendant

Notice of Entry Requested

FINAL DECREE

This cause came on to be heard for final hearing on April 18, 2000 before the honorable Muriel J. Robinson, Judge of the Fourth Circuit Court of Davidson County, Tennessee. Upon consideration of the testimony of the parties, the exhibits submitted at the hearing, the file in this cause and arguments of counsel, the Court issued its decision from the bench by rendering its findings which are a part of the transcript of the proceedings. Accordingly, it is

ORDERED, ADJUDGED AND DECREED that these parties be and hereby are declared divorced pursuant to TCA 36-4-129, each of the parties having grounds for divorce considering that Defendant began an adulterous relationship beginning in 1995 and Plaintiff entered into a relationship with another woman approximately 1 1/2 years after Defendant removed herself from the marital home.

It is further ORDERED that Defendant should be awarded 1/2 the value of Plaintiff's 401K as of June 30, 1997 less 1/2 of the amount of the loans against the 401K as of June 30, 1997.

It is further ORDERED that Defendant be and hereby is awarded 1/2 the value of Plaintiff's retirement plan with Nissan as of the date of divorce.

It is further ORDERED that the division of the above referenced 401K and retirement plan shall be made pursuant to a qualified domestic relations order. Each party shall be responsible for there own tax consequence as related to the division of the 401K and the retirement plan.

It is further ORDERED that Plaintiff be and hereby is awarded all right, title and interest in and to the real property owned by the parties at 1309 North Sixth Street as more fully described as set forth below. Defendant is hereby divested of any right, title or interest in said property and any claim which Defendant may have or may have had with respect to a portion of the equity in said property shall be awarded to Plaintiff in lieu of child support

payments from Defendant for one year following the date of divorce. The legal description of said property is as follows:

Land in Davidson County, Tennessee, being Lot No. 18 on the Plat of the Subdivision of the Joe Brown Estate, as of record in Book 843, Page 107, Register's Office for said County.

Said Lot No. 18 fronts 50 feet on the easterly side of North Sixth Street and runs back between lines 132 feet on the northerly side and 133 feet 7 inches on the southerly side to an alley, measuring 50 feet thereon.

Being the same property conveyed to John A. Spencer, Jr., and wife Deborah J. Spencer by deed of record in Book 5315, page 912, Register's Office for Davidson County, Tennessee.

It is further ORDERED that Defendant be and hereby is granted all right, title and interest in and to the limousine which was marital property of the parties, subject to any liens thereon.

It is further ORDERED that each party shall be responsible for all debts in his/her name and shall hold the other harmless for any claims related thereto.

It is further ORDERED that Plaintiff shall pay alimony in the amount of $217.87 to the Defendant for 36 months beginning May, 2000 said amount being equal to the cost of insurance pursuant to COBRA for the Defendant. This amount shall be considered alimony payable by Plaintiff and deductible by Plaintiff for income tax purposes and treated as income to Defendant for income tax purposes.

It is further ORDERED that custody and physical possession of Deidre, the minor child of the parties, be and hereby is awarded to the Plaintiff. Defendant shall be awarded visitation every other weekend beginning at 6:00 p.m. on Friday and continuing until 6:00 p.m. on Sunday and shall be entitled to visitation for dinner on Wednesday evenings from 6:00 p.m. to 9:00 p.m. It is further ORDERED that Defendant shall be entitled to extended summer vacation for the months of June and July. It is further ORDERED that Defendant shall be entitled to visitation on alternating holidays beginning with July 4. The parties shall alternate Christmas eve and Christmas day.

It is further ORDERED that beginning April 18, 2001, Defendant shall pay child support to the Plaintiff in an amount consistent with Tennessee Child Support Guidelines based on her then income or ability to earn.

It is further ORDERED that each party is restrained from permitting the minor child to date adult males.

It is further ORDERED that Defendant's counter-claim for divorce be and hereby is dismissed.

It is further ORDERED that the cost of this cause shall be taxed to the Defendant, for which execution may issue if necessary.

Entered this 14th day of June, 2000.

Muriel J. Robinson, Judge

Approved for entry:

Ramsey B. Leathers, Jr. #6676
1332 Eighth Avenue North
P. O. Box 280240
Nashville, TN 37228
615-726-3434
Attorney for Husband

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent via U.S. Mail, first class, postage paid to Cynthia Bohn, Esq, at 501 Union, Suite 502, Nashville, TN 37219 on this 30 day of May, 2000.

Ramsey B. Leathers, Jr.

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 JUNE , 2000 , in the Case Number 98D1874 between SPENCER, JOHN A. SR. Plaintiff, and SPENCER, DEBORAH J. Defendant, as same remains of record in Vol. 1215 , Page 222836 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 23 day of MARCH in the year two thousand one and in the 225th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

