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IN THE EIGHTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
MAR 2 8 2001

MARCIA S. BOWERS,	)	
	)	
Plaintiff/Counter Defendant,	)	
	)	
vs.	)	**Docket No. 00D-1377**
	)	**NOTICE OF ENTRY REQUIRED**
THOMAS KAY BOWERS,	)	
	)	
Defendant/Counter-Complainant.	)	

FINAL DECREE OF DIVORCE

This cause came on to be heard on the 20th day of February, 2001, before the Honorable Carol Solomon, Judge of the Eighth Circuit Court for Davidson County, Tennessee upon the original Complaint for Divorce filed herein, Answer and Counter-Complaint, testimony of the parties and witnesses in open Court, statement of counsel and the entire record from all of which the Court finds as follows:

That the Court finds that Complainant, Marcia S. Bowers, has no credibility whatsoever with the Court and is not believable under oath.

That Complainant has had a sexual relationship with her male companion, Clay McGirt, despite her denials; that her testimony regarding her whereabouts overnight is not credible, nor her testimony regarding the Gatlinburg trip.

The Court finds that each of the parties has been guilty of inappropriate marital conduct which would justify each being awarded a divorce against the other. The Court therefore finds, pursuant to T.C.A. §36-4-129, that the parties shall be pronounced divorced one from the other and both parties restored to all the rights and privileges of unmarried persons.

That the Court finds the Defendant, Thomas Bowers, is not innocent of wrongdoing and has not been a loving parent to his stepchildren, however the Court finds that he has developed into the better parent for the parties' minor child.

That the Court finds that it is in the best interest of the parties' minor child that custody be divided with the child living with the Defendant, Thomas Bowers, during the school year and living with the Complainant, Marcia S. Bowers, during the child's summer vacation.

That the Complainant shall have every other weekend visitation and one evening per week which shall be Wednesday, picking the child up after school and returning the child to the Defendant by 7:30 p.m.

That the parties shall equally divide Christmas transferring the child on Christmas Day at 1:00 p.m.

That counsel for the Defendant shall provide an appropriate Parenting Plan consistent with the ruling of this Court and current state statutes.

That the Complainant shall pay to the Defendant child support based on her current earning capacity of $12.00 per hour for a monthly child support obligation for the months of September through May of $352 per month, or $81.23 per week, with the first payment to be due and payable on February 23, 2001 and each and every Friday thereafter.

That the Defendant shall provide major medical and hospitalization insurance on the minor child and shall provide the Complainant with an insurance card and benefits booklet. The parties shall divide equally any medical, dental, orthodontic, opthamological (including the cost of eyeglasses and contact lenses) expenses not paid by the major medical insurance.

That Defendant's accountant shall submit a Profit and Loss Statement for the year 2000 from which the parties shall calculate the Defendant's support obligation to the Complainant for the months of June, July and August.

That each of the parties shall be **ENJOINED AND RESTRAINED** from verbally abusing the other or making derogatory comments about the other wherever they may be, including at the child's school activities.

That the Complainant shall be **ENJOINED AND RESTRAINED** from any illegal activities in the presence of the child including any usage of illegal drugs whether in the child's presence or in the home while the child is there.

That the Complainant is **ENJOINED AND RESTRAINED** from allowing her male companion, Clay McGirt, being in the presence of or around the minor child for any purpose whatsoever, and the Complainant is further **ENJOINED AND RESTRAINED** from any inappropriate conduct in the presence of the child.

That the Complainant shall be awarded the real estate located at 828 Woodcraft Drive, Nashville, Tennessee which the Complainant shall refinance within ninety (90) days of the date of this Order. The Defendant is awarded a lien against the aforesaid real property in the amount of $12,250 which shall be paid when the property is refinanced as set forth above.

That the Defendant, Thomas Kay Bowers, shall be awarded the real estate located at 545

Rivercrest Cove, Nashville, Tennessee.

That the Defendant shall be awarded the 2000 Chevrolet Venture Van, the 1999 Ford Escort and the parties' interest in the pontoon boat and shall be responsible for any indebtedness associated with said vehicles and boat.

That the Complainant shall be awarded the 1995 Geo Metro automobile.

That the Complainant shall be awarded her Union Planters Bank account, the joint Charles Schwab Mutual Fund account, her AmSouth IRA account and the Charles Schwab IRA account.

That the Defendant shall be awarded his business accounts, the Bank of America checking account, the Internet Bank account, the DLJ Mutual Fund account, his Charles Schwab IRA account, his DLJ IRA account and the promissory note with a value of approximately $3,500.

That the Defendant shall be responsible for the ABA MasterCard account and the Chase MasterCard account. The Complainant shall be responsible for her Visa account, J.C. Penney account and the Sears account.

That the personal property of the parties shall be awarded as per the Defendant's Proposed Division of Assets and Debts exhibit #13, except the aquarium shall be awarded to the Complainant's daughter, Bethany. Further, Bethany and Joshua Taylor shall receive all of their items of personal property including their pets. The Defendant shall be awarded the items of personal property listed on exhibit #16 in the possession of Defendant's counsel.

That based on all criteria for setting spousal support, including the Complainant's education and work experience and her ability to generate income, the Complainant is not a candidate for alimony, and her request therefore is denied.

That the parties shall file a joint Federal Income Tax Return for the tax year 2000. Thereafter, the Defendant shall claim the minor child for Federal Income Tax purposes.

That the Orders of Protection against each of the parties are hereby dismissed.

That the Order of Protection against Donnie Taylor shall remain in full force and effect.

That the court costs in this cause shall be divided equally between the parties.

It is therefore **ORDERED, ADJUDGED AND DECREED** that pursuant to T.C.A. §36-4-129, that the parties are hereby pronounced divorced one from the other and each is hereby restored to all the rights and privileges of an unmarried person.

It is further **ORDERED** that the parties shall share custody of their minor daughter,

Anastasia Victoria Bowers, with the Defendant designated as the primary custodial parent and having possession of the minor child from 6:00 p.m. the day before the beginning of school in the fall each year through 6:00 p.m. the day school lets out for summer vacation the following year and the Complainant having possession of the minor child from 6:00 p.m. the day school lets out for the summer holidays at the end of the school year until 6:00 p.m. the evening before the beginning of school in the fall.

It is further **ORDERED** that the Complainant is awarded every other weekend visitation from Friday evening at 6:00 p.m. until Sunday evening at 6:00 p.m. and every Wednesday, picking the child up from school and returning the child to the Defendant by 7:30 p.m.

It is further **ORDERED** that the parties shall alternate the major holidays including Halloween and shall equally divide the Christmas holidays, exchanging the child at 1:00 p.m. Christmas Day. Each of the parties shall be entitled to two weeks of uninterrupted summer visitation with the minor child with the exact dates and times to be agreed upon by the parties.

It is further **ORDERED** that the Complainant shall pay child support in the amount of $352 per month for the months of September through May to be paid in weekly installments of $81.23 commencing Friday, February 23, 2001, and each and every Friday thereafter during the school year, and the Defendant shall pay child support based on his 2000 income with an exact amount to be determined and entered by separate Order for the months of June, July and August.

It is further **ORDERED** that the Defendant, Thomas Kay Bowers, shall provide major medical and hospitalization insurance on the parties' minor child and shall provide a copy of the insurance card and benefits booklet to the Complainant. The parties shall divide equally any medical, dental, orthodontic, ophthalmological (including the cost of eyeglasses and contact lenses) or pharmaceutical expense not paid by the major medical insurance.

It is further **ORDERED** that counsel for the Defendant shall prepare an appropriate Parenting Plan setting forth this Court's parenting ruling with specificity.

It is further **ORDERED, ADJUDGED AND DECREED** that the Complainant, Marcia S. Bowers, shall be awarded the real property located at 828 Woodcraft Drive, Nashville, Tennessee and more particularly described as follows:

> BEING Lot 175B of the zone Lot Division of Lot Nos. 172 thru 180, Percy Priest Woods, Section 4, as of record in Plat Book 6250, Page 993, Register's Office for Davidson County, Tennessee.

Being the same property conveyed to Thomas K. Bowers and wife, Marcia Stowe Bowers, by deed from Dory A. Sutker, Trustee, of record in Book 9192, Page 703, Register's Office for Davidson County, Tennessee.

This conveyance is subject to restrictions of record in Book 6250, Page 993, said Register's Office.

This conveyance is subject to setback lines and easements of record in Book 6250, Pages 356 and 357, amended in Book 6250, Page 993, said Register's Office.

Complainant shall be responsible for the indebtedness on said property commencing March 1, 2001, including mortgage, taxes, insurance, utilities, maintenance and upkeep and shall indemnify and hold the Defendant harmless thereon. Except as set forth herein, Defendant is divested of any right, title or interest therein and all interest shall vest solely with the Complainant.

It is further **ORDERED** that the Complainant shall within ninety (90) days of the date of this Order refinance the aforesaid property. The Defendant shall retain a lien against said property in the amount of $12,250 representing an additional division of marital property in this cause. Said lien shall be satisfied at the time the property is refinanced. In the event the Complainant is unable to refinance the property in the time set forth above, or fails to satisfy the aforesaid judgment lien, said property shall immediately be sold and the proceeds therefrom, after paying the cost of the sale and the mortgage indebtedness, shall be applied to the foregoing judgment lien and any remaining proceeds shall be paid to the Complainant.

It is further **ORDERED, ADJUDGED AND DECREED** that the Defendant, Thomas Kay Bowers, shall be awarded the real property located at 545 Rivercrest Cove, Nashville, Davidson County, Tennessee and more particularly described as follows:

BEING Lot No. 13, on the Plan of First Revision River Crest, of record in Plat Book 9700, Pages 465 and 466, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete description.

Being the same property conveyed to Thomas Kay Bowers and wife, Marcia S. Bowers, by deed from Frank Batson Homes, Inc., of record in Book 11128, Page 711, Register's Office for said county.

This conveyance is subject to Restrictive Covenants of record in Book 10578, Page 683, Register's Office for said county.

This conveyance is subject to all terms and provisions of the By-Laws of record in Book 10578, Page 699, said Register's Office.

The Complainant is divested of any right, title or interest in and to said property and all interest shall vest solely in the Defendant, Thomas Kay Bowers. Defendant shall be responsible for

any indebtedness on said property including mortgage, taxes, insurance, utilities, maintenance and upkeep and shall indemnify and hold the Complainant harmless thereon.

It is further **ORDERED** that the Complainant, Marcia S. Bowers, is awarded the 1995 Geo Metro automobile free and clear of any claim of the Defendant.

It is further **ORDERED** that each of the parties shall be responsible for seeing that the vehicles awarded to each of them are properly insured and shall indemnify and hold the other party harmless from any liability thereon.

It is further **ORDERED, ADJUDGED AND DECREED** that the Complainant shall be awarded her Union Planters Checking account as well as the joint Charles Schwab Mutual Fund, her AmSouth IRA account and her Charles Schwab IRA account all free and clear of any claim of the Defendant.

It is further **ORDERED** that the Defendant shall be awarded his business checking account, his Bank of America checking account, the Internet Bank account, the joint DLJ Mutual Fund account, the promissory note owed to the Defendant, his Charles Schwab IRA account and DLJ IRA account all free and clear of any claim of the Complainant.

It is further **ORDERED** that the parties household furniture, furnishings and appliances shall be divided as set forth on Defendant's Proposed Division of Assets and Debts Exhibit #13 and attached hereto and incorporated herein by reference with the exception that the aquarium shall be awarded to the Complainant's daughter, Bethany, and Bethany and Joshua Taylor shall be awarded their personal property located in their possession or in the marital residence including their pets.

It is further **ORDERED** that the Defendant is awarded the items of personal property held in the possession of his attorney as set forth in Exhibit #16 attached hereto and incorporated herein by reference all free and clear of any claim of the Complainant.

It is further **ORDERED** that each of the parties are **ENJOINED AND RESTRAINED** from making derogatory comments about the other, or verbally abusing the other, at the child's school functions, or elsewhere.

It is further **ORDERED** that the Complainant, Marcia S. Bowers, is **ENJOINED AND RESTRAINED** from allowing her male companion, Clay McGirt, to be in the presence of or around the parties' minor child for any purpose whatsoever.

It is further **ORDERED** that the Complainant, Marcia S. Bowers, is **ENJOINED AND**

RESTRAINED from engaging in any illegal activities, including the use of illegal drugs in the presence of the minor child or while the child is in her possession, as well as from behaving in any inappropriate manner in the presence of the minor child.

It is further **ORDERED** that the Defendant, Thomas Kay Bowers, shall be responsible for the ABA MasterCard and Chase MasterCard indebtedness and shall indemnify and hold the Complainant harmless thereon.

It is further **ORDERED** that the Complainant shall be responsible for her Visa account, the J.C. Penney account, the Sears account and shall indemnify and hold the Defendant harmless thereon.

It is further **ORDERED** that neither party shall pay spousal support to the other.

It is further **ORDERED** that the parties shall file a joint Federal Income Tax Return for the tax year 2000. Thereafter, the Defendant shall claim the minor child for Federal Income Tax purposes.

It is further **ORDERED** that the Orders of Protection against each of the parties are hereby dismissed but the Order of Protection against Donnie Taylor shall remain in full force and effect.

It is further **ORDERED** that the parties shall equally divide the cost of this cause for which execution may issue if necessary.

This the 23rd day of March 2001.

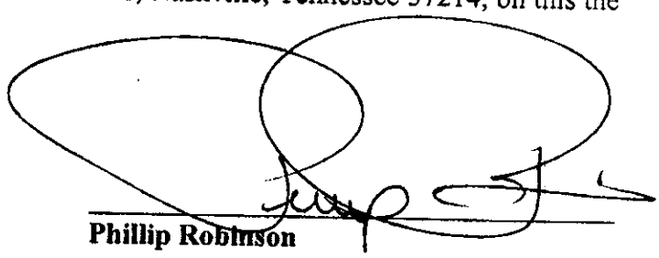
Judge

APPROVED FOR ENTRY:

Phillip Robinson, #3023
Attorney for Defendant
Suite 2400, L&C Tower
401 Church Street
Nashville, Tennessee 37219
(615) 467-1801

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree of Divorce has been mailed to Stephanie C. Hatchett, 2501 Crossfield Drive, Nashville, Tennessee 37214, on this the 19th day of March, 2001.



Phillip Robinson

IN THE EIGHTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED

FEB 2 0 2001

RICHARD R. ROOKER, Clerk
By

MARCIA S. BOWERS, Plaintiff/Wife,	)	
VS.	)	CASE NO. 00D1377
THOMAS K. BOWERS, Defendant/Husband.	)	

HUSBAND'S PROPOSED DIVISION OF ASSETS AND DEBTS

Comes the Husband, by and through counsel, and hereby proposes the following division of assets and debts between the parties:

PERSONAL PROPERTY TO BE AWARDED TO AND TO REMAIN WITH STACY BOWERS, PARTIES' MINOR CHILD

Legacy trampoline:
Eclipse Trainer:
Ping Pong Table:
CD Storage Rack & Contents
Aquarium
Phillips 19 in. TV
Sony VAIO PCV R526DF 450 MHz Computer/Monitor/Keyboard/
Mouse and Speakers
CD Rack with Software Contents
HP Office Jet Pro 1150C Printer Copier
Cat Lamp
CD Cube with contents
All Beanie Babies
AIWA Stereo System
Charles R. Walter Piano
Child's Tea Sets
Humming bird music box
Stacy's personal effects and bedroom
Gold and Silver Coins and Silver Bars
Emerald, Amethyst, other semi-precious stones,
minerals and collectibles
Her toys
Her bicycle
Educational custodial account funded by Father
Her savings account

PERSONAL PROPERTY TO BE AWARDED TO MARCIA BOWERS

Sideboard with Mirror
Disassembled waterbeds
Corner spool whatnot shelf
Glass door whatnot shelf
Pair of candle sconces
Parthenon nativity print framed
Small oval mirror framed
Sony SPP 935 portable phone
Maple Platform Rocker
Dolls, Scarlett, Rhett etc
Capodimonte heart shaped boxed
Kiss and love prints framed
Mona 13 in. TV
Microwave Stand
AIWA CD cassette unit
Magnavox 21 in. TV
Blue specked table stand
Tan crockery lamp
Burlap wall hanging
Cedar Chest – no top
Pecan China Cabinet
Brass glass lamp
Organizer cart
Stemware (7)
Dessert Cups with glass inserts
Pink tulip dish
Grape dish

TRIAL EXHIBIT

Lot Misc. Stemware & Glasses
Harp Décor with flowers
Proctor Silex coffee maker
Hitachi Bread Machine
Rival Toaster
HB Blender
Floral sofa and love seat
Burgundy Swivel Recliner
Sony alarm radio
Lenora telephone
Mahogany Entertainment Center
Pressed Glass Preserve Stand
Pink blue pottery bowl
Basket with pine cones
Pot with flowers
Picnic basket
Steel plant stand (2)
Brass glass stand with brass pot and plants
2 drawer letter file cabinet
4 plastic 6' shelf units
weight machine
Lot of 3 floral prints framed
Brass lamp
Maple dressing mirror
Blue hobnail vase
Single pedestal oak desk
Disassembled HP computer
Gone with the Wind broken plate
3 cookie jars
Personal effects
Her Jewelry and wedding rings
½ Christmas décor
½ Family Photos and Tapes
½ all other household goods and furnishings not listed

PERSONAL PROPERTY TO BE AWARDED TO THOMAS K. BOWERS

Magnavox CD Player
Elkin Pine bedroom suite with king cannon ball bed/ night stand,
Triple dresser with mirror, cabinet on chest
Sentry S3110 fire safe
Sperti Sun lamp
Magnavox 26 in TV
Mahogany executive desk
Brass reading lamp
Indian fetish
Blue high back arm chairs (2)
Mahoany credenza
Bronze woman mirror lamp
Rolling Stones Australian Tour "73 signed and numbered print
Robin Wolfe Geronimo signed and numbered print
Oak dining room suite, with pedestal table, leaf, 2 captain
Chairs, 4 side chairs and china cabinet
Decanter & glasses
Framed floral print
Kleiber 12 place setting china, with teapot, sugar & creamer
Laminate dinette tables with 6 chairs
Barstools (2)
WL George Plate (6)
Elvis Plate
Frace Plate
Big Screen TV
RCA VHS VCR
Glass Pendulum Clock
Patio table and 4 chairs
Whirlpool Washer & Dryer
Haulin single axle trailer
Scott's 6:5 self propelled mower
BD electric hedge trimmer
Electric weed trimmer
Kenmore Deep Freeze
16' aluminum extension ladder
Wood 6 ft. ladder (2)
Single step ladder with paint rack

Kirby vacuum cleaner
5 plastic 6' shelf units
Shofu teapot, sugar & creamer
2 cookie jars
Office equipment (used)
Personal effects
His Jewelry
Kenmore Refrigerator
GE True Temp Range

½ Christmas décor
½ Family Photos and Tapes
½ All other household goods and furnishings not listed

BETHANY TO RECEIVE HER PERSONAL PROPERTY – WHATEVER IT IS

JOSHUA TO RECEIVE HIS PERSONAL PROPERTY – WHATEVER IT IS

MARCIA TO RECEIVE ANY PROPERTY SHE BROUGHT INTO THE MARRIAGE – WHATEVER IT IS

THOMAS TO RECEIVE ANY PROPERTY HE BROUGHT INTO THE MARRIAGE – WHATEVER IT IS

IN THE EIGHTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

MARCIA S. BOWERS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**No. 00D-1377**
	)	
THOMAS KAY BOWERS,	)	
	)	
Defendant.	)	

RICHARD R. ROOKER, Clerk
By P. Hamilton Deputy

INVENTORY OF PERSONAL PROPERTY IN POSSESSION OF PHILLIP ROBINSON, ATTORNEY FOR THOMAS KAY BOWERS

3	10 Troy Oz. .999 + Fine Silver Bars
1	20 Fes. 1914 Gold Coin
1	5 Rob. 1901 Russian Coin
1	Buck Knife with Sheath
1	Desert Eagle Pistol with Magazine IMI Cal. .40 S & W Serial #99303029
1	Kel Tek P-11 Cal. 9mm. Luger Pistol with Magazine Serial #73234
1	Pistol Magazine (Browning Hi-Power)
1	Box Federal 9mm. Jacketed Hollow Point 20 Count
1	Partial Box Federal .40 S & W Jacketed Hollow Points
1	Box Assorted Cal. 40 S & W Ammunition
1	Tube Sock Containing Assorted Ammunition
1	Cut Green Stone Approximately One Carat Weight
1	Cal. .22 Semi-Automatic Marlin Rifle Serial #10517168
1	Samuri Sword with Ivory-Colored Handle and Sheath

TRIAL EXHIBIT

CHILD SUPPORT STATISTICAL INFORMATION

CASE NO. 00D-1377

FAILURE TO APPROPRIATELY UPDATE THIS INFORMATION OR GIVING FALSE INFORMATION COULD LEAD TO BEING CITED FOR CONTEMPT OF COURT OR HAVING A DEFAULT JUDGMENT ENTERED AGAINST YOU. *It is further ordered by the Court that both parties update the follow information with any changes within 10 days of the change to the CIRCUIT COURT CLERK, 506 METRO COURTHOUSE, NASHVILLE, TN 37201*

Father's Information

Full Name: BOWERS (Last) THOMAS (First) KAY (Middle)

Residential Address: 545 RIVERCREST COVE (# and Street) (Apt. #)
NASHVILLE (City) TN (State) 37214 (Zip Code)

Mailing Address: — (# and Street) (Apt. #)
(if different from above)
(City) (State) (Zip Code)

Employer's Name: Self-employed

Employer's Address: 2821 LEBANON ROAD, STE. 204
NASHVILLE, TN 37214

Health Insurance Company: VANDERBILT HEALTH PLAN

Health Insurance Address:

SSN: [redacted]-0602

Phone: (615) 885-1312

Birthdate: 07/10/44

Birthplace:

City: MEMPHIS

State: TENNESSEE

Drivers License #

Phone: (615) 889-2820

Available through Employer?
( ) Yes ( ) No

Cost to Employee (if any):
$

Mother's Information

Full Name: BOWERS (Last) MARCIA (First) STOWE (Middle)

Residential Address: 328 WOODCRAFT DRIVE (# and Street) (Apt. #)
NASHVILLE (City) TN (State) 37214 (Zip Code)

Mailing Address: (# and Street) (Apt. #)
(if different from above)
(City) (State) (Zip Code)

Employer's Name: PRIMERICA FINANCIAL

Employer's Address:

Health Insurance Company:

Health Insurance Address:

SSN: [redacted]-6115

Phone: (615) 582-6388

Birthdate: 04/08/53

Birthplace:

City: GREENSBORO

State: NORTH CAROLINA

Drivers License #

Phone: ( )-

Available through Employer?
( ) Yes ( ) No

Cost to Employee (if any):
$

Children(s) Information

(1) Child's Full Name: BOWERS (Last) ANASTASIA (First) VICTORIA (Middle)

Residential Address: 545 RIVERCREST COVE
NASHVILLE, TN 37214

SSN: [redacted]-6265

Birthdate: 09/25/92

(2) Child's Full Name: (Last) (First) (Middle)

Residential Address:

SSN:--

Birthdate: / /

(3) Child's Full Name: (Last) (First) (Middle)

Residential Address:

SSN:--

Birthdate: / /

(4) Child's Full Name: (Last) (First) (Middle)

Residential Address:

SSN:--

Birthdate: / /

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 EIGHTH Circuit Court for Davidson County, Tennessee, on the 23 day of MARCH , 2001 , in the Case Number 00D1377 between BOWERS, MARCIA RAY STOWE Plaintiff, and BOWERS, THOMAS KAY Defendant, as same remains of record in Vol. 1761 , Page 323031 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 15 day of MAY in the year two thousand one and in the 225th year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk