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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2000 JUN 28 PM 4:29
RICHARD R. ROOKER, CLERK

SANDRA L. WEAKS
Petitioner/Wife

vs.

Docket No. 99D-1950

MICHAEL A. WEAKS, SR.
Respondent/Husband

D.C.

FINAL DECREE OF DIVORCE

This cause came on to be heard upon the **12th** day of **June**, **2000**, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court, upon the Wife's Complaint and Amended and Supplemental Complaint for Absolute Divorce, the Husband's Answer to the Wife's Complaint and to the Amended and Supplemental Complaint, the Husband's original Counter-Complaint for Absolute Divorce and the Wife's Answer thereto, Petition for Criminal Contempt filed by the Wife against the Husband, testimony of the parties in open Court, exhibits to the testimony of the parties, statement of counsel for the Wife and of the Husband, *pro se*, and the entire record. From all of which the Court finds and orders as follows:

It is ORDERED, ADJUDGED AND DECREED that the Wife should be and is hereby ordered an absolute divorce from the Husband upon the grounds of Inappropriate Marital Conduct, and that she should be and is hereby restored to all of the rights and privileges of an unmarried person.

It is further ORDERED, ADJUDGED AND DECREED that the Wife should be and is hereby awarded sole and exclusive care, custody and control of the one (1) minor child of the parties, to wit, Chelsea Lynne Weaks, born March 31, 1994.

It is further ORDERED, ADJUDGED AND DECREED that the Husband should be and is hereby awarded visitation with the parties' minor child, Chelsea, as follows: One (1) Saturday per month from 2:00 p.m. to 4:00 p.m., which shall be supervised by the Wife, which shall continue until the General Sessions stalking case against the Husband has been resolved, and thereafter, the Husband may file a Motion for additional visitation.

It is further ORDERED, ADJUDGED AND DECREED that the Husband shall be and is hereby RESTRAINED AND ENJOINED from attempting to obtain a passport for the parties' minor child.

It is further ORDERED, ADJUDGED AND DECREED that the Husband should be and is hereby permanently enjoined from harming, harassing, threatening or intimidating the Wife.

It is further ORDERED, ADJUDGED AND DECREED that the husband should be and is hereby RESTRAINED AND ENJOINED from making any further loans against the real estate awarded herein to the Wife, on Clovercroft Road in Williamson County, Tennessee, and from harming any of the personal property or dissipating any of the assets awarded herein to the Wife.

It is further ORDERED, ADJUDGED AND DECREED and the Court should and does hereby declare that the 1099 Form for 1999 filed by the Husband as sole proprietor of "Mike Weaks Chimney Sweeps", purporting to reflect payment to Sandra Weaks in the approximate amount of Twenty-three Thousand ($23,000.00) Dollars for 1999 wages, should be and is hereby declared INVALID.

It is further ORDERED, ADJUDGED AND DECREED that the Wife, Sandra Weaks, should be and is hereby restored to her maiden name of *Heidenreich* so that her legal name shall be *Sandra L. Heidenreich.*

It is further ORDERED, ADJUDGED AND DECREED that the Husband shall be and is hereby ordered to pay to the Wife as child support for the one (1) minor child of the parties, the sum of Five Hundred Thirty ($530.00) Dollars per month, due on the first day of each month, through the Clerk of the Court, plus the Clerk's five per cent (5%) commission of Twenty-six and 50/100 ($26.50) Dollars for a total child support payment of Five Hundred Fifty-six and 50/100 ($556.50) Dollars per month. The child support shall not be reduced or prorated except upon further orders of the Court. After deducting the five per cent (5%) fee, the Clerk of the Court shall disperse the aforesaid child support to the Wife at her address, below.

It is further ORDERED, ADJUDGED AND DECREED that the Wife should be and is hereby awarded a judgment against the Husband as follows: 1) One Thousand Five Hundred ($1,500.00) Dollars for the balance of the down payment on the Husband's grand piano charged to the Wife's credit card; 2) Five Thousand Five Hundred ($5,500.00) Dollars for one-half (1/2) the proceeds of the boat sold by the Husband; 3) One Hundred Fifty ($150.00) Dollars for one-half (1/2) the proceeds of the Ford Ranger truck sold by the Husband, and 4) Two Hundred ($200.00) Dollars for purchase of Dr. Seuss books; therefore, the Wife should be and is hereby awarded a total judgment against the Husband in the amount of Seven Thousand Three Hundred Fifty ($7,350.00) Dollars, for which let execution issue if necessary.

It is further ORDERED, ADJUDGED AND DECREED that the Husband should be and is hereby ordered to be solely responsible for the balance of the note due to Keyboard Acceptance Corporation for financing the grand piano, and that he shall indemnify and hold the Wife harmless thereon.

It is further ORDERED, ADJUDGED AND DECREED that the parties shall each be solely and separately responsible for any credit card, charge accounts or other debts that they have acquired in their respective names and not set out elsewhere specifically herein, and that they shall each indemnify and hold the other harmless thereon.

It is further ORDERED, ADJUDGED AND DECREED that the Husband should be and is hereby awarded as his sole property the martial residence located at 1600 Elm Run Court, Nashville, Tennessee, and more particularly described below, free and clear of any right, title or interest of the Wife and any interest of the Wife therein shall be and is hereby divested from her and reinvested in the husband. This property is more particularily described as follows:

> Located in Davidson County, Tennessee:
>
> BEING Lot No. 43, Section 3, Trailwood Subdivision, of record in Plat Book 6900, Page 67, 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 Michael A. Weaks, Sr. by deed of record in Book ___, Page _____, Register's Office for said County.

It is further ORDERED that the Husband shall be solely and separately responsible for the indebtedness thereon, and that he shall indemnify and hold the Wife harmless thereon. It is further ORDERED that in the event the Husband becomes three (3) months behind on the mortgage payment on the aforesaid residence, the property shall be sold and the net proceeds paid to the Husband, in order to protect the Wife's credit as a result of her obligation on the mortgage loan.

It is further ORDERED, ADJUDGED AND DECREED that the Wife should be and is hereby awarded as her sole and separate property the undeveloped real property located on Clovercroft Road in Franklin, Williamson County, Tennessee, and any interest of the Husband therein shall be and is hereby divested from him and reinvested in the Wife so that she shall own

this property as her sole property, free and clear of any right title or interest of the Husband. This property is more particularly described as follows:

> Being a parcel of land located in the 4th Civil District of Williamson County, Tennessee. Said property located on the north side of Clovercroft Road at the north and west right of way of the intersection of Clovercroft Road and Wilson Pike and more particularly described as follows.
>
> Beginning at a point in the north right of way of Clovercroft Road. Said point also being in the west right of way of Wilson Pike at the intersections of the said roads. Thence, S 78°18'49" W, with said north right of way, 235.63'to an iron pin at the southeast corner of tract two; thence N 15°36'44"W, with the east line of tract two, 1014.19', to an iron pin in the northeast corner of tract two; thence, N 87°32'48" E, with the north property line of the tract herein described, 203.48'to an iron pin in the west right of way of CSX Railroad; thence, with CSX's west right of way, having a curve to the left, with a radius of 1791.84', an arc length of 298.38', a chord bearing of 18°19'42" E, and a chord length of 229.23', to a point; thence, S 22°31'30" E, continuing with said west right of way, 45.89'to the point of beginning, containing 5.04 acres more or less, based on a survey conducted by Wilson and Associates, P.C., July 1996.
>
> BEING the same property conveyed to Mike Weaks by Warranty Deed from Virginia W. Hill, Trustee U/A/D dated November 12, 1992, L. Pegine Hill, Madeleine Hill and Virginia Tameron Hedge, the _____day of April, 1999, of record in Book _____, Page _____, Register's Office for Williamson County, Tennessee.

It is further ORDERED, ADJUDGED AND DECREED that the Wife shall be solely and separately responsible for the mortgage note on the aforesaid Cloverlcroft property and she shall indemnify and hold the Husband harmless thereon.

It is further ORDERED, ADJUDGED AND DECREED that the Husband should be and is hereby awarded the business known as "Mike Weaks Chimney Sweeps" as his sole and separate property, free and clear of any right, title or interest of the Wife. It is further ordered that the Husband shall be solely and separately responsible for all liability and indebtedness incurred as a result of his ownership and operation of this business, and that he shall indemnify and hold the Wife harmless thereon.

It is further ORDERED, ADJUDGED AND DECREED that the Wife, should be and is hereby awarded a judgment against the Husband in the amount of Nineteen Thousand Five Hundred Fifty-five and 99/100 ($19,555.99) Dollars as alimony *in solido*, in reimbursement of one-half (1/2) of the marital funds obtained by the Husband by loan against the Clovercroft Road

property. Execution on the aforesaid judgment shall be stayed so long as the Husband makes payment thereon in the amount of Five Hundred Fifty ($550.00) Dollars per month, directly to the Wife, commencing the first (1st) day of July, 2000 with a like payment due on the first (1st) day of each month thereafter until the aforesaid sum is paid in full.

It is furthered ORDERED, ADJUDGED AND DECREED that the Husband's failure to make the monthly payments on the alimony *in solido*, in the amount of Five Hundred Fifty ($550.00) Dollars per month, directly to the Wife as ordered, shall result in the Husband being subject to contempt for failure to pay.

It is further ORDERED, ADJUDGED AND DECREED that the Wife, Sandra Weaks, should be and is hereby awarded a lien in the amount of Nineteen Thousand Five Hundred Fifty-five and 99/100 ($19,555.99) Dollars against the residence and real property located at 1600 Elm Run Court, Nashville, Tennessee and more particularly described hereinabove.

It is further ORDERED, ADJUDGED AND DECREED that the Wife Sandra Weaks should be and is hereby awarded a lien in the amount of Nineteen Thousand Five Hundred Fifty-five and 99/100 ($19,555.99) Dollars against the business and equipment of "Mike Weaks Chimney Sweeps," which equipment includes metal working equipment, two (2) cargo vans, ladders and other equipment, computer, monitor, mouse and keyboard, fax machine, color laser printer, photocopier, and other office equipment.

It is furthered ORDERED, ADJUDGED AND DECREED that the Husband, Michael Weeks, should be and is hereby found in willful contempt of Court for violating the prior Restraining Order against dissipation of marital assets and that he should be and is hereby sentenced to ten (10) days' incarceration in the Metro Jail.

It is furthered ORDERED, ADJUDGED AND DECREED that the Wife should be and is hereby awarded the 1995 Nissan Van and the Husband should be and is hereby awarded the Volvo automobile, as the parties' respective separate and sole property, free and clear of any right title or interest of the other.

It is furthered ORDERED, ADJUDGED AND DECREED that the parties should be and are hereby each awarded the household goods in their respective possession except for those items set out in Exhibit 12, which are now in the possession of the Husband, and which should

be and are hereby awarded to the Wife, as follows: Hasselbad Camera with 8mm and 50mm lenses, acoustic guitar, Chelsea's electric jeep, Merry-Go-Round, plastic multi-colored yard toy, doll house and furniture from attic, canopy crib and bedding, two (2) Klipsh speakers serial number 042496698 and 042496699; smaller Klipsh speaker serial number 346597171; Velodyne speaker model number SF128110 serial number 56165057; Marantz receiver serial number MZ039625120043; Sony Mega storage 200 CD player serial number 8827632; thirteen inch TV/VCR combo; Crest Audio CA6 serial number CA698021188; Mackie SR24 mixing console serial number T45646; two (2) large Yamaha speakers. The Husband should be and is hereby awarded the remaining items on Exhibit 12, including particularly the woodworking equipment.

It is further ORDERED, ADJUDGED AND DECREED that the parties shall exchange negatives of the family photos maintained by the Wife throughout the marriage, so that the Husband can make copies at his expense, should he choose to do so.

It is further ORDERED, ADJUDGED AND DECREED that the Wife shall return to the Husband the Dr. Seuss books and that the Husband shall pay the Wife Two Hundred ($200.00) Dollars to replace those items, which amount is included in the judgment set out hereinabove.

It is further ORDERED, ADJUDGED AND DECREED that the attorney for Wife should be and is hereby awarded a judgment against the Husband in the amount of 3000.00 MR for attorney fees for representation in this cause, for which let execution issue if necessary.

It is further ORDERED, ADJUDGED AND DECREED that the cost of this cause should and are hereby taxed to the Husband, for which let execution issue if necessary.

ENTER this 28th day of June, 2000.

JUDGE

APPROVED FOR ENTRY:

MARY ARLINE EVANS No. 12067
Attorney for Wife, **Sandra Weaks**
214 Third Avenue, North
Nashville, TN 37201
Telephone : [615] 244-2070
Facsimile : [615] 254-5639

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Final Decree of Divorce has been placed in the United States mail, first-class, postage pre-paid addressed to Michael Weaks, *pro se*, 1600 Elm Run Drive, Nashville, Tennessee, 37214 this the 22nd day of June, 2000.

MARY ARLINE EVANS

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 28 day of JUNE , 2000 , in the Case Number 99D1950 between WEAKS, SANDRA L Plaintiff, and WEAKS, MICHAEL A SR Defendant, as same remains of record in Vol. 1244 , Page 227966 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 14 day of JULY in the year two thousand and in the 225th year of American Independence.

RICHARD R. ROOKER, Clerk,

By M. England
Deputy Clerk

SEAL

State of Tennessee, County of WILLIAMSON
Received for record the 26 day of
JULY 2000 at 1:47 PM. (REC# 378798)
Recorded in official records
Book 2029 pages 41- 48
Notebook 64 Page 247
State Tax $ .00 Clerks Fee $ .00,
Recording $ 34.00, Total $ 34.00,
Register of Deeds SADIE WADE
Deputy Register KELLY FAULKNER