PICK-UP

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2000 SEP 29 PM 12: 31

RICHARD R. ROOKER, CLERK

D Murray D.C.

TRACEY ANDERSON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**No. 99D-1342**
	)	
JEFFREY ANDERSON,	)	
	)	
Defendant.	)	

Davidson County DEEDDIV
Recvd: 08/16/01 14:47 8pgs
Fees:42.00 Taxes:0.00

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FINAL DECREE OF DIVORCE

This cause came on to be heard on the 23rd day of August, 2000 before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee upon the original Complaint for Divorce filed herein, Amended and Supplemental Complaint, Answer and Counter-Complaint, stipulations of the parties, testimony of the parties in open Court, and statement of counsel from all of which the Court finds as follows:

That the parties have stipulated that if real estate appraiser J. Donald Turner was called to testify he would opine that the fair market value of the parties' marital residence located at 901 Brandywine Circle, Old Hickory, Tennessee is $325,000 and that the fair market value of the 2.5 lots on Liberty Lane, Goodlettsville, Tennessee is $196,000.

That the parties have stipulated that the custodian of payroll records for the Defendant's employer, Anderson Marine, would testify that through the date of trial, the Defendant has earned $33,331 and would further opine that for the remainder of the year, considering the seasonal nature of the business, he would earn an additional $2,500 to $5,000.

That the Defendant has been guilty of inappropriate marital conduct during the marriage.

That the Court finds that the Defendant is not an appropriate candidate for spousal support.

That the Counter-Complaint against the Counter-Defendant shall be dismissed.

That the Complainant shall be awarded sole custody of the parties' minor children with the Defendant being awarded visitation.

That based on the conduct of the Defendant, Restraining Orders shall issue regarding the Defendant's use of alcohol and drugs. That a mutual Restraining Order shall issue regarding derogatory comments by either of the parties about the other in the presence of the children.

That the automobile dealership known as Regent Dodge constitutes the separate property of the Complainant.

That the Liberty Lane property shall be awarded to the Complainant and the Defendant shall be awarded a judgment lien in the amount of $7,500 against said property.

That the marital residence located at 901 Brandywine Circle, Old Hickory, Tennessee shall be awarded to the Complainant; however, the Court finds that the value of the Defendant's marital interest in the property is $54,542 which shall constitute a judgment lien in favor of the Defendant against said property.

That the 401K Plan of the Complainant constitutes marital property and shall be divided equally between the parties with the Defendant's share being rolled over into his own account by appropriate qualified order.

That the Defendant shall be awarded the furniture and furnishings in his possession, as well as the pool table located in the marital residence and one-half the patio furniture. That the rest and remainder of the household furniture, furnishings and appliances located in the marital residence shall be awarded to the Complainant.

That each of the parties shall be awarded their own checking and savings accounts free and clear of the other party.

That each of the parties shall pay any indebtedness listed in his or her name and shall hold the other party harmless thereon.

That the Defendant shall be awarded the 27 foot Mariah Cruiser and shall be responsible for the indebtedness thereon.

That the Defendant shall be awarded the Court's standard visitation including two weeks of extended summer visitation during the summer months.

That the Defendant's child support obligation for the parties' five minor children is $1,001 per month, but the Court finds a basis to deviate from the child support guidelines and stays the payment of said support for a period of six months. Said support shall commence March 1, 2001 to be paid directly to the Complainant by the first of each and every month pending further Orders of the Court. In the event the Defendant fails to timely pay the aforesaid support, the support shall be set by wage assignment.

It is therefore **ORDERED, ADJUDGED AND DECREED** that the Complainant, Tracey Anderson, is hereby awarded an absolute divorce from the Defendant on the grounds of inappropriate marital conduct and is hereby restored to all the rights and privileges of an unmarried person.

It is further **ORDERED** that the Complainant, Tracey Anderson, is awarded the absolute custody, care and control of the parties' five minor children, to wit: Jennifer Lynn Anderson, Katie Leigh Anderson, Jessica Nicole Anderson, Amiee Michele Anderson, and Annie Melissa Anderson.

It is further **ORDERED** that the Defendant shall be awarded the Court's standard visitation as follows:

a. Every other weekend from Friday evening at 6:00 p.m. until Sunday evening at 6:00 p.m..

b. Every Wednesday evening from 5:00 p.m. to 8:00 p.m..

c. The parties shall alternate the major holidays which are New Year's Day, Easter Day, Memorial Day, Fourth of July, Labor Day and Thanksgiving Day. In even numbered years, the Defendant shall have New Year's Day, Memorial Day and Labor Day and the Complainant shall have Easter Day, Fourth of July and Thanksgiving Day. This schedule shall alternate in odd numbered years. The foregoing holidays shall commence at 6:00 p.m. the evening before the holiday and end at 6:00 p.m. the day of the holiday.

d. In even numbered years, the Complainant shall have the minor children during the Christmas holidays from the day school lets out for the holidays at 6:00 p.m. until December 24th at 9:00 p.m. and the Defendant shall have the minor children from December 24th at 9:00 p.m. until December 31st at 6:00 p.m.. This schedule shall alternate in odd numbered years.

e. The Defendant shall have the minor children on Father's Day from 9:00 a.m. until 6:00 p.m. and the Complainant shall have the minor children on Mother's Day from 9:00 a.m. until 6:00 p.m..

f. That each of the parties shall be awarded two weeks of extended summer visitation during the summer months with the exact dates to be agreed upon between the parties.

It is further **ORDERED**, pursuant to T.C.A. §36-6-101 (a), that each of the parties is awarded the following parental rights when the minor children are in possession of the other:

a. The right to unimpeded telephone conversations with the children at least twice each week at reasonable times and for a reasonable duration;

b. The right to send mail to the children which the possessing parent will not open and will not censor;

c. The right to receive notice and relevant information as soon as practical (but not more than 24 hours) in the event of hospitalization, major illness, or death of a child;

d. The right to receive, directly from the school, copies of the children's report cards, attendance records, teacher's names, class schedules, standardized test scores, and other records which are customarily made available to parents. A written request must be made to the school with a current mailing address and payment must be made for the reasonable cost of duplicating and mailing these records;

e. The right to receive, directly from the children's physician and other health care providers, copies of the children's medical records. A written request must be made to the health care provider with a current mailing address, and payment must be made for the reasonable cost of duplicating and mailing these records.

f. The right to be free of derogatory remarks made about the nonpossessory parent and his or her family by the custodial parent to the children or in the children's presence.

g. The right to be given at least forty-eight (48) hours notice, whenever possible, of all extra-curricular activities, and the opportunity to participate or observe, including, but not limited to, the following:

(i) School activities;

(ii) Athletic activities;

(iii) Church activities;

(iv) Other activities as to which parental participation or observation would be appropriate.

h. The right to receive from the other parent, in the event the other parent leaves the state with the minor child or children for more than two (2) days, an itinerary including telephone numbers for use in the event of an emergency; and

i. The right of access and participation in education, including the right of access to the minor child or children for lunch and other activities, on the same basis that is provided to all parents, provided the participation or access is reasonable and does not interfere with day-to-day operations or with the child's educational performance.

It is further **ORDERED** that the Defendant shall pay the sum of $1,001 per month for the support and maintenance of the parties' five minor children. However, the Court finds that said support shall be stayed for a period of six months and the first payment shall commence on March 1, 2001 and the first day of each and every month thereafter pending further Orders of the Court.

It is further **ORDERED** that the foregoing amount of support shall not be reduced, prorated, or otherwise modified without the express written approval of the Court.

It is further **ORDERED, ADJUDGED AND DECREED** that the Complainant, Tracey Anderson, is awarded all right, title and interest in and to Regent Dodge, Inc. including, but not limited to, all assets of the business, including inventory, equipment, office furnishings, bank accounts, accounts receivable, and any other asset owned by the business all free and clear of any

claim of the Defendant. The Complainant shall be responsible for any indebtedness associated with the business and shall indemnify and hold the Defendant harmless thereon.

It is further **ORDERED** that the Regent Dodge, Inc. 401K Plan through Equitable shall be divided equally between the parties as of the date of August 23, 2000 and a Qualified Domestic Relations Order shall enter dividing the aforesaid asset.

It is further **ORDERED, ADJUDGED AND DECREED** that the Complainant, Tracey Anderson, is hereby awarded all right, title and interest in and to the marital residence located at 901 Brandywine Circle, Old Hickory, Tennessee and more particularly described as follows:

> Being Lot No. 26 on the Plan of Phase Seven, Section One, Brandywine Pointe, as of record in Book 7900, page 806, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete and accurate description.
>
> Being part of the same property conveyed to Jeffrey T. Anderson and Tracey F. Anderson, by deed of record in Book 9585, page 907, Register's Office for Davidson County, Tennessee.
>
> The conveyance of the above described parcel of land is subject to the following:
>
> 1. Declaration of Covenants, Conditions and Restrictions of record in Book 9485, page 888, Register's Office for Davidson County, Tennessee.
>
> 2. All matters shown on the Plat of Phase Seven, Section One, Brandywine Pointe subdivision, as of record in Book 7900, page 806, Register's Office for Davidson County, Tennessee.

Except as set forth below, the Defendant is divested of any right, title or interest in and to the foregoing described property and all interest shall vest solely in the Complainant. The Complainant shall be responsible for any outstanding indebtedness associated with said property and shall indemnify and hold the Defendant harmless thereon.

It is further **ORDERED** that in recognition of the Defendant's marital interest in the above-described property, he is awarded a judgment against the Complainant, Tracey Anderson, in the amount of $54,542 which shall constitute a judgment lien against the above-described property until said judgment is paid in full.

It is further **ORDERED, ADJUDGED AND DECREED** that the Complainant is awarded all right, title and interest to the 2.5 lots located on Liberty Lane, Goodlettsville, Tennessee, and more particularly described as follows: Being a portion of Map 114, Parcel 1.0 and recorded in Book 737, Page 378, Book 737, Page 410, Book 737, Page 423, Register's Office, Sumner County,

Tennessee. The Defendant is divested of any right, title or interest therein and all interest shall vest solely in the Complainant. The Complainant shall be responsible for any and all indebtedness on said property and shall indemnify and hold the Defendant harmless thereon.

It is further **ORDERED** that in recognition of the Defendant's marital interest in the above-described property, he shall be awarded a judgment against the Complainant, Tracey Anderson, in the amount of $7,500.

It is further **ORDERED, ADJUDGED AND DECREED** that the Defendant is awarded all furniture, furnishings, and appliances now in his possession, as well as one-half of the patio furniture at the marital residence and the pool table located at the marital residence.

It is further **ORDERED** that the Complainant shall be awarded the rest and remainder of the household furniture, furnishings and appliances located at 901 Brandywine Circle, Old Hickory, Tennessee.

It is further **ORDERED** that the Defendant, Jeffrey Anderson, shall be awarded the 27 foot Mariah Cruiser free and clear of any claim of the Complainant and shall be responsible for any indebtedness associated therewith and shall indemnify and hold the Complainant harmless thereon.

It is further **ORDERED** that each of the parties shall be awarded their own checking or savings accounts free and clear of any claim of the other party.

It is further **ORDERED** that each of the parties shall be responsible for any indebtedness listed in their name individually and shall indemnify and hold the other party harmless thereon.

It is further **ORDERED** that the Defendant, Jeffrey Anderson, is **ENJOINED AND RESTRAINED** from consuming alcohol to the point of intoxication immediately before or during his visitation with the minor children or while in the presence of the minor children.

It is further **ORDERED, ADJUDGED AND DECREED** that the Defendant, Jeffrey Anderson, is **ENJOINED AND RESTRAINED** from using any illegal drugs or substances at any time.

It is further **ORDERED, ADJUDGED AND DECREED** that each of the parties is hereby **ENJOINED AND RESTRAINED** from making derogatory comments about the other in the presence of the minor children.

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

This the 29th day of Sept, 2000.

Judge

APPROVED FOR ENTRY:

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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Final Decree of Divorce has been mailed, postage prepaid, to James L. Curtis, 214 Second Avenue North, Suite 204, Nashville, Tennessee 37201, on this the 27th day of September, 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 29 day of SEPTEMBER , 2000 , in the Case Number 99D1342 between ANDERSON, TRACEY Plaintiff, and ANDERSON, JEFFREY Defendant, as same remains of record in Vol. 1433 , Page 262816 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 16 day of AUGUST in the year two thousand one and in the 225th year of American Independence.



RICHARD R. ROOKER, Clerk,

By B. Rawls
Deputy Clerk