PICK-UP

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
2001 NOV -1 PM 3:22
RICHARD R. ROOKER, CLERK
B Murray D.C.

Linda Lane Cherry,

Plaintiff/Wife,

v.

Larry Wayne Cherry,

Defendant/Husband.

No. 01D-1886

Davidson County DEEDDIV
Recvd: 11/08/01 15:15 8pgs
Fees:37.00 Taxes:0.00
20011108-0123079

FINAL DECREE OF DIVORCE

This cause came on to be heard before the Honorable Muriel Robinson, Judge, on October 17, 2001, upon the Complaint for Absolute Divorce of Linda Lane Cherry ("Wife") against Larry Wayne Cherry ("Husband"), service on Husband by publication, failure to respond of Husband, motion for default judgment, order granting default judgment, testimony of Wife and witnesses Brandi Grubb and Billy Braswell in open court, statement of counsel for Wife, and the entire record in this cause; from all of which the Court finds and ORDERS as follows:

1. Wife has sufficiently proven that she is entitled to an absolute divorce from Husband on the ground of inappropriate marital conduct (Tenn. Code Ann. §36-4-101(11)); Wife is hereby awarded an absolute divorce from Husband and both parties are restored to all the rights and privileges of unmarried persons.

2. The assets and liabilities of the parties have been divided. Each party shall retain the assets in his or her name and/or possession with no claim thereto by the other.

With regard to the real property and improvements, more specifically described in Exhibits A, B and C (attached and incorporated verbatim herein), based on testimony the Court finds that Wife obtained title to said properties in 1995 by recorded quitclaim deed for each property from Husband to Wife, that Wife testified that she compensated Husband for his interest in the properties, and therefore Mr. Mrs. ~~that~~ the transfers appears to be arms length transactions for consideration. These transactions occurred at a time when the parties were experiencing marital difficulties. Any right, title or interest that Husband might claim to said properties is divested out of Husband, with Wife being the sole owner of said properties, subject to encumbrances on the properties for which Wife shall be solely responsible.

The Court further finds that Wife sold the property described in Exhibit C and used the proceeds to purchase the real property and improvements known as 5308 Otter Creek Court, Brentwood, Tennessee 37027, more specifically described in Exhibit D (attached and incorporated verbatim herein). For the same reasons as stated in the paragraph above, any right, title or interest that Husband might claim to said properties is divested out of Husband, with Wife being the sole owner of 5308 Otter Creek Court, Brentwood, Tennessee 37027 (Exhibit D), subject to encumbrances for which Wife shall be solely responsible.

3. Each party respectively shall be responsible for all liabilities and debts in his or her name, shall hold the other harmless thereon and indemnify therefor.

4. Wife shall be restored to the use of her maiden name, Linda Lane.

5. Costs of this cause shall be taxed to the Wife, for which execution may issue if necessary. Wife's address is 5308 Otter Creek Court, Brentwood, Tennessee 37027.

Muriel Robinson, Judge

11-1-01

Prepared for Entry:

GARFINKLE, McLEMORE & WALKER, PLLC

By: _____

Robert M. Garfinkle
Tn. Bar No. 5354
2000 Richard Jones Road, Suite 250
P.O. Box 158249
Nashville, Tennessee 37215-8249
(615) 383-9495

Attorney for Wife

CERTIFICATE OF SERVICE

The undersigned certifies that on October 18, 2001, all the following party(ies) was/were served with a copy of the foregoing at their respective addresses by the identified method:

✓ **Deposit in the U.S. Mail**
____ **Hand Delivery**
____ **Fax**
____ **Overnight Delivery**

Larry Wayne Cherry
5308 Otter Creek Court
Brentwood, Tennessee 37027

Robert M. Garfinkle

EXHIBIT A
TO FINAL DECREE OF DIVORCE
FOURTH CIRCUIT COURT NO. 01D-1886

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Tract No. I:

Land in Davidson County, Tennessee, being the southerly half of Lot No. 7 on the Plan of Kate Shield's Subdivision of part of Lot No. 56 in Boyd Cockrill Spring Tract, as of record in Book 57, page 77, Register's Office for said County.

Said part of Lot No. 7 fronts 35-1/2 feet on the easterly side of 30th Avenue, South, formerly Parker Street, and runs back 127.9 feet, more or less, on the northerly line and 128 feet on the southerly line to a dead line, measuring 35-1/2 feet thereon.

Tract No. II:

Land in Davidson County, Tennessee, being the North half of No. 8 on the map of Kate Shield's Subdivision of part of Lot No. 56 on the Boyd Cockrill Spring Tract, of record in Book 57, page 77, Register's Office for Davidson County, Tennessee.

Said part of Lot No. 8 fronts 35-1/2 feet on the easterly side of 30th Avenue South and runs back between parallel lines 128 feet to an alley.

Tract No. III:

Land in Davidson County, Tennessee, being the northerly one-half of Lot No. 7 on the Plan of Miss Kate Shield's Subdivision of Lot No. 56, Boyd Cockrill Spring Tract, as of record in Book 57, page 77, Register's Office for said County.

Said part of Lot No. 7 fronts 35-1/2 feet on the easterly side of 30th Avenue South, formerly an unnamed street, and runs back between parallel lines, with the southerly margin of an alley, 127.8 feet to a dead line.

Tract Nos. I, II and III being the same property conveyed to Larry W. Cherry by deed of record in Book 8668, page 684, Register's Office for Davidson County, Tennessee.

Being the same property conveyed by Larry W. Cherry to Linda L. Cherry by quitclaim deed recorded on May 30, 1995, in Book 9683, page 367, Register's Office for Davidson County, Tennessee.

This is improved property known as 110 30th Avenue, South, Nashville, Tennessee 37212.

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EXHIBIT B
TO FINAL DECREE OF DIVORCE
FOURTH CIRCUIT COURT NO. 01D-1886

Unit C-25 of Tops'l Tennis Village a condominium, Phase II, as recorded in official Murray record Book 295, Page 319 and as amended by Phasing Amendment ~~for Phase II as~~ D.C. recorded in official Records Book 295, Page 390 of Walton County, Florida, 32541. Being the same property as recently recorded in Book 1136, Page 211 of said County.

Being the same property conveyed by Larry W. Cherry to Linda L. Cherry by quitclaim deed recorded on July 25, 1995, in Book 1311 Page 313, Records Book of Walton County, Florida.

This is improved property known as Unit C-25 of Tops'l Tennis Village, a condominium, Phase II, 25 Forrest Hills Lane, Destin, Florida.

EXHIBIT C
TO FINAL DECREE OF DIVORCE
FOURTH CIRCUIT COURT NO. 01D-1886

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D.C.

Lot No. 85 on the Plan of Devonshire Manor as of record in Plat Book 7, page 38, Register's Office for said County.

Being the same property conveyed to Larry W. Cherry and wife Linda ~~L.~~ Cherry by deed from 3rd Nat'l Bank in Nashville and Evelyn Jones Patterson, Executors of the Estate of James E. Patterson of record in Book 614, page 115.

Being the same property conveyed by Larry W. Cherry to Linda L. Cherry by quitclaim deed recorded May 30, 1995, in Book 1292 Page 307, Register's Office for Williamson County, Tennessee.

This is improved property known as 6509 Edinburgh Road, Nashville, Tennessee 37221.

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EXHIBIT D
TO FINAL DECREE OF DIVORCE
FOURTH CIRCUIT COURT NO. 01D-1886

A certain condominium apartment in Davidson County, Tennessee, being Unit No. 12-B on the revised plan of Stratford Place of record in Book 6250, Page 560, ~~and as further~~ O.C. set forth in the Exhibit "B" of the Master Deed and By-Laws of record in Book 6472, Page 47, and amended in Book 7140, Page 592; Book 7234, Page 801; Book 7353, Page 472; Book 7426, Page 234, said Register's Office and to which plan and record thereof are incorporated herein and made a part hereof by reference.

Being the same property conveyed to Joseph J. Cherry and spouse, Allison L. Cherry by deed from C. Earl Gibbs and spouse, Laurice D. Gibbs of record in Book 8583, Page 979 Register's Office for Davidson County. (When the property was originally conveyed, the name of the spouse was misspelled. The correct spelling is Alison L. Cherry).

Being the same property conveyed by Joseph J. Cherry and Alison L. Cherry to Linda L. Cherry by Warranty Deed recorded August 11, 1999, in Book 11615, Page 44, Register's Office for Davidson County, Tennessee.

This conveyance is subject to any and all existing restrictions and easements of record.

This is improved property known as 5308 Otter Creek Court, Brentwood, Tennessee 37027.

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 01 day of NOVEMBER , 2001 , in the Case Number 01D1886 between CHERRY, LINDA LANE Plaintiff, and CHERRY, LARRY WAYNE Defendant, as same remains of record in Vol. 2515 , Page 461584 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 08 day of NOVEMBER in the year two thousand one and in the 225th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

