IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED

2001 FEB 27 PM 2:37

RICHARD R. ROOKER, CLERK

D.C.

Jeffery Carl Nixon
Plaintiff/Counter-defendant,

v.

Terra Ta-Tanisha Burnam-Nixon
Defendant/Counter-plaintiff.

Docket No. 99D825

Davidson County DEEDDIV
Recvd: 10/09/02 16:28 17pgs
Fees:87.00 Taxes:0.00
20021009-0123913

FINAL DECREE OF DIVORCE

This cause came to be heard on January 29, 2001, before the Honorable Muriel J. Robinson, Judge of the Fourth Circuit Court of Davidson County, Tennessee, upon Husband's Complaint for Divorce, Wife's Counter-Complaint for Divorce, the testimony of the witnesses and the record as a whole, from all of which the Court declares the parties divorced under Tennessee Code Annotated § 36-4-129. The parties are restored to the rights and privileges of unmarried persons, and the bonds of matrimony heretofore existing between the parties are perpetually dissolved.

The Husband's address is 378 Forrest Valley Drive, Nashville, TN 37209. The Wife's address is 306 Nesbitt Lane, Madison, TN 37115.

It is therefore, **ORDERED, ADJUDGED AND DECREED** as follows:

1. The Parties are declared divorced under Tennessee Code Annotated § 36-4-129.
2. The Parties are granted the personal property in their current possession.
3. The Husband's proposed parenting plan is amended to change the mid-week visitation from Thursdays to Wednesdays. With said amendment, the Husband's parenting plan is adopted and is the Order of this Court and incorporated herein as follows:

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

FILED

2000 DEC Case No. 99D825

RICHARD R. ROOKER, CLERK

JEFFERY CARL NIXON
FATHER

TERRA TA-TANISHA BURNAM-NIXON
MOTHER

PARENTING PLAN
[X] Proposed (PPP)
[ ] Temporary (TPT)
[ ] Final Order (FPP)

TEMPORARY PARENTING PLAN

This Parenting Plan is:

[ ] the final parenting plan signed by the Court pursuant to a decree of dissolution entered on _____.

[ ] the final parenting plan signed by the Court pursuant to a decree of dissolution entered on _____which modifies a previous parenting plan or custody decree.

[ ] a temporary parenting plan signed by the Court.

[x] proposed by **the father.**

I. GENERAL INFORMATION

This parenting plan applies to the following children:

Name	Birthdate	Social Security No.
Daltrey Alyxandria-Ann Nixon	**March 5, 1995**	_____

II. RESIDENTIAL SCHEDULE

These provisions set forth where the child(ren) shall reside each day of the year and what contact th child(ren) shall have with each parent.

2.1 PRE-SCHOOL SCHEDULE.

[ ] There are no children of preschool age.

[x] Prior to enrollment in school, the child(ren) shall reside with the [x] mother [ ] father, except fo the following days and times when the child(ren) will reside with or be with the other parent:

From: **6 p.m. Friday** (Day/Time) **to 8 a.m. Monday** (Day/Time)

[ ] every week
[X] every other week
[ ] the first and third week of the month.
[ ] the second and fourth week of the month
[ ] other:

and from: **6 p.m. Thursday** (Day/Time) **to 8 a.m. Friday** (Day/Time)
[X] every week
[ ] every other week
[ ] the first and third week of the month.
[ ] the second and fourth week of the month
[ ] other: _____

2.2 SCHOOL SCHEDULE.

Upon enrollment in school, the child(ren) shall reside with the [x] mother [ ] father, except for the following days and times when the child(ren) will reside with or be with the other parent:

From: **6 p.m. Friday** (Day/Time) **to 8 a.m. Monday** (Day/Time)

[ ] every week
[X] every other week
[ ] the first and third week of the month.
[ ] the second and fourth week of the month
[ ] other:

and from: **6 p.m. Thursday** (Day/Time) **to 8 a.m. Friday** (Day/Time)

[X] every week
[ ] every other week
[ ] the first and third week of the month.
[ ] the second and fourth week of the. month
[ ] other: _____.

[ ] The school schedule will start when each child begins
[x] kindergarten [ ] first grade [ ]other_____

2.3 SCHEDULE FOR WINTER/CHRISTMAS VACATION

The child(ren) shall reside with the [x] mother [ ] father during winter vacation, except for the following days and times when the child(ren) will reside with or be with the other parent:
Dec. 24 to 2:00 p.m. on Christmas Day with the mother; then with the father from 2:00 p.m. on Christmas Day to 6:00 p.m. on Dec. 31 on even years. Reverse on odd years.

2.4 SCHEDULE FOR SPRING VACATION.

The child(ren) shall reside with the [x] mother [ ] father during spring vacation, except for the following days and times when the child(ren) will reside with or be with the other parent:
One week with the father during spring break on odd years.

2.5 SUMMER SCHEDULE.

Upon completion of the school year, the child(ren) shall reside with the [x] mother [ ] father, except for the following days and times when the child(ren) will reside with or be with the other parent:

[x] Same as school year schedule.
[ ] One week every month.
[ ] Two weeks every month.
[ ] One month beginning _____.
[ ] _____ weeks during summer, starting _____.
[ ] Other: _____.

During the above summer schedule, the other parent shall have time with the child[ren] as follows:
Four weeks with the father during the summer, uninterrupted. Father may choose weeks by notifying mother in writing by May 15.

2.6 SCHEDULE FOR HOLIDAYS.

The residential schedule for the child(ren) for the holidays listed below is as follows:

	With Mother (Specify Year Odd/Even/Every)	With Father (Specify Year Odd/Even/Every)
New Year's Day	Odd	Even
Martin Luther King Day	X	
Presidents' Day	X	
Easter	Even	Odd
Passover	N/A	
Memorial Day	Odd	Even
July 4th	Even	Odd
Labor Day	Even	Odd
Halloween	Odd	Even
Veterans' Day	X	
Thanksgiving Day	Odd	Even
Christmas Eve	N/A	
Christmas Day	N/A	
Hanukkah	N/A	

X = Parent who has weekend, see below

[x] For purposes of this parenting plan, a holiday shall begin and end as follows (set forth times): Weekend 6:00 p.m. day prior to 6.00 p.m. day ending.
[ ] Holidays which fall on a Friday or a Monday shall include Saturday and Sunday.
[ ] Other:

2.7 SCHEDULE FOR SPECIAL OCCASIONS.

The residential schedule for the child(ren) for the following special occasions (i.e., birthdays) is as follows:

	With Mother (Specify Year Odd/Even/Every)	With Father (Specify Year Odd/Even/Every)
Mother's Day	Every	
Father's Day		Every
Mother's Birthday	Every	
Father's Birthday		Every
Child's Birthday	Odd	Even

[ ] Other:

2.8 PRIORITIES UNDER THE RESIDENTIAL SCHEDULE.

[x] Does not apply.
[ ] For purposes of this parenting plan the following days shall have priority over the residential schedule:_____

2.9 RESTRICTIONS.

[X] Does not apply.
[ ] The [ ] father's [ ] mother's residential time with the children shall be limited because:

[ ] Physical, sexual or a pattern of emotional abuse of a child.
[ ] A history of acts of domestic violence or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.
[ ] Neglect or substantial nonperformance of parenting functions.
[ ] A long-term emotional or physical impairment which interferes with the performance of parenting functions as defined in Tenn. Code Ann. 36-6-402.
[ ] The absence or substantial impairment of emotional ties between the parent and child.
[ ] The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development.
[ ] A parent has withheld from the other parent access to the child for a protracted period without good cause.

The following restrictions shall apply when the children spend time with this parent:
[ ] father's [ ] mother's residential time with the children:

2.10 TRANSPORTATION ARRANGEMENTS.

Transportation arrangements for the child(ren), other than costs, between parents shall be as follows: **The father shall pick up the child from school or the mother's house at the beginning of the visit, and the mother shall pick up the child at the end of the visit.**

2.11 DESIGNATION OF CUSTODIAN.

The children named in this parenting plan are scheduled to reside the majority of the time with the [x] mother [ ] father. This parent is designated the custodian of the child(ran) solely for purposes of all other state and federal statutes which require a designation or determination of custody. This designation shall not affect either parent's rights and responsibilities under this parenting plan.

2.12 OTHER

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3. CHILD SUPPORT

3.1 FINANCIAL SUPPORT.

[x] The [ ] mother [x] father will pay child support, in accordance with the Tennessee Child Support Guidelines, in the amount of **$**_____ per **month**, beginning **February 1, 2001**. This amount shall not be prorated unless otherwise specified.

[ ] A wage assignment shall issue (by separate order to be presented by counsel) to_____, the employer of _____, for the ongoing child support.

[ ] Other provisions for financial support:

_____

[x] The parties affirmatively acknowledge that no action by either or both of them will be effective to reduce child support after the due date of each payment. The parties further understand that Court approval must be obtained before child support can be reduced or modified, unless such payments are automatically reduced or terminated under the terms of this parenting plan.

3.2 TAX DEDUCTION.

[ ] The [ ] mother [ ] father will receive the tax deduction for the child(ren). Each party shall provide to the other, by or before April 15 of every year, a copy of their respective W-2 form or a copy of the first page of their tax return.

[X] Other provisions regarding tax deduction: **The mother shall use the child as a deduction in odd years; the father in even years.**

3.3 HEALTH INSURANCE.

[x] The [ ] mother [x] father will maintain medical/hospital insurance on the minor child(ren) and he/she shall provide proof of continuing coverage by February 15th of each year.

[x] Uncovered medicals, including deductibles, if any, will be

[ ] borne by the _____.

[x] divided equally by the parties

[ ] other: _____.

3.4 LIFE INSURANCE.

[x] The [ ] mother [x] father shall insure his/her own life in the minimum amount of **$100,000**, whole or, term, which may not decrease in face amount during the minority of any child. The policy shall name the minor child(ren) as primary beneficiaries of the coverage required by the Court. The choice of the secondary beneficiary(ies) is up to the policy owner(s).

[x] Other provisions regarding life insurance: **Mother shall be trustee beneficiary for child - No restrictions.**

3.5 DENTAL/ORTHODONTIC CARE

[ ] The [ ] mother [ ] father will maintain dental/orthodontics care on the minor child(ren). Uncovered dental/orthodontia expenses will be borne by [ ] mother [ ] father [ ] divided equally by the parties.

[X] Other provisions for dental/orthodontic are: **Uncovered dental expenses will be divided between the parties.**

4. DECISION MAKING

4.1 DAY TO DAY DECISIONS

Each parent shall make decisions regarding the day-to-day care and control of each child while the child is residing with that parent. Regardless of the allocation of decision making in this parenting plan, either parent may make emergency decisions affecting the health or safety of the children.

4.2 MAJOR DECISIONS.

Major decisions regarding each child shall be made as follows:

Education decisions	[ ] mother	[ ] father	[X] joint
Non-emergency health care	[ ] mother	[ ] father	[X] joint
Religious upbringing	[ ] mother	[ ] father	[X] joint
_____	[ ] mother	[ ] father	[ ] joint
_____	[ ] mother	[ ] father	[ ] joint
_____	[ ] mother,	[ ] father	[ ] joint

4.3 RESTRICTIONS IN DECISION MAKING.

[X] Does not apply.

[ ] Sole decision making shall be ordered to the [ ] mother [ ] father for the following reasons:
[ ] A limitation on the other parent's decision-making authority is mandated by TCA 36-6-412.
[ ] Both parents are opposed to mutual decision making.
[ ] One parent is opposed to mutual decision making, and such opposition is reasonably based or the following criteria:

- [ ] The existence of a limitation under TCA 36-6-412(c)(3);
- [ ] The history of participation of each parent in decision making in each of the areas in TCA 36-6-411;
- [ ] Whether the parents have demonstrated ability and desire to cooperate with one another in decision making in each of the areas in TCA 36-6-411; and
- [ ] The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

5. DISPUTE RESOLUTION

[x] Disputes between the parties, other than the child support disputes, shall be submitted to:

[ ] Counseling by_____.

[x] Mediation by **court-approved mediator**.

[ ] Arbitration by _____.

[ ] The cost of this process shall be allocated between the parties as follows: _____ % mother and _____% father.
[ ] based on each party's proportional share of income from the child support guidelines.
[x] as determined in the dispute resolution process.

The counseling, mediation or arbitration process shall be commenced by notifying the other party by
[x] written request
[ ] certified mail
[ ] other:_____.

In the dispute resolution process:
(a) Preference shall be given to carrying out this Parenting Plan.
(b) Unless an emergency exists, the parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support.
(c) A written record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party.
(d) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the other parent.
(e) The parties have the right of review from the dispute resolution process to the court.

[ ] No dispute resolution process, except court action, shall be ordered, because [ ] a limiting factor under TCA 36-6-108 applies or [ ] one parent is unable to afford the cost of the proposed dispute resolution process.

6. STANDARD PARENTING RIGHTS

Pursuant to Tennessee Code Annotated §36-6-101 (a) both parents are entitled to the following rights:

1. unimpeded telephone conversations with the child at least twice each week at reasonable times and for a reasonable duration;

2. sending mail to the child which the custodial parent will not open and will not censor;

3. receiving notice and relevant information as soon as practical (but not more than 24 hours) in the event of hospitalization, major illness, or death of the child;

4. receiving, directly from the school, copies of the child'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;

5. receiving, directly from the child's physician and other health care providers, copies of the child'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;

6. to be free of derogatory remarks made about the non-custodial parent and his or her family by the custodial parent to the child or in the child's presence.

Either parent may petition for a return to court, paying appropriate fees for mediation on any further parenting issues.

7. OTHER PROVISIONS

[ ] There are no other provisions.
[x] There is the following other provision: Either parent shall have the right to apply to the Court for relief in the event mediation is unsuccessful.

8. DECLARATION FOR PROPOSED PARENTING PLAN

[ ] Does not apply.
[x] (Only sign if this is a proposed parenting plan.) I declare under penalty of perjury under the laws of the State of Tennessee that this plan has been proposed in good faith and that the statements in Part II of this Plan are true and correct.

Mother

Date and Place of Signature

Father

12/13/00
Date and Place of Signature

9. ORDER BY THE COURT

It is ORDERED, ADJUDGED AND DECREED that the Parenting Plan set forth above is adopted and approved as an Order of this Court.

WARNING: Violation of residential provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under TCA 39-13-306. Violation of this order may subject a violator to arrest.

When mutual decision making is designated but cannot be achieved, the parties shall make a good faith effort to resolve the issue through the dispute resolution process.

If a parent fails to comply with a provision of this plan, the other parent's obligations under this plan are not affected.

Dated: 2-27-01 as modified by Decree.

Judge

Presented by:

Signature

Print or Type Name

Signature

Print or Type Name

Mediation Services provided by:

(Name) _____

(Address) _____

_____

(Phone) _____

4. The Husband is ordered to pay child support in the amount of three hundred thirty-nine dollars ($339.00) per month to the Wife. Husband is to make his payments semi-monthly in the amount of one hundred sixty-nine dollars and fifty cents ($169.50).

5. The parties hereby are ordered that no action taken either unilaterally or jointly by agreement between the parties will be effective to reduce the hereinabove child support after the due date of each payment, and they understand that court approval must be obtained before the hereinabove child support can be reduced, unless such payments are automatically reduced or terminated under the terms of this agreement.

6. Each party is to be responsible for one-half of the monthly car payment for the Wife's 1996 Toyota Camry. The Court orders each party to make the payments on time and any late payment shall be considered a violation of this Order.

7. Marital property located at 306 Nesbitt Lane is divested from the Husband and reinvested in the Wife solely, subject to both mortgages. The Wife shall hold the Husband harmless. Said legal description is in words and figures as follows:

> BEING Lot 9A of the Zone Lot Division of Lots 1 thru 10, 15 thru 24, and 51 thru 60, on the plan of Heritage Place, of record in Plat Book 6250, Page 632, 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 Linda England and Fredda Lee by deed from Arnold M. Weiss, Substitute Trustee, of record in Book 10450, Page 937, Register's Office for said County.
>
> This conveyance is subject to Restrictive Covenants of record in Book 6250, Page 632 and Book 6148, Page 537, Register's Office for said County.

This Improved property, known as 306 Nesbitt Lane, Madison, TN 37115.

8. The Husband is granted a judgment in the amount of two thousand six hundred fourteen dollars ($2614.00), which represents one-half of the equity in the home as agreed upon by the parties. Said judgment is a lien upon the said legal property herein described above.

9. The wife shall take the house subject to both mortgages. She shall have ninety days from January 29, 2001 to refinance the home. During this time, she shall be responsible for the all mortgage payments starting February 1, 2001. The Wife shall make all payments on time or she shall be in violation of this Order. If the Wife is unable to obtain financing within ninety days, then she shall sell the home and keep all proceeds.

10. The Husband has a 401k with his employer, Gambro Healthcare, a portion of which was earned during the marriage. The amount earned during the marriage shall be divided evenly between the two parties and the wife's portion shall be rolled-over into an account of her choice. This division of the 401k shall be perfected by a Qualified Domestic Relations Order submitted by the Husband and filed under separate order.

It is further, **ORDERED, ADJUDGED AND DECREED** that the Complaint for Divorce is amended to include the following information:

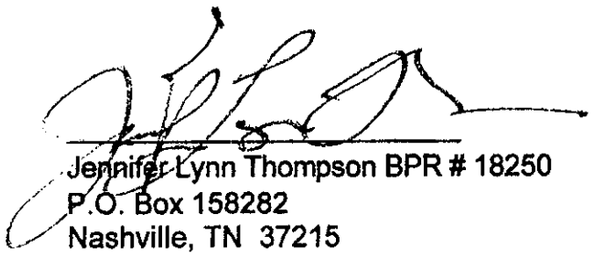
Wife has resided in Davidson County since January 1998.
Husband has resided in Davidson County since January 1998.
Neither party is a member of the armed services.

It is further, **ORDERED, ADJUDGED AND DECREED** that the Parties shall each pay their own attorney fees and the costs of this action are taxed ~~to the~~ evenly between the two parties, for which execution may issue if necessary.

ENTERED: 2-27-01.

Judge

APPROVED FOR ENTRY:



Jennifer Lynn Thompson BPR # 18250
P.O. Box 158282
Nashville, TN 37215
615-347-2484

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document was delivered, via United States Mail, postage prepaid, on this the 27 day of February, 2001, to the following individual(s):

Ms. Nan Shelby Calloway
Attorney at Law
701 Broadway Avenue
Suite B-20
Nashville, TN 37203-3944



Jennifer Lynn Thompson

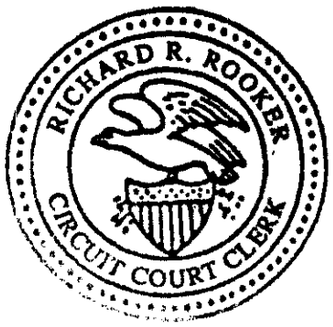
STATE OF TENNESSEE

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 27 day of FEBRUARY , 2001 , in the Case Number 99D825 between NIXON, JEFFERY CARL Plaintiff, and BURNAM, TERRA TATANISHA Defendant, as same remains of record in Vol. 1721 , Page 315501 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 11 day of SEPTEMBER in the year two thousand two and in the 226th year of American Independence.

RICHARD R. ROOKER, Clerk,

SEAL



By _____ Deputy Clerk