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RICHARD R. ROOKER, CLERK

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

MARK STEVEN DOWNING,
Plaintiff/Husband,

v.

OLIVIA DENISE DOWNING,
Defendant/Wife.

CASE NO. 97D-2308

FINAL DECREE OF DIVORCE

This final hearing in this cause came to be heard before the Honorable Muriel Robinson, Judge, on the 19th day of August, 1998, upon the Husband's complaint and upon the Wife's counter-complaint for divorce, and upon announcement to the Court by counsel for the parties of an agreement subject to the Court's approval, it appears that the following order is well-taken:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Husband is hereby declared divorced from the Wife pursuant to T.C.A. s. 36-4-129 upon the stipulation that, if the evidence were heard by the Court, the Wife would be found guilty of inappropriate marital conduct.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties are hereby awarded joint custody of the parties' three minor children, Mark Russell Downing (DOB: 8/7/89), Olivia Danielle Downing (DOB: 11/18/92) and James Patrick Downing (DOB: 3/12/96), with the Husband to have primary care and control over all the minor children.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Wife shall have no visitation of the minor children while Wife is incarcerated. Upon release from incarceration, Wife shall have standard visitation of the minor children as follows:

1. Every other weekend from 6:00 p.m. on Friday to 6:00 p.m. on Suday;
2. For two weeks during summer vacation (with 30 days notice to Husband of the dates of said visitation);
3. For Mother's Day from 8:00 a.m. to 6:00 p.m., with Husband to have Father's Day;
4. For one week during Christmas vacation with the Wife to have Christmas Day from 8:00 a.m. to 6:00 p.m. in odd numbered years and the Husband to have Christmas Day from 8:00 a.m. to 6:00 p.m. in even numbered years;
5. From 8:00 a.m. to 6:00 p.m. for Thanksgiving and Memorial Day in even numbered years, with Husband to have same in odd numbered years; and
6. From 8:00 a.m. to 6:00 p.m. for Easter and Independence Day in odd numbered years, with the Father to have same in even numbered years.

Pursuant to TCA s. 36-6-101(a), either party has the following additional rights to access to the minor child or minor children as follows:

1. The right to unimpeded telephone conversations with the child or children at least twice a week at reasonable times and for reasonable duration;
2. The right to send mail to the child or children which the other parent shall not open or censor;

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3. The right to receive notice and relevant information as soon as practicable but within twenty-four (24) hours of any event of hospitalization, major illness or death of the child;
4. The right to receive directly from the child's school upon written request which includes a current mailing address and upon payment of reasonable costs of duplicating, copies of the child's report cards, attendance records, names of teachers, class schedules, standardized test scores and any other records customarily made available to parents;
5. The right to receive copies of the child's medical records directly from the child's doctor or other health care provider upon written request which contains a current mailing address and upon payment of reasonable costs of duplication; and
6. The right to be free of unwarranted derogatory remarks made about such parent or such parent's family by the other parent to or in the presence of the child.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Wife is hereby restrained and enjoined from using illegal drugs at any time, from being intoxicated in the presence of the minor children and/or permitting any other person from using illegal drugs or being intoxicated in the presence of the minor children.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that child support obligation is hereby suspended while the Wife is incarcerated. Parties or either of them shall set this matter for review once the Wife is released from incarceration upon the issues of her child support and medical insurance.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Husband shall carry medical insurance upon the minor children until this issue is reviewed by the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREDD that the Husband is hereby awarded judgment against the Wife for child support arrearage in the amount of $1,491.00, for which execution may lie if necessary.

Map 84-1 Parcel 127

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Husband is hereby awarded certain real property, owned by him, to wit, a house and lot located at 901 Rose Park Drive, Nashville, TN 37206, and more particularly described as follows:

Being Lot #8 on the Plan of Rose Estates, Section I. As of record in Book 3600, page 37, Register's Office for Davidson County, Tennessee.

Said Lot No. 8 fronts 69 feet on the northerly side of Rose Park Drive and extends bank 185.37 feet on the westerly line and 262.75 feet on the easterly line, to a dead line in the rear, which is a broken line on which it measures 141.81 feet.

Being the same property conveyed to Mark S. Downing by deed from Joe E. McCreary and Rosetta D. McCreary, of record in Book 8987, page 808, in said Register's Office of Davidson County, Tennessee.

Wife shall quitclaim all her right title and interest in said real property to the Husband. Any claim or interest of the Wife in said real property is hereby divested from her and vests in the Husband.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Husband is hereby awarded the following vehicles: a certain 1998 Corsica and a certain 1998 Toyota Pick Up. Any claim or interest of the Wife in said vehicles is divested from her and vests entirely in the Husband. Wife shall endorse all necessary papers to transfer titles to the Husband.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Wife is hereby awarded the following items of personal property, to wit: the china (including glassware), the rocking chair, the dressing table, the piano, her personal belongings including year books, photos, clothing and jewelry, one-half the Christmas decorations and all personal belongings of her grandmother. Any claim or interest of the Husband in said personal property is hereby divested from him and vests entirely in the Wife.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Husband is hereby awarded all other items of personal property not awarded to the Wife. Any claim or interest of the Wife said personal property is hereby divested from her and vests entirely in the Husband.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the documents in this cause shall everywhere reflect that the name of the Defendant is Olivia Denise Downing, the name of the parties second minor child is Olivia Danielle Downing and the date of birth of the third minor child James Patrick Downing is 3/12/96.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the costs of this cause are hereby taxed to the Husband, for which execution may lie if necessary.

Mark Steven Downing resides at 901 Rose Park Drive, Nashville, TN 37206.

Olivia Denise Downing is presently incarcerated at CCA, 515 Harding Place, Nashville, TN 37213.

ENTER THIS THE 22nd DAY OF JULY, 1999..

MURIEL ROBINSON, JUDGE

Prepared for Entry:

THOMAS K. BOWERS #13723
Attorney for Husband
2821 Lebanon Road, Suite 204
Nashville, TN 37214
615-889-2820

CERTIFICATE OF SERVICE

I hereby certify that I have mailed a copy of the foregoing document to Paula Ogle Blair, Attorney for Wife, at 2525A Lebanon Road, Nashville, TN 37214 on this the 14th day of July, 1999.

THOMAS K. BOWERS

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 22 day of JULY , 1999 , in the Case Number 97D2308 between DOWNING, MARK STEVENS Plaintiff, and DOWNING, OKIDIA DENISE Defendant, as same remains of record in Vol. 744 , Page 136427 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 12 day of NOVEMBER in the year two thousand two and in the 226th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

