IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, AT NASHVILLE, TENNESSEE

DORNA CORDET VAVRINA,
Social Security No.: [redacted]-8862
Plaintiff/Wife,

VS.

LORNE CHRISTOPHER RALL,
Social Security No.: [redacted]-1507
Defendant/Husband.

DOCKET Nº 02D - 1447
NOTICE OF ENTRY REQUIRED

Davidson County DEEDDIV
Recvd: 12/12/02 13:30 9pgs
Fees:47.00 Taxes:0.00
20021212-0153534

FINAL DECREE

This cause came to be heard on the 12th day of November, 2002, before the Honorable Judge Muriel Robinson, for a final hearing on the Wife's complaint for a divorce against the Husband on the grounds of inappropriate marital conduct, and after a default was taken by the Wife against the Husband and entered by this Court on October 28, 2002. Husband had on October 25, 2002, filed a Motion to Set Aside the Default, but it had not been set for hearing prior to the trial date. Nevertheless, the Court allowed the Motion to Set Aside to be heard, but specifically found that the divorce had been filed on June 18, 2002, and that Husband had been served on July 1, 2002. Husband was served with discovery on July 8, 2002, and elected to answer that discovery *pro se* on July 30, 2002. It was admitted by Husband that he had been advised by Wife's attorney to seek counsel of his own and chose not to do so. The parties attended an unsuccessful mediation on September 30, 2002, when Husband was again *pro se*. Wife filed a Motion for Default on October 4, 2002, which Husband was aware of, and the Motion was

granted without opposition or appearance of the Husband or any counsel on his behalf on October 11, 2002.

The Court, therefore, denied the Husband's Motion to Set Aside the Default finding that he had repeatedly been advised to obtain counsel, was fully aware of the proceedings against him, and chose not to obtain counsel until after the judgment for default had been entered against him. Husband cited as his only reason to set aside the default the basis that he had now retained counsel. Despite refusing to set aside the default judgment, Husband and his counsel were allowed to participate in the final hearing of the divorce, and Husband testified as to the nature and value of the marital assets. After hearing the testimony of the Husband and Wife, and Wife's witnesses, James Vavrina and Christy Perkins, the Court granted Wife an absolute divorce on the ground of inappropriate marital conduct, entered a Permanent Restraining Order, and dismissed the pending Order of Protection. It is, therefore,

ORDERED, ADJUDGED and DECREED that Wife is granted an absolute divorce from the Husband on the ground of inappropriate marital conduct and restored to the rights of an unmarried person; and it is further

ORDERED, ADJUDGED and DECREED that Wife's maiden name of Dorna Vavrina is restored to her; and it is further

ORDERED, ADJUDGED and DECREED that the Wife having established a basis for a permanent injunction, the Husband, Lorne Christopher Rall, is permanently **enjoined** and **restrained** from contacting or communicating with the Wife, Dorna Vavrina, including coming to her residence or place of employment, speaking to her, calling her, writing her, e-mailing or otherwise attempting to contact or communicate

with her in any way, and Husband, Lorne Christopher Rall, is specifically **enjoined** and **restrained** from cursing, threatening, yelling, intimidating, striking or otherwise attempting to harm the Wife; and it is further

ORDERED, ADJUDGED and DECREED that in view of the Court's Permanent Restraining Order against Lorne Christopher Rall as set forth above, Wife's *ex parte* Order of Protection and the scheduling hearing for November 14, 2002, is no longer necessary and is dismissed with costs taxed to the Husband; and it is further

ORDERED, ADJUDGED and DECREED that the Wife shall remain in the marital residence until thirty (30) days from the date of entry of this Order and is specifically instructed not to any way damage the real property; and it is further

ORDERED, ADJUDGED and DECREED that the Husband shall continue to pay the mortgage on the marital home and hold Wife harmless from any liability on the debt on the marital home at 6644 Upton Lane, Nashville, Tennessee 37209; and it is further

ORDERED, ADJUDGED and DECREED that Wife shall receive and Husband shall pay to Wife one-half (1/2) of the current equity in the marital home located at 6644 Upton Lane, Nashville, Tennessee 37209, which based on Wife's estimate of the value of the marital home was Thirty-Three Thousand Eight Hundred Eleven ($33,811) Dollars for her interest in the marital home; and it is further

ORDERED, ADJUDGED and DECREED that upon payment to the Wife of one-half (1/2) of the equity in the marital home, Wife shall be divested of her right, title and interest in the real property at 6644 Upton Lane, Nashville, Tennessee 37209, and shall execute a quitclaim deed to that effect; and it is further

ORDERED, ADJUDGED and DECREED that Husband is **enjoined** and **restrained** from withdrawing any equity from the marital home but can refinance the marital home to pay the Wife her share of the equity, and Wife shall cooperate in clearing Husband's title and sole ownership of the marital home after this divorce within sixty (60) days; provided, however, if the Husband has not refinanced the marital home and paid Wife her one-half (1/2) of the equity within sixty (60) days, the marital home shall be placed for sale by a realtor appointed by the Court, and Wife shall receive one-half (1/2) of the net equity of the marital home after the sale of the marital home; and it is further

ORDERED, ADJUDGED and DECREED that the Husband shall alternatively be allowed thirty (30) days in which to obtain a real estate appraisal from Donald Turner at Husband's expense, and the appraisal from Donald Turner shall be used to establish Wife's one-half (1/2) equity in the martial home which Husband shall be responsible to pay her; and it is further

ORDERED, ADJUDGED and DECREED that the Husband is awarded his Vanguard Group Money Market Fund account, free and clear of any claims of the Wife; and it is further

ORDERED, ADJUDGED and DECREED that Wife shall be awarded all of the personal property requested and listed on **Trial Exhibit 2**, which was introduced in the Court and without objection of the Husband; and it is further

ORDERED, ADJUDGED and DECREED that the Husband shall pay immediately to the Wife, Three Hundred ($300) Dollars from his retirement account with Oppenheimer Total Return Fund; and it is further

ORDERED, ADJUDGED and DECREED that Wife is awarded the 1998 Pontiac Sunfire automobile and shall hold Husband harmless from any liability on said automobile, and Husband is awarded the 1991 Volvo 740 automobile, the 1996 Old Town Camper Camper Canoe and the proceeds received from the sale of the 1986 V.W. Jetta; and it is further

ORDERED, ADJUDGED and DECREED that Wife shall pay any debts in her separate name, and Husband shall pay any debts in his separate name, and that they shall hold each other harmless from any liability on each other's separate debts and shall make no further charges on the other's credit; and it is further

ORDERED, ADJUDGED and DECREED that the Husband shall, if possible, make a good faith attempt to refinance his separate home on 2423 Brasher Avenue, Nashville, Tennessee 37206, to remove Wife's name from that debt; and it is further

ORDERED, ADJUDGED and DECREED that Husband is awarded his musical instruments free and clear of any claim of the Wife that were attached to **Trial Exhibit 1**; and it is further

ORDERED, ADJUDGED and DECREED that the Husband shall pay Helen S Rogers, Attorney for the Wife, the sum of Two Thousand Nine-Hundred Sixty-Eight ($2,968) Dollars as attorney's fees and expenses incurred by the Wife and that such attorney's fees shall be a judgment of the Court and a lien against Husband's interest in the marital home at 6644 Upton Lane, Nashville, Tennessee 37209, to be paid at the time that the marital home is refinanced; and it is further

ORDERED, ADJUDGED and DECREED that the Wife may motion the Court to extend the time she may remain in the marital residence; and it is further

ORDERED, ADJUDGED and DECREED that the Husband is taxed with the costs of this cause for which execution may issue.

DATED this 22nd day of November, 2002.

JUDGE MURIEL ROBINSON

APPROVED FOR ENTRY:

HELEN S. ROGERS, #7025
Attorney for Wife
ROGERS & ASSOCIATES
2205 State Street
Nashville, Tennessee 37203
(615) 320-0600 (Telephone)
(615) 320-9933 (Fax)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 13th day of November, 2002, a true and exact copy of the foregoing **Order** has been forwarded to the person(s) listed below:

John David Moore, Esq.
One Washington Square, Suite 103
214 Second Avenue North
Nashville, Tennessee 37201

✓ Deposit in the U.S. Mail
____ Hand Delivery
____ FAX
____ Overnight Delivery
____ Certified-Return Receipt Requested

Helen S. Rogers

HELEN S. ROGERS

CERTIFICATE OF SERVICE

DOCKET NO. 02D-1447

Pursuant to Rule 58.03 of the Tennessee Rules of Civil Procedure, I hereby certify that I have mailed a copy of the foregoing Judgment to the parties/counsel listed below, on this 25th day of November, 2002.

RICHARD R. ROOKER, Circuit Court Clerk

By: B. Rawls
Deputy Clerk

Helen S. Rogers, Attorney
2205 State Street
Nashville, TN 37203

John David Moore, Attorney
One Washington Square. Suite 103
214 Second Avenue North
Nashville, TN 37201

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 NOVEMBER , 2002 , in the Case Number 02D1447 between VAVRINA, DORNA CORDET Plaintiff, and RALL, LORNE CHRISTOPHER Defendant, as same remains of record in Vol. 4985 , Page 945454 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 09 day of DECEMBER in the year two thousand two and in the 226th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

