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

FILED
2003 FEB -5 AM 10: 55
RICHARD R. ROOKER, CLERK
B. Rawls D.C.

HOWARD MOORE FOX,

Plaintiff,

vs.

GENA DAVIS FOX,

Defendant.

No. 01D-2276

Davidson County DEEDDIV
Recvd: 02/19/03 10:40 13pgs
Fees:67.00 Taxes:0.00
20030219-0021420

FINAL DECREE OF DIVORCE

This cause came before the Court on the 29th day of January, 2003, the Honorable Muriel Robinson presiding, on the Complaint for Divorce, Amended Complaint for Divorce and Second Amended Complaint for Divorce, Default Judgment entered January 28, 2003, the testimony of the Plaintiff, Howard Moore Fox, the testimony of witnesses and the record as a whole from all of which the Court does **ORDER, ADJUDGE AND DECREE** as follows:

1. The Defendant, Gena Davis Fox, has been guilty of inappropriate marital conduct.

2. The Plaintiff, Howard Moore Fox, is awarded a divorce from the Defendant, Gena Davis Fox and he is restored to all the rights and privileges of an unmarried person.

3. Gena Davis Fox, hereinafter referred to as Wife, shall have as her sole and separate property the automobile, furniture, appliances, and furnishings in her possession. Howard Moore Fox, hereinafter referred to as Husband, shall have as his sole and separate property the automobile, furniture, appliances, and furnishings in his possession.

4. The Husband shall pay all outstanding indebtedness in his sole name or incurred by him. The Husband shall hold the Wife harmless from any liability and indemnify Wife for any liability incurred. The Wife shall pay all indebtedness in her sole name or incurred by her. The Wife shall hold the Husband harmless from any liability and indemnify the Husband for any liability incurred.

5. The Husband shall have as his sole property all cash and checking accounts and other intangible personal property held in his sole name. The Wife shall have as her sole property all cash and checking accounts and other intangible personal property held in her sole name.

6. The Husband shall have as his sole property the 401-k account in his sole name and the Wife shall be divested of any interest in the account or right to receive benefits from the account. The Wife shall have as her sole property the 401-k account in her sole name and the Husband shall be divested of any interest in the account or right to receive benefits from the account.

7. The Husband and Wife own real property located at 5209 Dakota Avenue, Nashville, Tennessee which property is more fully described as follows:

> Land in Davidson County, Tennessee, being the easterly 50 feet of the westerly 100 feet of the north 150 feet of Block 20 on the Plan of Realty Savings Bank and Trust Company's Revised plan of West Extension of Charlotte Park Company's First Addition, of record in Book 421, Page 18, Register's Office for Davidson County, Tennessee to which plan reference is here made for a complete description thereof.
>
> Being the same property conveyed to Howard M. Fox and wife, Gena D. Fox, by deed of record at Book 8515, page 146, Register's Office for Davidson County.

All right, title and interest in and to the real property shall be divested from Wife and vested in Husband. ~~to be~~ is hereby his absolute & in fee simple subject MR/ to wife's Lien of $25,000.00 set out hereafter.

8. To make an equitable division of property the Wife is awarded a judgment against the Husband in the amount of $25,000.00, representing her interest in the marital residence. This judgment shall be is hereby ordered as MR/ a lien against the real estate described above.

9. A Parenting Plan addressing issues of the residence, decision making and support of the minor children of the parties is made the Order of the Court and is incorporated in the Final Decree.

10. The cost of this cause shall be assessed against the ~~Wife~~ husband MR/ for which execution may issue if necessary. The clerk is directed to File this decree with the register of Deeds and Assess costs to the husband.

IT IS SO ORDERED.

ENTERED this the 5th **day of** Feb, **2003.**

JUDGE

APPROVED FOR ENTRY:

Lucinda E. Smith

Lucinda E. Smith #5056
DODSON, PARKER, DINKINS & BEHM, P. C.
306 Gay Street
P. O. Box 198806
Nashville, Tennessee 37219-8806
(615) 254-2291
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing as been mailed, postage pre-paid via U. S. Mail, to Gena Fox, 716 B McPhearson Drive, Nashville, Tennessee 37221 this the 4th day of February, 2003.

Lucinda E. Smith
LUCINDA E. SMITH

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

FILED
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[illegible] ROBERTS, CLERK
B. Rawls D.C.

Case No. 01D-2276

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

HOWARD MOORE FOX,
FATHER
5209 Dakota Avenue
Nashville, Tennessee 37209
S.S.N. [redacted]7817

v.

GENA DAVIS FOX,
MOTHER
716 B McPhearson Drive
Nashville, Tennessee 37221
S.S.N. [redacted]5722

PARENTING PLAN

This Parenting Plan is entered as an Order by the Court following a hearing on January 29, 2003.

I. GENERAL INFORMATION

This parenting plan applies to the following children:

Name	Birthdate	Social Security No.
David Calvert Fox	December 30, 1987	[redacted]9192
Howard Moore Fox, Jr.	October 3, 1989	[redacted]7527

The parties have a daughter, Ashley Renee Fox , born September 20, 1984 who has attained the age of eighteen and is not enrolled in high school.

The mother had a child on August 28, 2002 who is not the child of the father.

II. RESIDENTIAL SCHEDULE

These provisions set forth where the children shall reside each day of the year and what contact the children shall have with each parent.

2.1 PRE-SCHOOL SCHEDULE.

There are no children of preschool age.

2.2 SCHOOL SCHEDULE.

Howard Moore Fox, Jr., and David Calvert Fox shall reside with the father, except for the following days and times when the boys will reside with the other parent:

From Friday at 6:00 p.m. until Sunday at 6:00 p.m. in alternate weeks.

The Mother shall be entitled to exercise this time with the boys if she gives the Father notice by Wednesday night prior to her Friday visitation of her intent to exercise the visitation. If she does not give notice by Wednesday night prior to her Friday visitation she may exercise the visitation on agreement of the Father.

2.3 SCHEDULE FOR WINTER/CHRISTMAS VACATION.

The boys shall be resident with the mother December 26th through January 1st each year.

2.4 SCHEDULE FOR SPRING VACATION.

The children shall reside with the father during spring vacation.

2.5 SUMMER SCHEDULE.

Upon completion of the school year, the parents shall follow the school schedule.

2.6 SCHEDULE FOR HOLIDAYS.

The residential schedule for the ~~three~~ two children 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	Every	
*Martin Luther King Day		
*Presidents' Day		
Easter	Even	Odd
Passover	N/A	N/A
*Memorial Day		
July 4th	Odd	Even
*Labor Day		

*Veteran's Day		
Thanksgiving Day	Odd	Even
Christmas Eve		Every
Christmas Day		Every
Hanukkah	N/A	N/A

*The parent who has the children on the weekend shall keep the children through any Monday holiday at 6:00 p.m. if the children are not in school on the Monday holiday.
The Thanksgiving holiday shall commence at 6:00 p.m. on Wednesday and end at 6:00 p.m. on Sunday.

The Easter holiday shall commence at 6:00 p.m. on Saturday and end at 6:00 p.m. on Sunday.

2.7 SCHEDULE FOR SPECIAL OCCASIONS.

The regular residential schedule shall apply except on Mother's Day and Father's Day. The father shall have the children for every Father's Day from 6:00 p.m. Saturday through 6:00 p.m on Sunday. The mother shall have the children every Mother's Day from 6:00 p.m. Saturday through 6:00 p.m on Sunday.

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 TCA 36-6-102.
- [ ] 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 children, other than costs, between parents shall be as follows:

The mother shall be responsible for transportation for the boys to and from father's residence to begin and end her residential period.

2.11 DESIGNATION OF CUSTODIAN.

Howard Moore Fox, Jr. and David Calvert Fox are scheduled to reside the majority of the time with the father. This parent is designated the custodian of the children 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.

III. CHILD SUPPORT

3.1 FINANCIAL SUPPORT.

The mother currently works as a waitress and her income is variable. She has the ability to earn net income of $1,400.00 per month based on which she would owe the father child support for two children of $448.00 per month. The father maintains medical insurance for the minor children and he is entitled to a deviation upward in the child support based on the cost to provide the medical insurance. The father's cost for medical insurance for himself and the parties' minor children is $130.00. The cost to insure the children only would be $62.00. Therefore, the child support shall be increased by $62.00 per month to $510.00.

Given the mother's limited income she may offset the monthly child support payments against the $25,000.00 judgment awarded to her by the Final Decree in this cause in which case the judgment shall be diminished at the rate of $510.00 per month for each month that she fails to pay child support.

The parties acknowledge that no action by the parties will be effective to reduce child support after the due date of each payment. Child support can not be reduced, prorated or terminated except by court order.

The child support set complies with the Tennessee Child Support Guidelines.

3.2 TAX DEDUCTION.

The father will be entitled to claim the tax deduction for Howard Moore Fox, Jr. and David Calvert Fox.

The mother shall provide to the father, by or before April 15 of every year, a copy of her W-2 form or a copy of the first page of her tax return.

3.3 HEALTH INSURANCE AND MEDICAL EXPENSES.

The father will provide medical/hospital insurance for the minor children. The mother shall reimburse the father the cost to provide medical insurance as a deviation upward in child support in accordance with this Parenting Plan. Each parent shall pay one-half of any medical expenses for the minor children not covered by insurance.

3.4 LIFE INSURANCE.

Neither party shall be required to maintain life insurance naming the children as beneficiary.

3.5 DENTAL/ORTHODONTIC CARE.

Dental and orthodontic expenses for the minor children shall be paid equally by the parties.

IV. 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 the children shall be made as follows:

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

4.3 RESTRICTIONS IN DECISION MAKING.

[X] One parent is opposed to mutual decision making, and such opposition is reasonably based on the following criteria:

The history of participation of each parent in decision making in each of the areas in TCA 36-6-411.

V. DISPUTE RESOLUTION

Disputes between the parties, other than the child support disputes, shall be submitted to mediation by any party on whom the parents agree or a Rule 31 mediator. The cost of this process shall be allocated between the parties as determined in the dispute resolution process. The counseling, mediation or arbitration process shall be commenced by notifying the other party by certified mail.

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 attorney's fees and financial sanctions to the other parent.

(e) The parties have the right of review from the dispute resolution process to the court.

VI. STANDARD PARENTING RIGHTS

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

(A) The parties will have the right to unimpeded telephone conversations with the child at least twice a week at reasonable times and for reasonable durations;

(B) The parties will have the right to send mail to the child which the other parent shall not open or censor;

(C) The parties will have 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;

(D) The parties will have 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, name of teachers, class schedules, standardized test scores and any other records customarily made available to parents;

(E) The parties will have the right to receive copies of the child's medical records directly from 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;

(F) The parties have the right to be free of unwarranted derogatory remarks made about him or her or his or her family in presence of the child.

(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; and
(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 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 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.

VII. OTHER PROVISIONS

Neither parent shall share a bedroom with any individual with whom he or she has a romantic relationship when the children are spending the night and neither parent shall allow other unmarried persons to share a bedroom when the children are spending the night. Neither parent shall have any person overnight in the presence of the minor children in inappropriate circumstances.

VIII. DECLARATION FOR PROPOSED PARENTING PLAN

[X] Does not apply.

[ ] (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.

_____ _____

Father Date and Place of Signature

_____ _____

Mother Date and Place of Signature

IX. 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: 2-5-03

Judge

Presented by:

Lucinda E. Smith

LUCINDA E. SMITH #5056
DODSON, PARKER, DINKINS & BEHM, P.C.
400 Realtors Building
306 Gay Street
Nashville, Tennessee 37201
(615) 254-2291
Attorney for Mr. Fox

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing has been mailed, postage pre-paid via U. S. Mail, to Gena Fox, 716 B McPhearson Drive, Nashville, Tennessee 37221 this the 4th day of February, 2003.

Lucinda E. Smith

LUCINDA E. SMITH

TATETAFETENNESSEE

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 05 day of FEBRUARY , 2003 , in the Case Number 01D2276 between FOX, HOWARD MOORE Plaintiff, and FOX, GENA DAVIS Defendant, as same remains of record in Vol. 5059 , Page 1015333 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 19 day of FEBRUARY in the year two thousand three and in the 226th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

RICHARD R. ROOKER CIRCUIT COURT CLERK