IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
2003 MAY 29 AM 11:55
RICHARD R. ROOKER, CLERK
B Rawls D.C.

MAGNOLIA S. DAVIS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**NO. 02D-418**
	)	
HENRY L. DAVIS,	)	
	)	
Defendant.	)	

Davidson County DEEDDIV
Recvd: 07/12/03 13:30 5pgs
Fees:27.00 Taxes:0.00
20030712-0097541

FINAL DECREE OF DIVORCE

This cause came on to be heard this 7th day of May, 2003, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court of Davidson County, Tennessee, upon the original complaint filed by Magnolia S. Davis, (hereinafter referred to as "WIFE"), on February 19, 2002, the Answer and Counter Complaint filed by Henry L. Davis, (hereinafter referred to as "HUSBAND"), on April 25, 2002, the Answer of WIFE to said Counter Complaint, filed on May 2, 2002, the testimony of both parties, and the two grown sons of the parties, Henry L. Davis, Jr. and Kenneth Davis, on behalf of WIFE, the introduction of several exhibits, including the deposition and collective exhibit 1 to said deposition of HUSBAND taken on June 18, 2002, the statements of counsel for both parties, and the entire record in this cause, whereupon the Court found that both parties had been guilty of inappropriate marital conduct, although HUSBAND was more guilty than WIFE, and therefore that the parties are hereby declared divorced under T.C.A. Section 36-4-129, and both parties are hereby restored to all of the rights and privileges of unmarried persons.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED as follows:

1. **DIVORCE:** That pursuant to T.C.A. Section 36-4-129, the parties are hereby declared divorced, and both parties are hereby restored to all of the rights and privileges of unmarried persons.

2. **REAL ESTATE:**

a. **MARITAL RESIDENCE:** As part of the division of the marital assets of the parties, HUSBAND is hereby divested of all right, title and interest in and to the marital residence of the parties located at 3910 Mallard Drive, Nashville, Davidson County, Tennessee, 37218, and all right, title and interest in said marital residence is reinvested solely in WIFE. Said real estate is paid for and is more particularly described as follows:

BEING Lot No. 234 on the Plan of Treppard Heights Subdivision of record in Book 2663, Page 64, Register's Office for Davidson County, Tennessee.

SAID Lot No. 234 fronts the northerly margin of Mallard Drive 95 feet and measures 369.3 feet on the west side line and 403.5 feet on the east side line and 157 feet along the rear.

BEING the same property conveyed from Noah Leon Barnes, et ux to Henry L. Davis, et ux, by deed of record in Book 4508, Page 853, on May 29, 1971, Register's Office for Davidson County.

b. **ALL OF THE RENTAL PROPERTIES:** That WIFE is hereby divested of all of her right, title and interest in and to said rental properties to which the parties testified at the hearing of this cause on May 7, 2003, and in the event there is any such rental properties in the name of WIFE, that WIFE is hereby divested of all her right, title and interest to said rental properties, and all right, title and interest to said rental properties is reinvested solely in HUSBAND, as part of the division of the marital assets of the parties.

3. **INJUNCTION:** That HUSBAND is hereby enjoined from coming back to said marital residence located at 3910 Mallard Drive, Nashville, Davidson County, Tennessee, 37218, except within the next 30 days or on or before June 7, 2003, and then only to pick up his personal property, clothes, and remove all of his old trucks and wagons and other equipment from the back yard and premises of the marital residence. HUSBAND shall not return to said premises until HUSBAND'S attorney and WIFE'S attorney agree upon a reasonable and convenient time, on or before June 7, 2003, after which WIFE may remove all of said property.

4. **RETIREMENTS:** That HUSBAND is hereby awarded his retirement with Time DC Trucking Company and his Social Security, and WIFE is hereby divested of all right, title and interest which she may have in HUSBAND'S retirement. Likewise, WIFE is hereby awarded her 401-K savings plan through her employer, U.S. Tobacco Company, and HUSBAND is hereby divested of all right title and interest which he may have in WIFE'S retirement, as a further division of the marital assets of the parties.

5. **HOUSEHOLD FURNISHINGS:** WIFE is hereby awarded all of the household furnishings listed in her 37.02(b) statement filed with the Court, except HUSBAND is awarded the knickknacks which he made, and his clothes, as a further division of the marital assets of the parties.

6. **ALIMONY:** In view of the above division of the marital assets of the parties, neither party is awarded any alimony.

7. **COBRA INSURANCE:** That pursuant to the continuation of medical and dental insurance coverage for HUSBAND, that HUSBAND may elect to continue his medical and dental insurance coverage through WIFE'S employment with U.S. Tobacco Company, 800 Harrison Street, Nashville, TN 37203 for thirty six (36) months, in the monthly amount of Three Hundred Eleven Dollars and Fourteen Cents ($311.14), plus Six Dollars and Fifty Four Cents ($6.54) for dental, or a total of Three Hundred Seventeen Dollars and Sixty Eight Cents ($317.68) for which HUSBAND is liable and responsible, by payment to U.S. Tobacco Company, 800 Harrison Street, Nashville, TN 37203 of said amount of Three Hundred Seventeen Dollars and Sixty Eight Cents ($317.68).

8. **DEBTS:** That WIFE shall pay the two debts of approximately Seven Thousand Dollars which she owes to the Internal Revenue Service, but not any debt which HUSBAND may owe to the Internal Revenue Service on account of any of HUSBAND'S past income or failure to pay income tax returns, which debts HUSBAND shall pay. WIFE shall also pay the Four Thousand Five Hundred Dollar ($4,500.00) debt to her credit union for the purchase of the air conditioning unit in the marital residence, and HUSBAND shall pay all debts which he has incurred, specifically including all debts relating to his purchase, improvement, sale or management of all of the rental property testified to by both HUSBAND and WIFE.

9. **ATTORNEY'S FEES:** That WIFE shall pay her attorney's fees and HUSBAND shall pay his attorney's fees, and HUSBAND shall pay the costs of this cause, for which execution may issue, if necessary.

10. **RESIDENCES OF THE PARTIES:** That the current mailing address of the Plaintiff, Magnolia S. Davis, is 3910 Mallard Drive, Nashville, Davidson County, Tennessee 37218 and the Defendant, Henry L. Davis, is 1223 Pennock Avenue, Nashville, 37207.

ENTER this 29th day of May, 2003.

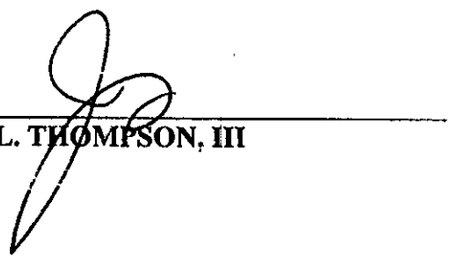
HONORABLE MURIEL ROBINSON
JUDGE OF THE FOURTH CIRCUIT COURT

APPROVED FOR ENTRY:

J. L. THOMPSON, III No. 2712
Attorney for Magnolia S. Davis
4535 Harding Road, C105
Nashville, Tennessee 37205-2120
(615) 385-2454

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of this Final Decree has been mailed, postage prepaid, to Tusca Alexis, Esq., attorney for husband, 915 Jefferson Street, Nashville, Tennessee 37208 on this 27th day of May, 2003.



J. L. THOMPSON, III

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 29 day of MAY , 2003 , in the Case Number 02D418 between DAVIS, MAGNOLIA SMOTHERS Plaintiff, and DAVIS, HENRY L. Defendant, as same remains of record in Vol. 5305 , Page 1140397 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 JUNE in the year two thousand three and in the 226th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL