Davidson County DEEDDIV
Recvd: 10/23/03 15:09 6pgs
Fees:32.00 Taxes:0.00
20031023-0157040

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

VIVIAN DENISE DILLINGHAM, )
Plaintiff, )
)
VS. ) Docket No.: 01D-2242
)
GARY LEE DILLINGHAM, ) NOTICE OF ENTRY REQUESTED
Defendant. )

FILED
SEP 30 2003
RICHARD R. ROOKER, Clerk
By B. Rooker Deputy

## FINAL DECREE OF DIVORCE

This cause came to be heard on August 5, 2003, before the Honorable Jack Norman, Jr., Special Master duly appointed for the Fourth Circuit Court for Davidson County, Tennessee, pursuant to Rule 53 of the Tennessee Rules of Civil Procedure; and upon the Complaint for Absolute Divorce filed by the Wife, the Answer and Counterclaim filed by the Husband, the testimony of the parties, and argument of counsel; and upon the stipulations of the parties, and the parties' stipulation pursuant to Tennessee Code Annotated, § 36-4-129 that Husband is guilty of inappropriate marital conduct; and upon the entire record in this cause. From all of which, it appears to the Court that the Wife should be awarded an absolute divorce from the Husband upon the grounds of inappropriate marital conduct.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Wife be and hereby is awarded an absolute divorce from the Husband upon the grounds of inappropriate marital conduct, and the Wife is restored to all the rights and privileges of an unmarried person and that the bonds of matrimony heretofore existing between the parties shall be perpetually dissolved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to the

**stipulations of the parties, that the Husband is hereby awarded all right, title and interest in and to, and free of any claims of the Wife the following items of personal property:**

- **engine cranes (2)**
- **engine stands (2)**
- **transmission stands and Jack**
- **automotive books**
- **NASCAR memorabilia**
- **trailers (2)**
- **record albums**
- **Franklin Mint collectibles (283 engine)**
- **automotive parts**
- **husband's birth certificate**
- **Dillingham coat-of-arms**
- **air compressor**
- **Welder**
- **drill press**
- **Crusader 101**
- **Johnny Express**
- **file cabinet - 2 drawer**
- **12-ton Shop Stands (2) - in Husband's possession**
- **Red Ramps (2) - in Husband's possession**
- **Jacks (2) - in Husband's possession**
- **Red Craftsman Tool Box - in Husband's possession**
- **various tools - in Husband's possession**
- **Pioneer 80 watt Max Speakers (2) - in Husband's possession**
- **Bobby Allison Clock - in Husband's possession**
- **Red Creeper - in Husband's possession**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to the stipulations of the parties, that the Wife is hereby awarded all right, title and interest in and to, and free of any claims of the Husband all remaining personalty and household furnishings located at the marital residence, 6325 Columbia Avenue, Nashville, Tennessee.**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to the stipulations of the parties, that the Wife is hereby awarded all right, title and interest in and to the 1996 Subaru Automobile, which is unencumbered, free of any claims of the**

Husband.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to the stipulations of the parties, that the Husband is hereby awarded all right, title and interest in and to the 1997 GMC Truck, which is unencumbered, free of any claims of the Wife.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all remaining issues including division of the marital estate and retroactive child support are reserved, subject to the Report of the Special Master, pursuant to Rule 53.04 of the Tennessee Rules of Civil Procedure, and subject to the final orders of this Court.

It further appears to the Court that the current address of the Husband is Gary Lee Dillingham, 407 Victoria Ave., Monroe, NC 28112; and the current address of the Wife is Vivian D. Dillingham, 6325 Columbia Ave., Nashville, TN 37209.

IT IS FURTHER ORDERED that the costs of this cause shall be taxed to the Husband, for which execution may issue.

ENTER this the 30th day of September, 2003.

JUDGE MURIEL ROBINSON

SPECIAL MASTER JACK NORMAN, JR.

APPROVED FOR ENTRY:

RUTHERFORD, DeMARCO, WHITE & SIMONS

BY: _____

LAWRENCE A. SIMONS, #13053
Counsel for Wife
Suite 400, Washington Square
214 Second Avenue North
Nashville, TN 37201
(615) 256-0260

**CERTIFICATE OF SERVICE**

**I hereby certify that a copy of the foregoing has been forwarded, via United States Mail, postage prepaid, on** August 6, **2003 to the following:**

**Nathaniel H. Koenig**
**Attorney at Law**
**303 Church Street, Suite 102**
**Nashville, TN 37201-1786**

**LAWRENCE A. SIMONS**

CERTIFICATE OF SERVICE

DOCKET NO. 01D-2242

Pursuant to Rule 58(3) 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 6th day of October, 2003.

RICHARD R. ROOKER, Circuit Court Clerk

By: B. Rawls
Deputy Clerk

Lawrence A. Simons, Attorney
Suite 400, Washington Square
214 Second Avenue North
Nashville, TN 37201

Nathaniel H. Koenig, Attorney
303 Church Street, Suite 102
Nashville, TN 37201-1786

**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 30 day of SEPTEMBER , 2003 , in the Case Number 01D2242 between DILLINGHAM, VIVIAN DENISE Plaintiff, and DILLINGHAM, GARY LEE Defendant, as same remains of record in Vol. 5504 , Page 1270546 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 22 day of OCTOBER in the year two thousand three and in the 227th year of American Independence.

**RICHARD R. ROOKER,** Clerk,

By _____ Deputy Clerk

SEAL