Record & Return To:
Southern Title Services, LLC
4733 Andrew Jackson Parkway, Ste 1C
Hermitage, TN 37076
File No. 200350796

(1)

FILED
2003 OCT 17 AM 11: 34
RICHARD R. ROOKER, CLERK
R. Rawls D.C.

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

BERNITA DENISE HAYES,	)	
	)	
Plaintiff,	)	
	)	
V.	)	**NO. 97D-604**
	)	
MARCUS ANDRE HAYES, SR.,	)	
	)	
Defendant.	)	

Davidson County DEEDDIV
Recvd: 10/28/03 11:25 6pgs
Fees:32.00 Taxes:0.00
20031028-0158554

SECOND AMENDED FINAL DECREE OF DIVORCE

This matter came on to be heard on the 5th day of June, 1997 for a default divorce proceeding upon the Wife's Complaint for Divorce filed February 25, 1997 before the Honorable Marietta Shipley, Judge of the Second Circuit Court of Davidson County, Tennessee. Upon the Complaint for Divorce, the testimony of the Wife, Bernita Denise Hayes, her two witnesses, and the entire record in this cause, the Court finds that the Wife, shall be granted an absolute divorce upon the grounds of cruel and inhuman treatment and inappropriate marital conduct pursuant to T.C.A. Sections 36-4-102 (1) and (2). Further, the Court finds as follows:

The parties have four minor children, Shanta L. Hayes, born 06-25-82, Kanetha A. Hayes, born 04-24-84, Marcus Hayes, Jr., born 12-18-87, and Trenton D. Hayes, born 09-25-93. The Wife is the fit and proper person to have custody and shall be awarded sole custody of the four minor children having the ultimate decision making authority in respect to decisions for the children. The Court recognizes the order of the Juvenile Court of Davidson County, Docket No. 95-05942, wherein the Husband was ordered to pay $290.33 per month to the Wife. A copy of such order is attached

hereto for reference and is incorporated herein. However, enforcement of such order shall remain with the Juvenile Court of Davidson County. Further, the Court finds that upon the testimony of the Husband's prior conduct toward the Wife and his abuse of controlled substances, the Court finds that any visitation with the minor children shall be supervised by the Wife.

The parties shared a marital residence, certain real property, located at 530 Debbie Drive, Hermitage, Tennessee 37076, which is also the homeplace for the parties' minor children. Upon the testimony at this cause, the Court finds that the Wife has solely maintained the residence during the majority of the marriage, without assistance from the Husband, and is awarded the marital residence, including all household furnishings, to the exclusion of the Husband. Specifically, the real property located at 530 Debbie Drive and described herein, is divested out of Marcus Andre Hayes, Sr., and vested solely in Bernita Denise Hayes. The legal description of the marital residence which is awarded to the Wife is as follows:

> Lot 90-B Tulip Grove Woods, Phase I, zone lot division as recorded in Plat Book 6250, Page 619, RODC, Tennessee.
>
> The prior conveyance of record is a deed to Marcus and Bernita Hayes, recorded in Deed Book 7438, Page 502, in the Davidson County Register of Deeds Office. Map No. 76-1, Parcel No. 128.

It is therefore **ORDERED, ADJUDGED AND DECREED** that the Wife shall be granted an absolute divorce from the Husband upon the grounds of cruel and inhuman treatment and inappropriate marital conduct and restored to all the rights and privileges of an unmarried person. Furthermore, the Wife's maiden name of Napier shall be restored.

It is further **ORDERED, ADJUDGED AND DECREED** that the Wife shall be awarded sole custody of the four minor children having the ultimate decision making authority in respect to decisions for the children. The Court recognizes the order of the Juvenile Court of Davidson County,

Docket No. 95-05942, wherein the Husband was ordered to pay $290.33 per month to the Wife. Enforcement of such order shall remain with the Juvenile Court of Davidson County. Further, any visitation exercised by the Husband with the minor children shall be supervised by the Wife.

It is further **ORDERED, ADJUDGED AND DECREED** that the Wife shall be awarded the marital residence, certain real property, located at 530 Debbie Drive, Hermitage, Tennessee 37076, more specifically described herein, including all household furnishings, to the exclusion of the Husband.

It is further **ORDERED, ADJUDGED AND DECREED** that the real property located at 530 Debbie Drive, Hermitage, Tennessee 37076 and described herein, is divested out of Marcus Andre Hayes, Sr., and vested solely in Bernita Denise Hayes.

ORDERED and ENTERED this the 17 day of October, 2003, nunc pro tunc, June 27, 1997.

Marietta M. Shipley
MARIETTA SHIPLEY,
SECOND CIRCUIT JUDGE

APPROVED FOR ENTRY:

JULIE E. OFFICER, #13605
109 South Court Square
P. O. Box 636
Livingston, TN 38570
(931) 823-5657

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amended Final Decree of Divorce has been mailed, postage prepaid, to Marcus Andre Hayes, Sr., at his last known address, 1488 Estill Street, Memphis, Tennessee 38109-1520 on this the 7th day of October, 2003.

JULIE E. OFFICER, ATTORNEY

OCT. 17. 2003 10:30AM CIRCUIT COURT CLERK DAVIDSON COUNTY, TENNESSEE NO. 123 P. 2/3

Bernita D. Hayes
Petitioner

vs.

Docket No. 95197

FILED

Marcus A. Hayes Sr.
Respondent

2003 OCT 17 PM 1:00

RICHARD R. ROOKER, CLERK

SS#: 413-11-9207

NOTICE

This cause came on to be heard on the 2D day of May, 19 03, before the Honorable Andrea Lee Referee / Judge. The Court having ruled on this matter, the Juvenile Court Clerk and the parties present are hereby notified of the following decided this day:

Present this day were the: (X) Petitioner ( ) Respondent

1. The Respondent is ordered to pay current child support in the amount of $ 290.33 per month.

2. The Petitioner is granted an arrearage judgment of $_____ as of _____ with payments set on said arrearage at the rate of $_____ per month.

3. The State of Tennessee is granted an arrearage judgment of $_____ as of _____ payments set on said arrearage at the rate of $_____ per month.

4. Judgments granted herein shall accrue interest at the statutory rate of 12% per annum.

5. The Respondent is employed by Unknown All payments herein shall be by income assignment order and shall be in the following increments as set forth below:

( ) weekly ( ) every two weeks ( ) twice-monthly (X) monthly

	Increment	Clerk's Fee	Total
Current Child Support:	$ 67.00 290.33	$ 3.35	$ 70.35
Petitioner's Arrearage:	$_____	$_____	$_____
State's Arrearage:	$_____	$_____	$_____

6. All payments herein shall begin on 5/2/04.

7. These payments shall be paid to the Juvenile Court Clerk, 800 Second Avenue South, Nashville, TN 37210 who shall in turn disburse said payments to the; 100 Woodland 37213

(X) Petitioner ( ) State of Tennessee ( ) Other:_____

8. Costs in this matter are assessed against the party below in the amount of $ 70.00 for which execution may issue.

( ) Petitioner ( ) Respondent

Approval for Entry:

Juvenile Court Referee / Judge

THIS IS A NOTICE OF THE DECISIONS OF THE REFEREE / JUDGE RELATING TO CHILD SUPPORT AND COURT COSTS. YOU WILL RECEIVE BY MAIL A COPY OF THE COURT ORDER IN THIS MATTER AT A LATER DATE.

RECORDERS MEMO
LEGIBILITY OF WRITING, TYPING OR PRINTING IN THIS DOCUMENT UNSATISFACTORY WHEN RECEIVED

STATE OF TENNESSEE
COUNTY OF DAVIDSON:

I, Kenny Norman, Clerk of the Juvenile Court of Davidson County, Tennessee do hereby certify that the foregoing is a full, true and complete copy of

Support Order
File #9519-20947
Re: Berrita Hayes vs. Marcus Hayes Sr.

which remains of record and on file in said office.

Given under my hand and official seal at office in Nashville, this the 25 day of February, 1997.

Kenny Norman, Clerk

Maria Maraziola D.C.

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 SECOND Circuit Court for Davidson County, Tennessee, on the 17 day of OCTOBER , 2003 , in the Case Number 97D604 between HAYES, BERNITA DENISE Plaintiff, and HAYES, MARCUS ANDRE SR. Defendant, as same remains of record in Vol. 5512 , Page 1282136 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 24 day of OCTOBER in the year two thousand three and in the 227th year of American Independence.

SEAL



RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk