IN THE FOURTH CIRCUIT COURT FOR COUNTY, TENNESSEE
20TH JUDICIAL DISTRICT
AT NASHVILLE

2002 DEC 2[illegible] PM 4:[illegible]

RICHARD R. ROOKER, CLE

TONDALARIA D. FULLER	)	
Plaintiff,	)	
VS.	)	**DOCKET NO. 01D-331** B. Rawlins
	)	
WILLIAM C. FULLER	)	
Defendant.	)	

Davidson County DEEDDIV
Recvd: 01/07/04 11:34 12pgs
Fees:62.00 Taxes:0.00

20040107-0002582

FINAL DECREE OF DIVORCE

This cause came on to be heard the 31st day of July 2002 before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Nashville, Davidson County, Tennessee. It appearing to the Court that the parties should be declared divorced pursuant to TCA § 36-4-129. It further appearing to the Court that the parties shall be awarded joint custody of the parties' minor child, William C. Fuller, Jr., with primary possession to Mother and in June and July of each year primary possession shall be with Father. It further appearing to the Court that the parenting plan submitted to the Court should be incorporated by reference into the Final Decree of Divorce and made an order of this Court. It further appearing to the Court that the Wife should be solely vested with and the Husband should be divested of all title to the marital residence subject to the first and subject mortgages and more particularly described as follows:

> Land in Davidson County Tennessee being Lot No. 10 on the plan of Chelsea Village Addition of record in Book 7900, page 704, Register's Office for Davidson County, Tennessee to which reference is made for a more complete and accurate legal description.
>
> Being the same property conveyed to William G. Fuller and wife, Tondalaria D. Fuller from Butler Builders, LLC of record in Book 10038, page 346, Register's Office for Davidson County, Tennessee.

It further appearing to the Court that the mortgages on the marital residence should be refinanced such that the Husband has no liability thereon if the Wife can qualify for refinancing, otherwise the Wife must pay the mortgages timely, and if she falls 90 days behind, the property should be sold, the mortgages paid and any remaining balance paid to the Wife.

It further appearing to the Court that the Court should not divide the Wife's 401k proceeds she received to pay marital debts.

It further appearing to the Court that Husband shall pay the following debts: SunTrust credit card with approximate balance of $5,800, First USA credit card with approximate balance of $2,800, MBNA credit card with approximate balance of $11,000, Goodyear credit card with approximate balance of $2,500.

It further appearing to the Court that Wife shall pay the following debts: Upton's credit card with approximate balance of $200, FirstCard credit card with approximate balance of $3,000, First USA Bank with approximate balance of $4,023, First USA Bank with an approximate balance of $4,589.55, First Credit Solutions with an approximate balance of $10,121.

It further appearing to the Court that the parties shall each pay one-half of the MBNA Credit Card indebtedness, which has a total approximate balance of $14,000. Husband shall send Wife $144 per month for his share of the monthly payment toward said MBNA Credit Card indebtedness and Wife shall add her $144 share of the monthly payment and Wife shall send said monthly payments, which total $288 per month, to said creditor.

It further appearing to the Court that neither party should receive alimony.

It further appearing to the Court that the tax refund should not be divided.

It further appearing to the Court that the Wife should be awarded a child support judgment of $1,375.86. Husband's child support obligation is setout in the Parenting Plan that has been approved and made an order of this Court.

It further appearing to the Court that each party shall keep their own personal vehicles, such that Wife shall receive the 2002 Mazda vehicle as her sole property and Wife shall be solely responsible for any indebtedness owed thereon and Husband shall receive the 1994 Ford Explore as his sole property and it appears to the Court that no indebtedness is owed thereon.

It further appearing to the Court that Husband shall receive his tractor-trailer commercial vehicle that he uses for his employment and Husband shall be solely responsible for any indebtedness owed thereon.

It further appearing to the Court that the newer computer, printer and monitor should be sold and the proceeds divided equally.

It further appearing to the Court that Husband shall be enjoined and restrained from having the parties' minor child around third parties in inappropriate circumstances.

It further appearing to the Court that Wife shall be enjoined and restrained from interfering with Husband's visitation and residential schedule with the parties' minor child.

It further appearing to the Court that both parties shall be enjoined and restrained from charging on the credit of the other party.

It further appearing to the Court that the costs for this action should be taxed equally to each party. It further appearing to the Court that each party should pay their own attorney fees.

It is therefore **ORDERED, ADJUDGED** and **DECREED** that the parties shall be declared divorced pursuant to TCA § 36-4-129.

It is further **ORDERED, ADJUDGED** and **DECREED** that the parties shall be awarded joint custody of the parties' minor child, William C. Fuller, Jr., with primary possession to Mother, and in June and July of each year primary possession shall be with Father. The Parenting Plan submitted to the Court shall be and hereby is incorporated by reference into the Final Decree of Divorce and made an order of this Court.

It is further **ORDERED, ADJUDGED** and **DECREED** that Wife shall be solely vested with and the Husband shall be divested of all title to the marital residence subject to the first and second mortgages and more particularly described as follows:

> Land in Davidson County Tennessee being Lot No. 10 on the plan of Chelsea Village Addition of record in Book 7900, page 704, Register's Office for Davidson County, Tennessee to which reference is made for a more complete and accurate legal description.
>
> Being the same property conveyed to William G. Fuller and wife, Tondalaria D. Fuller from Butler Builders, LLC of record in Book 10038, page 346, Register's Office for Davidson County, Tennessee.
> The current address of **Wife** is

It is further **ORDERED, ADJUDGED** and **DECREED** that the mortgages on the marital residence shall be refinanced such that the Husband has no liability thereon if the Wife can qualify for refinancing, otherwise the Wife must pay the mortgages timely, and if she falls 90 days behind, the property shall be sold, the mortgages paid and any remaining balance paid to the Wife.

It is further **ORDERED, ADJUDGED** and **DECREED** that the Court shall not divide the Wife's 401k proceeds she received to pay marital debts.

It is further **ORDERED, ADJUDGED** and **DECREED** that Husband shall pay the following debts: SunTrust credit card with approximate balance of $5,800, First USA credit card with approximate balance of $2,800, MBNA credit card with approximate balance of $11,000, Goodyear credit card with approximate balance of $2,500.

It is further **ORDERED, ADJUDGED** and **DECREED** that Wife shall pay the following debts: Upton's credit card with approximate balance of $200, FirstCard credit card with approximate balance of $3,000, First USA Bank with approximate balance of $4,023, First

USA Bank with an approximate balance of $4,589.55, First Credit Solutions with an approximate balance of $10,121.

It is further **ORDERED, ADJUDGED** and **DECREED** that the parties shall each pay one-half of the MBNA Credit Card indebtedness, which has a total approximate balance of $14,000. Husband shall send Wife $144 per month for his share of the monthly payment toward said MBNA Credit Card indebtedness and Wife shall add her $144 share of the monthly payment and Wife shall send said monthly payments, which total $288 per month, to said creditor.

It is further **ORDERED, ADJUDGED** and **DECREED** that neither party shall receive alimony.

It is further **ORDERED, ADJUDGED** and **DECREED** that the tax refund shall not be divided.

It is further **ORDERED, ADJUDGED** and **DECREED** that the Wife shall be awarded a child support judgment of $1,375.86.

It is further **ORDERED, ADJUDGED** and **DECREED** that each party shall keep their own personal vehicles, such that Wife shall receive the 2002 Mazda vehicle as her sole property and Wife shall be solely responsible for any indebtedness owed thereon and Husband shall receive the 1994 Ford Explore as his sole property and it appears to the Court that no indebtedness is owed thereon.

It is further **ORDERED, ADJUDGED** and **DECREED** that Husband shall receive his tractor-trailer commercial vehicle that he uses for his employment and Husband shall be solely responsible for any indebtedness owed thereon.

It is further **ORDERED, ADJUDGED** and **DECREED** that the new computer, printer and monitor shall be sold and the proceeds divided equally.

It is further **ORDERED, ADJUDGED** and **DECREED** that Husband shall be enjoined and restrained from having the parties' minor child around third-parties in inappropriate circumstances.

It is further **ORDERED, ADJUDGED** and **DECREED** that Wife shall be enjoined and restrained from interfering with Husband's visitation and residential schedule with the parties' minor child.

It is further **ORDERED, ADJUDGED** and **DECREED** that both parties shall be enjoined and restrained from charging on the credit of the other party.

It is further **ORDERED, ADJUDGED** and **DECREED** that each party shall pay their own attorney fees.

It is further **ORDERED, ADJUDGED** and **DECREED** that the costs for this action shall be taxed equally to each party. The address of the parties is as follows: **Plaintiff – Tondalaria D. Fuller, 1409 Clapham Ct., Antioch, TN 37015; and Defendant – William C. Fuller, 321 Walton Lane, Apt. # G-105, Madison, TN 37115.**

ENTERED this 20th day of December 2002.

HONORABLE MURIEL ROBINSON

APPROVED FOR ENTRY:

Richard Hedgepath, Jr.
Attorney for Husband
4800 Charlotte Ave.
Nashville, TN 37209
(615) 269-3454
BPR #18030

Certificate of Service

I certify that a true and exact copy of the foregoing has been mailed this 20 day of December 2002 to the following person:

Clark Lee Shaw
Attorney for Wife
2525 Lebanon Rd.
Nashville, TN 37214

Richard Hedgepath, Jr.

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

	)	**Case No.** 01D-3312 DEC 20 PM 4:32
WILLIAM C. FULLER, SR.	)	
FATHER/MOTHER	)	**PARENTING PLAN** RICHARD R. ROOKER, CLERK
	)	
	)	**[ ] Final Order (EPP)** B. Rawls D.C.
TONDALARIA D. FULLER	)	
FATHER/MOTHER	)	

PARENTING PLAN

This Parenting Plan is:

[X] the final parenting plan approved and entered by the Court.

I. GENERAL INFORMATION

This parenting plan applies to the following children:

Name	Birthdate
William C. Fuller, Jr.	04/08/91

II. RESIDENTIAL SCHEDULE

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

2.1 PRE-SCHOOL SCHEDULE.

[X] There are no children of preschool age.

2.2 SCHOOL SCHEDULE.

Upon enrollment in school, the child shall reside with the [X] mother, except for the following days and times when the child will reside with or be with the father:

From: **Friday at 6:00 p.m.** (Day/Time) to **Sunday at 6:00 p.m.** (Day/Time)

[X] every other week

[ ] The school schedule will start when each child begins

[ ] kindergarten [ ] first grade [X]other: **Immediately**

2.3 SCHEDULE FOR WINTER/CHRISTMAS VACATION.

The child shall reside with the mother and the father during winter vacation as follows:

In even number years the child shall reside with Father from 6:00 p.m. on the last day of school immediately before Christmas Vacation begins through 1:00 p.m. on Christmas day, and with Mother from 1:00 p.m. on Christmas day through the end of the child's Christmas Vacation.

In odd number years the child shall reside with Mother from 6:00 p.m. on the last day of school immediately before Christmas Vacation begins through 1:00 p.m. on

Christmas day, and with Father from 1:00 p.m. on Christmas day through 6:00 p.m on the last day of the child's Christmas Vacation.

2.4 SCHEDULE FOR-SPRING VACATION.

In odd number years, the minor child shall reside with Father from 6:00 p.m. on the last day of school immediately before Spring Vacation begins through 6:00 p.m. on the last day of Spring Vacation.

In even number years, the minor child shall reside with Mother from 6:00 p.m. on the last day of school immediately before Spring Vacation begins through 6:00 p.m. on the last day of Spring Vacation.

2.5 SUMMER SCHEDULE.

Upon completion of the school year, the child shall reside Father during the months of June and July and the child shall be with Mother every other weekend in June and July from Friday at 6:00 p.m. to Sunday at 6:00 p.m.

2.6 SCHEDULE FOR HOLIDAYS.
The residential schedule for the child for the holidays listed below is as follows:

	With Mother (Specify Year Odd/Even/Every)	With Father (Specify Year Odd/Even/Every)
Easter	Even	Odd
Memorial Day	Odd	Even
July 4th	Even	Odd
Labor Day	Odd	Even
Thanksgiving Day through Sunday at 6:00 p.m.	Odd	Even

[X] For purposes of this parenting plan, a holiday shall begin and end as follows (set forth times):
At 6:00 p.m. on the day prior to the holiday to 6:00 p.m. on the day ending the holiday, except for Thanksgiving holiday which shall begin on Wednesday at 6:00 p.m. and end on Sunday at 6:00 p.

2.7 SCHEDULE FOR SPECIAL OCCASIONS.

The residential schedule for the child(ren) for the following special occasions (i.e., birthdays) is as follows:

	With Mother (Specify Year Odd/Even/Every)	With Father (Specify Year Odd/Even/Every)
Mother's Day	Every	
Father's Day		Every
Mother's Birthday	Every	
Father's Birthday		Every
Child's Birthday	Even	Odd

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 CONCERNING THE RESIDENTIAL SCHEDULE.

[X] Does not apply.

2.10 TRANSPORTATION ARRANGEMENTS.

Transportation arrangements for the child, other than costs, between parents shall be as follows:

Father shall pick-up child at 6:00 p.m. at the beginning of his residential time with the child and Father shall drop-off the child at the end of his residential time with the child.

2.11 DESIGNATION OF CUSTODIAN.

The children named in this parenting plan-are scheduled to reside the majority of the time with the [X] mother [ ] father. This parent is designated the custodian of the child 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.

2.12 OTHER: None

III CHILD SUPPORT

3.1 FINANCIAL SUPPORT.

[ ] The [ ] mother [X] father will pay child support, in accordance with the Tennessee Child Support Guidelines, in the amount of $ $398.76 per month for current child support, plus the Clerk's 5% commission in the amount of $19.94 per month, for a total current child support payment of $418.70 per month, beginning August 5, 2002, and Father shall pay $50.00 per month toward his child support arrearage judgment, plus the Clerk's 5% commission in the amount of $2.50 per month, for a total child support arrearage payment of $52.50 per month, beginning on August 5, 2002. **Father shall not pay any child support to Mother during the months of June and July of each year, these being the months when the minor child will be residing with Father. Mother shall not pay any child support to Father during the months of June and July of each year.**

[ ] A wage assignment shall issue (by separate order to be presented by counsel) to _____, the employer of _____, for the ongoing child support.

[ ] Other provisions for financial support:

_____

[X] The parties affirmatively acknowledge that no action by either or both of them will be effective to reduce child support after the due date of each payment. The parties further understand that Court approval must be obtained before child support can be reduced or modified, unless such payments are automatically reduced or terminated under the terms of this parenting plan.

3.2 TAX DEDUCTION.

[X] The [X] mother will receive the tax deduction for the minor child.

Each party shall provide to the other, upon demand by the requesting party, by or before April 15 of every year, a copy of their respective W-2 form or a copy of their tax return.

[ ] Other provisions regarding tax deduction:

3.3 HEALTH INSURANCE.

The [X] mother [ ] father will maintain medical/hospital insurance on the minor child and she shall provide proof of continuing coverage by February 15th of each year.

[ ] Uncovered medicals, including deductibles, if any, will be
[ ] borne by the _____
[X] divided equally by the parties.
[ ] _____

3.4 LIFE INSURANCE. **Non-applicable**

3.5 DENTAL/ORTHODONTIC CARE

[ ] The [X] mother [ ] father will maintain dental/orthodontics care on the minor child.
Uncovered dental/orthodontic expenses will be borne by mother [ ]
[ ]father [X] divided 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 each child shall be made as follows:

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

4.3 RESTRICTIONS IN DECISION MAKING.
[X] Does not apply.

V. DISPUTE RESOLUTION

[ ] Disputes between the parties, **other than the child support disputes which may be submitted Court without first participating in mediation**, shall be submitted to:

[ ] Counseling by _____, or

[X] Mediation by **Agreement or Court appointment with right to apply to Court if necessary**, or

[ ] Arbitration by _____

The cost of this process shall be allocated between the parties as follows:

[ ] 50% mother and 50% father

[ ] based on each party's proportional share of income from the child support guidelines

[ ] as determined in the dispute resolution process.

The counseling, mediation or arbitration process shall be commenced by notifying the other party by [X] written request [ ] certified mail [ ] other:

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 attorneys' 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 ORDERS

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

1. unimpeded telephone conversations with the child at least twice each week, at reasonable times and for a reasonable duration;

2. sending mail to the child which the custodial parent will not open and will not censor;

3. receiving notice and relevant information as soon as practical (but not more than 24 hours) in the event of hospitalization, major illness, or death of the child;

4. receiving, directly from the school, copies of the child's report cards, attendance records, teacher's names, class schedules, standardized test scores, and other records which are customarily made available to parents. A written request must be made to the school with a current mailing address and payment must be made for the reasonable cost of duplicating and mailing these records;

5. receiving, directly from the child's physician and other health care providers, copies of the child's medical records. A written request must be made to the health care provider with a current mailing address and payment must be made for the reasonable cost of duplicating and mailing these records;

6. to be free of derogatory remarks made about the noncustodial parent and his or her family by the custodial parent to the child or in the child's presence.

7. 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-,

8. to receive from the other parent, in the event the other parent leaves the state with the minor child or children for more than two (2) days, an itinerary including telephone numbers for use in the event of an emergency- and

9. the right of access and participation in education, including the right of access to the minor child or children 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

[ ] There are no other provisions.

[X] There are the following other provisions: **Either parent shall have the right to apply to the Court for relief in the event mediation is unsuccessful.**

VIII. DECLARATION FOR PROPOSED PARENTING PLAN

[X] Does not apply.

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.

ENTERED this 20th **day of** Dec **2002**

Judge MURIEL ROBINSON

Approved for Entry:

Richard Hedgepath, Jr., #18030
Attorney for Father
4800 Charlotte Pike
Nashville, TN 37209

Clark Lee Shaw
Attorney for Mother
2525-A Lebanon Rd.
NASHVILLE, TN 37214

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 20 day of DECEMBER , 2002 , in the Case Number 01D331 between FULLER, TONDALARIA DENONE' Plaintiff, and FULLER, WILLIAM CLAY SR. Defendant, as same remains of record in Vol. 5002 , Page 975952 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 07 day of JANUARY in the year two thousand four and in the 227th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

