PICK-UP

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
2003 DEC 23 PM 12:44
RICHARD R. ROOKER, CLERK
B. Rawls D.C.

Anne B. Alukonis,

Plaintiff,

Social Security No: [redacted]-0322

vs.

Miguel Angel Salinas,

Defendant,

Social Security No: [redacted]-2678

Docket No: 01D2540
Judge Robinson

Davidson County DEEDDIV
Recvd: 01/27/04 15:40 13pgs
Fees:67.00 Taxes:0.00
20040127-0010454

FINAL DECREE OF DIVORCE

This cause came on to be heard before the Honorable Muriel Robinson, Circuit Judge, on the 28th day of May, 2003, upon the complaint of Wife for divorce; upon the finding by the Court that Husband was personally served with the summons and complaint and failed to plead or otherwise defend the allegations of the complaint for divorce; upon the order of this Court granting Wife judgment by default and setting this case for final hearing; upon the testimony of Wife, Deborah Danhauer and Lynette Simmons-Tebis; upon the appearance and testimony of Husband; upon the statements of counsel for Wife and upon the entire record in this cause, from all of which the Court finds as follows:

1. That the testimony of Wife and the two corroborating witnesses sustain the allegations of the complaint that Husband is guilty of inappropriate marital conduct;

2. That Husband is employed by George's Elliston Place Pool Hall located at 2200 Elliston Place, Nashville, TN 37203; telephone number 320-9441 earning $20,000 per year;

3. That Husband used the forged signature of Wife to secure a $30,000 mortgage on the marital residence of the parties and appropriated the proceeds from the mortgage loan to his own use and benefit;

4. That Husband and Wife are the parents of a single minor child; and

5. That Husband and Wife owned property subject to equitable division.

It is therefore ORDERED, ADJUDGED AND DECREED as follows:

1. That Wife be and she is hereby granted an absolute divorce on the grounds of inappropriate marital conduct and restored to all the rights and privileges of an unmarried person.

2. That one child, Manuel, age 7, was born to this marriage and provision for his custody, support and maintenance is set forth in an Amended Parenting Plan which is approved by the Court, entered and incorporated herein by this reference.

3. That as part of an equitable division of the liabilities of the parties, Wife be and she is hereby granted a judgment against Husband for $30,000, together with post-judgment interest thereon, for which execution may issue if necessary.

4. That as part of an equitable division of marital property, all right, title, interest and equity of Husband in and to improved real property owned by the parties as tenants by the entireties be and the same is hereby divested out of Husband and vested absolutely in Wife free of any interest and claim by Husband, and more particularly described as follows:

> LAND in Davidson County, Tennessee, being Lots Nos. 19, 20, 21 and 22 of Block "C" on the unrecorded plan known as Marthonna, described according to a copy of a survey thereof made December, 1937, by J.A. Metford, Surveyor, as follows:
>
> Beginning at a point in the westerly margin of Ezell Road West, the common corner of Lots Nos. 18 and 19, being 250.3 feet south of Old Hickory Boulevard; thence along the north line of Lot No. 19 and along the south line

of Lots Nos. 8 and 18 inclusive, westerly 275 feet to a point; thence South 2 degrees 58 minutes West 100 feet to a point, the common corner of Lots Nos. 22 and 23; thence with the line between said lots easterly 276 feet to the westerly margin of Ezell Road West; thence with the margin of the same North 2 degrees 58 minutes 100 feet to a point of beginning. Ezell Road West is now known as West Marthona Road.

Being the same property previously conveyed to Miguel A. Salinas and Anne B. Alukonis by deed from Jeffrey A. Williams and Wife Kathryn L. Williams, filed of record in Book 11133, P. 185, Register's office for Davidson County, Tennessee.

6. That as part of an equitable division of marital property, all right, title, interest and equity of Husband in and to the following described personal property be and the same is hereby divested out of Husband and vested absolutely in Wife free of any claim by Husband:

a) All household furnishings and other personal property located in the residence at 108 Marthona Road in Madison, Davidson County, Tennessee or otherwise in the possession of Wife on the date of this Decree;

b) One 1999 Ford Taurus;

c) Amsouth Bank Checking Account number _____ 4603;

d) Amsouth certificate of deposit number _____ 8674 purchased by Wife with an inheritance from her mother;

e) Individual retirement account number _____ 8399 maintained by Wife at Fleet National Bank;

f) Amsouth brokerage account number _____ 1688 purchased by Wife with an inheritance from her mother; and

g) The business known as La Experience.

7. That Husband shall assume responsibility for and pay all debts he contracted or incurred on or after July 21, 2001.

8. That Wife shall assume responsibility for and pay all debts she contracted or incurred on or after July 21, 2001.

9. That the costs of this cause be and they are hereby taxed to Husband for which execution may issue.

ENTERED this 23rd ~~day of May, 2003.~~ Dec 2003 nunc pro tunc 5-28-03

Muriel Robinson, Circuit Judge

Approved for entry:

STEWART, ESTES & DONNELL

By _____
R. Horton Frank, III, No. 7273
SunTrust Center, Suite 1401
424 Church Street
Nashville, TN 37219-2392
(615) 244-6538
Attorneys for the Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Order was sent via U.S. Mail to Mr. Miguel Salinas at his last known address:

Mr. Miguel Salinas
c/o Galileo Salinas
1228 Club Parkway
Nashville, TN 37221

on this the 30th day of May, 2003.

R. Horton Frank, III

IN THE CIRCUIT COURT OF TENNESSEE FOR DAVIDSON COUNTY

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RICHARD R. ROOKER, CLERK
B. Rawls D.C.

Anne B. Alukonis,

Plaintiff,

Social Security No: [redacted]0322

vs.

Miguel Angel Salinas,

Defendant,

Social Security No: [redacted]2678

Docket No: 01D2540

AMENDED PARENTING PLAN

This Parenting Plan was:

Originally proposed by Wife, Anne B. Alukonis ("Mrs. Alukonis"), and is amended by order of the Court at the final hearing on May 28, 2003.

I. GENERAL INFORMATION

1.1 This parenting plan applies to the following child:

Name	Birthdate
Manuel Tonatiuh Salinas	**July 7, 1995**

II. RESIDENTIAL SCHEDULE

The following 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 VISITATION SCHEDULE.

Manuel shall reside with Mrs. Alukonis except for reasonable days and times determined by Mrs. Alukonis when Manuel will reside with or be with the other parent.

2.2 RESTRICTIONS.

During all visitation provided by the terms of this Parenting Plan, Mr. Salinas will not be in the company of Manuel and any woman not related to him by blood or marriage at times, places or under circumstnaces that are inappropriate for or not in the best interest of Manuel. During visitation, Mr. Salinas will not consume any alcoholic beverage or any controlled substance not prescribed for him by a licensed physician. If Mr. Salinas fails to observe the restrictions, he may be held in contempt of the orders of this Court for that failure.

2.3 TRANSPORTATION ARRANGEMENTS.

Mr. Salinas shall be responsible for making transportation arrangements and paying all costs of transportation associated with his visitation with Manuel. Manuel shall not be transported to or from any visitation not accompanied by Mr. Salinas.

2.4 DESIGNATION OF CUSTODIAN.

The child named in this parenting plan is scheduled to reside with Mrs. Alukonis. Mrs. Alukonis 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.

III. CHILD SUPPORT

3.1 FINANCIAL SUPPORT.

3.2 Mr. Salinas shall pay child support in the amount of $74.42 per week on the terms set forth in an Order For Wage Assignment entered by the Court.

3.3 The amount of child support provided in this section is based upon the annual income Husband testified he is earning in his current employment ($20,000.00 per year) and is set in accord with the Tennessee Child Support Guidelines.

3.4 TAX DEDUCTION.

Mrs. Alukonis shall be entitled to claim the child as a dependent on her income tax returns.

Or before April 15 of every year, Mr. Salinas shall provide a copy of his W-2 form(s) and/or forms 1099 to Mrs. Alukonis.

3.5 HEALTH AND DENTAL INSURANCE.

Based upon the evidence introduced at the hearing of this cause on May 28, 2003, the Court found that Mr. Salinas does not maintain health and dental insurance for Manuel and that insurance coverage is maintained for the child by Wife at a cost the Court found to be unreasonable and therefore not properly added to the support obligation of Husband set forth in Section III. of this Parenting Plan. If Mr. Salinas fails to secure health and dental insurance coverage for Manuel, and Mrs. Alukonis secures alternate, less expensive insurance, she is granted leave to seek an order of this Court directing that the cost of such replacement health and dental insurance for Manuel be added to and included as part of the financial support Mr. Salinas is required by this Parenting Plan to provide Manuel. When presented with documentation that insured medical and dental expenses have been incurred for Manuel by Mrs. Alukonis, Mr. Salinas shall pay Mrs. Alukonis as additional support for Manuel in an amount equal to one-half of such uninsured medical and dental expenses within ten days after he receives documentation of those epxenses from Mrs. Alukonis.

IV. DECISION MAKING

4.1 DAY TO DAY DECISIONS.

Each party shall be responsible for day to day decisions concerning Manuel during the time in which that party is exercising residential custody of Manuel.

4.2 MAJOR DECISIONS.

Major decisions regarding each child shall be made as follows:

Education decisions	[X] Mrs. Alukonis	[ ] Mr. Salinas	[ ] joint
Non-emergency health care	[X] Mrs. Alukonis	[ ] Mr. Salinas	[ ] joint
Religious upbringing	[X] Mrs. Alukonis	[ ] Mr. Salinas	[ ] joint

4.3 RESTRICTIONS IN DECISION MAKING.

[X] N/A

V. DISPUTE RESOLUTION

[X] Disputes between the parties, other than the child support disputes, shall be submitted to:

[ ] Counseling by _____, or

[X] Mediation by agreement or by Court appointment with the right to apply to the Court if necessary, or

[ ] Arbitration by _____.

[ ] The Court.

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

[X] 50% Mrs. Alukonis 50% Mr. Salinas

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

[ ] as determined in the dispute resolution process or by the Court.

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

[ ] No dispute resolution process, except court action, shall be ordered, because

[ ] a limiting factor under T.C.A. § 36-6-108 applies or

[ ] one parent is unable to afford the cost of the proposed dispute resolution process.

VI. STANDARD PARENTING RIGHTS

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, when possible, of all extracurricular activities, and the opportunity to participate or observe, including, but not limited to, the following:

   a. School Activities;
   b. Athletic Activities;
   c. Church Activities; and
   d. Other Activities for 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(ren) for more than two (2) days, an itinerary which includes telephone numbers for use in the event of an emergency; and

9. access and participation in education, including the right of access to the minor child(ren) for lunch and other activities, on the same basis that is provided to all parents, so long as the access or participation is reasonable and does not interfere with day-to-day operations or with the child(ren)'s educational performance.

Either parent may petition for a return to court, paying appropriate fees for mediation on any further parenting issues.

VII. OTHER PROVISIONS

[x] There are no other provisions.

[ ] Each parent shall have the right to apply to the Court for relief in the event that mediation is unsuccessful.

VIII. ADDRESSES OF THE PARTIES

Notice shall be given to the parties at the following addresses:

Mrs. Alukonis	**Mr. Salinas**
108 West Marathona Road **Madison, Tennessee 37115**	**c/o Galileo Salinas** **1228 Club Parkway** **Nashville, TN 37221**

Each party shall notify the other of any change of address in the future within ten (10) days of such change.

IX. DECLARATION FOR PROPOSED PARENTING PLAN

[X] Does not apply.

[ ] I declare under penalty of perjury under the laws of the State of Tennessee that this plan has been proposed in good faith, that the statements made herein are true and correct, and that the proposal set forth herein is in the best interests of the minor child.

Anne B. Alukonis **Date**

X. ORDER BY THE COURT

It is **ORDERED, ADJUDGED AND DECREED** that this **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.

If a parent fails to comply with a provision of this plan, the other parent's obligations under this plan are not affected.

ENTER THIS 23rd **DAY OF** Dec, **2003.** Nunc pro tunc

5-28-03 MR

Muriel Robinson, Circuit Judge

APPROVED FOR ENTRY:

STEWART, ESTES & DONNELL

By _____
R. Horton Frank, III, No. 7273
SunTrust Center, Suite 1401
424 Church Street
Nashville, TN 37219-2392
(615) 244-6538

Attorneys for Anne B. Aluknois

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and exact copy of the foregoing has been served via U.S. Mail on the 30th day of May, 2003 to the following:

Mr. Miguel Salinas
c/o Galileo Salinas
1228 Club Parkway
Nashville, TN 37221

By: _____
R. Horton Frank, 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 23 day of DECEMBER , 2003 , in the Case Number 01D2540 between ALUKONIS, ANNE BARBARA Plaintiff, and SALINAS, MIGUEL ANGEL Defendant, as same remains of record in Vol. 5555 , Page 1359525 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 23 day of JANUARY in the year two thousand four and in the 227th year of American Independence.

RICHARD R. ROOKER, Clerk,

By B. Rawls
Deputy Clerk

SEAL

