FILED

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2004 MAR 18 PM 4:04

RICHARD R. ROOKER, CLERK

B. Rawls

DONALD CLIFFE TRAYLOR,	)	
Plaintiff/Husband,	)	
	)	
v.	)	**Docket No. 03D-1721**
	)	**NOTICE OF ENTRY REQUESTED**
DEBRA LYNN TRAYLOR,	)	
Defendant/Wife.	)	

FINAL DECREE OF DIVORCE

This cause came on to be heard on the 14th day of January 2004 before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court of Davidson County, Tennessee, upon the original Complaint for Absolute Divorce filed by the Husband, the Answer and Counter-Complaint for Absolute Divorce filed by the Wife, the sworn testimony of witnesses, exhibits filed with the Court, statement of counsel, the entire record , from all of which, the Court finds as follows:

1. From the testimony of both of the parties, there is absolutely no possibility that they can reconcile this marriage.
2. The Court further finds that the grounds are not really that egregious on either side in this case although both parties have contributed to the demise of this marriage.
3. The Court further finds the parties shall be declared divorced pursuant to T. C. A. § 36-4-129.
4. The Court further finds that the Wife shall be awarded the following items of personal property:

1. navy couch
2. desk & chair
3. small table
4. antique clock
5. couch, loveseat, chair & ottoman
6. end tables

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7. small cabinet
8. bucket bench
9. kitchen chairs
10. high chair
11. kitchen cabinet
12. grandfather clock
13. apothecary chest
14. table & chairs
15. hutch
16. sideboard
17. chest
18. couch, loveseat & chairs
19. Windsor chair
20. Windsor chair
21. desk
22. chimney cabinet
23. apothecary cabinet
24. bucket bench
25. cornet cupboard
26. American Windsor rocker
27. table
28. 2 small tables
29. trunk
30. oak tables
31. twin beds
32. oak chest
33. iron bed
34. mattress & springs
35. desk
36. corner cupboard
37. 2 side tables
38. small chest
39. ½ dishes, china, flatware, silverware, pots, pans, and cooking utensils
40. ½ linens
41. ½ photographs
42. 1997 Ford Explorer
43. washer & dryer
44. major kitchen appliances
45. windsor rocker
46. rocking chair in office/study
47. china cabinet in kitchen
48. desk and chair in foyer
49. stereo cabinet in living room
50. glass front desk
51. kitchen chairs
52. deacons' bench

53. mammie bench in master bedroom

5. The Court further finds that the Husband shall be awarded the following items of personal property:

1. pine blanket chest
2. bonnet chest
3. jelly cupboard (pie safe)
4. dry sink
5. table (belonged to Mr. Traylor's grandfather)
6. green recliner
7. cannonball bed w/spring and mattress in basement (from Mr. Traylor's father)
8. all office furniture
9. kitchen table and chairs (from Mr. Traylor's father)
10. dishes (from Mr. Traylor's father)
11. all Mr. Traylor's books
12. artwork – Alan Buck
13. all tools and equipment from both barns and house
14. ½ dishes, china, flatware, silverware, pots, pans, and cooking utensils
15. ½ linens
16. ½ photographs
17. 1987 Dodge truck
18. 1984 Dodge truck
19. big screen TV
20. Sony computer & desk
21. 4-wheeler
22. John Deere tractor

6. The Court further finds that the marital residence shall be ordered sold, and if the house has not sold within six (6) months, then either party may file a Motion asking the Court to order the property to either be auctioned or sold by the Davidson County Circuit Court Clerk.

7. The Court further finds that the Husband shall continue to pay the home equity credit line payments to Suntrust Bank and the homeowner's insurance until the house is sold, and the Wife shall continue to pay all utilities associated with the marital residence until its sale.

8. The Court further finds that the Wife shall have exclusive possession of the marital residence and both parties shall be enjoined from impeding the sale of the house in anyway.
9. The Court further finds that the parties shall select a realtor and a sale price through Counsel.
10. The Court further finds that the Wife shall keep the marital residence clean so that it is presentable to prospective buyers.
11. The Court further finds that the Husband shall assess the windows and get make the necessary repairs to the windows.
12. The Court further finds that, if any repairs are excessively expensive, either the parties shall agree to the repairs or the Court will decide by Motion.
13. The Court further finds that there will be no further or other charges on the Suntrust home equity credit line.
14. The Court further finds that the Suntrust home equity credit line shall be paid after the expenses of the home sale with the parties dividing equally all remaining equity subject to any attorney lien set out in this Order.
15. The Court further finds that specifically that the lot located at 2108 Neely's Bend Road, Madison, TN is the Husband's separate property based on the fact that the purchase money came as a gift from his Father and the interest his Father owned was gifted to the Husband, thereby, the lot shall be awarded to the Husband free and clear of any claim of the Wife.
16. The Court further finds that the Husband shall pay those credit cards in his own name and shall pay and hold the Wife harmless on the following joint credit cards: MBNA,

Chase Platinum, Exxon, and Shell Oil. The Husband's credit card obligations shall be paid as alimony, non-dischargeable in Bankruptcy Court.

17. The Court further finds that the Wife shall pay and hold the Husband harmless on the credit cards in her name.
18. The Court further finds the Wife shall be awarded her IRA as her separate property.
19. The Court further finds there is no need for alimony, because the Wife currently earns more than the Husband.
20. The Court further finds that neither party can afford the premiums on the term life insurance policy on the Husband's life. Therefore, either party may claim ownership of the policy if they agree to pay the insurance premiums.
21. The Court further finds that each party shall pay one-half (1/2) of the Court Costs associated with this cause of action and each party shall pay their own attorney's fees.
22. The Court further finds that the attorneys shall have a lien on the parties' respective shares of the marital residence to secure payment of the attorney's fees.

It is accordingly **ORDERED, ADJUDGED,** and **DECREED** as follow:

1. The parties are hereby declared divorced pursuant to T. C. A. § 36-4-129.
2. It is further **ORDERED** that both parties are hereby restored the rights and privileges of unmarried persons, the bonds of matrimony hereto existing between the parties are hereby perpetually dissolved.
3. It is further **ORDERED** that the Wife shall be awarded the following items of personal property free and clear of any claim of the Husband:
    1. navy couch
    2. desk & chair

3. small table
4. antique clock
5. couch, loveseat, chair & ottoman
6. end tables
7. small cabinet
8. bucket bench
9. kitchen chairs
10. high chair
11. kitchen cabinet
12. grandfather clock
13. apothecary chest
14. table & chairs\
15. hutch
16. sideboard
17. chest
18. couch, loveseat & chairs
19. Windsor chair
20. Windsor chair
21. desk
22. chimney cabinet
23. apothecary cabinet
24. bucket bench
25. cornet cupboard
26. American Windsor rocker
27. table
28. 2 small tables
29. trunk
30. oak tables
31. twin beds
32. oak chest
33. iron bed
34. mattress & springs
35. desk
36. corner cupboard
37. 2 side tables
38. small chest
39. ½ dishes, china, flatware, silverware, pots, pans, and cooking utensils
40. ½ linens
41. ½ photographs
42. 1997 Ford Explorer
43. washer & dryer
44. major kitchen appliances
45. windsor rocker
46. rocking chair in office/study
47. china cabinet in kitchen
48. desk and chair in foyer

49. stereo cabinet in living room
50. glass front desk
51. kitchen chairs
52. deacons' bench
53. mammie bench in master bedroom

4. It is further **ORDERED** that the Husband shall be awarded the following items of personal property free and clear of any claim of the Wife:

1. pine blanket chest
2. bonnet chest
3. jelly cupboard (pie safe)
4. dry sink
5. table (belonged to Mr. Traylor's grandfather)
6. green recliner
7. cannonball bed w/spring and mattress in basement (from Mr. Traylor's father)
8. all office furniture
9. kitchen table and chairs (from Mr. Traylor's father)
10. dishes (from Mr. Traylor's father)
11. all Mr. Traylor's books
12. artwork – Alan Buck
13. all tools and equipment from both barns and house
14. ½ dishes, china, flatware, silverware, pots, pans, and cooking utensils
15. ½ linens
16. ½ photographs
17. 1987 Dodge truck
18. 1984 Dodge truck
19. big screen TV
20. Sony computer & desk
21. 4-wheeler
22. John Deere tractor

5. It is further **ORDERED** that the marital residence shall be ordered sold with the parties agreeing to a realtor and a price through counsel.

6. It is further **ORDERED** that, if the house has not sold within six (6) months, then either party may file a Motion asking the Court to order the property to either be auctioned or sold by the Davidson County Circuit Court Clerk.

7. It is further **ORDERED** that the Husband shall pay the home equity credit line from Suntrust Bank and the homeowner's insurance until the house is sold while the Wife shall pay all utilities associated with the marital residence until it sale.
8. It is further **ORDERED** that the Husband shall be allowed to claim the interest deduction for the home equity credit line for income tax purposes.
9. It is further **ORDERED** that the Wife shall have exclusive possession of the marital residence pending its sale.
10. It is further **ORDERED** that both parties are enjoined from impeding the sale of the house in any way.
11. It is further **ORDERED** that the parities shall select a realtor and a sales price for the marital residence through Counsel.
12. It is further **ORDERED** that the Wife shall keep the marital residence clean so that it is presentable to prospective buyers.
13. It is further **ORDERED** that the Husband shall assess the windows and get those repaired.
14. It is further **ORDERED** that, if any repairs are excessively expensive, either the parties shall agree to the repairs or the Court will decide by motion.
15. It is further **ORDERED** that there will be no further or other charges on the Suntrust home equity credit line.
16. It is further **ORDERED** that the Suntrust home equity credit line shall be paid after the expenses of the home sale with the parties dividing equally all remaining equity subject to any attorney lien set out in this Order.

17. It is further **ORDERED** that the lot located at 2108 Neely's Bend Road, Madison, TN is hereby awarded to the Husband free and clear of any claim of the Wife as his separate property.

18. It is further **ORDERED** that the Husband shall pay all credit cards in his own name and shall pay and hold the Wife harmless on the following joint credit cards debts: MBNA, Chase Platinum, Exxon credit card, and Shell Oil. The Husband's obligation shall be paid as alimony, non-dischargeable in Bankruptcy Court.

19. It is further **ORDERED** that the Wife shall pay and hold the Husband harmless on the credit cards in her name.

20. It is further **ORDERED** that the Wife shall be awarded her IRA as her separate property.

21. It is further **ORDERED** that neither party shall be ordered to pay alimony.

22. It is further **ORDERED** that either party may claim ownership of the Husband's term life insurance policy if they agree to pay the insurance premiums.

23. It is further **ORDERED** that Herbert R. Rich and James L. Collier, attorneys for the Husband, are hereby awarded a lien against the Husband's one-half (1/2) in the marital home for their reasonable, necessary remaining and unpaid attorneys fees in the sum of $7,500 rendered on behalf of the Husband and Gray M. Williams, attorney for the Wife, is hereby awarded a lien against the Wife's one-half (1/2) in the marital home for his reasonable, necessary remaining and unpaid attorneys fees in the sum of $5,250 rendered on behalf of the Wife. Said liens shall be paid from the sale of the martial home, located at 2100 Neely's Bend Road, Madison, TN, as set out in this Decree, and a legal description is as follows:

BEGINNING at a point in the Westerly margin of Neely's Bend Road. Said point being North 7 degrees 35'07" E. 108.00 feet from the Northeast corner of the property shown on the plat of record in Book 5190, Page 675, Register's Office for Davidson County, TN; thence with the Westerly margin of Neely's Bend Road North 7 Degrees 35'07" E. 290.46 feet to a point; thence North 2 degrees, 44'36"W. 101.95 feet to a point; thence leaving Neely's Bend Road and with the line dividing the property herein and the property conveyed to Patricia E. Herod and Husband of Record in Book 3979, Page 435, said Register's Office South 66 degrees 55'34" West, 1030.33 feet to a point in the land conveyed to William H. Howell and Wife, of record in Book 5077, Page 269, said Register's Office; thence South 10 degrees 54'E. 188.96 feet to a point; thence South 85 degrees 37'04" E. 159.98 feet, more or less, to an iron pin in the Southwest corner of the property shown on the plat of record in Book 5190, Page 675, said Register's Office; thence with the rear line of the property shown on said plat; thence North 7 degrees 35'07" East, 108.00 feet to a point; thence South 85 degrees 33'56" E. 435.00 feet to the Westerly margin of Neely's Bend Road, the point of beginning.

BEING a part of the same property conveyed from Christine Traylor Batey, D. Cliffe Traylor, James E. Traylor, Nancy L. Traylor, Elwood Dean Traylor, Paul Linuel Traylor, Florence Madeline Traylor Summers, Patricia Elouise Traylor Herod and Nancy Elouise Davis Traylor to Donald Cliffe Traylor and Wife, Debra Lynn Traylor by deed dated 05/17/78 and recorded 06/12/78 in book 5297, page 245 of the public records of Davidson County, TN.

Tax Map Reference: 74-065-00

24. It is further **ORDERED** that each party shall pay one-half (1/2) of the Court Costs associated with this cause of action, for which execution shall issue if necessary and each party shall pay their own attorney's fees.

Entered this 18th day of March 2004

MURIEL ROBINSON, JUDGE

APPROVED FOR ENTRY:

HERBERT RICH BPR#3599

JAMES L. COLLIER BPR#17303
Attorneys for the Husband
213 3rd Avenue North
Nashville, TN 37201
615-250-8000

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March 2004, I have mailed a true and exact copy of the forgoing to the following:

Gary M. Williams
Attorney at Law
181 East Main St., Suite One
Hendersonville, TN 37075

James L. Collier

CERTIFICATE OF SERVICE

DOCKET NO. 03D-1721

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 19th day of March, 2004.

RICHARD R. ROOKER, Circuit Court Clerk

By: B. Rawls
Deputy Clerk

Herbert Rich, Attorney
213 3rd Avenue North
Nashivlle, TN 37201

Gary M. Williams, Attorney
181 East Main St., Suite One
Hendersonville, TN 37075

James L. Collier, Attorney
213 3rd Avenue North
Nashville, TN 37201

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 18 day of MARCH , 2004 , in the Case Number 03D1721 between TRAYLOR, DONALD CLIFFE Plaintiff, and TRAYLOR, DEBRA LYNN Defendant, as same remains of record in Vol. 5599 , Page 1445046 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 13 day of MAY in the year two thousand four and in the 227th year of American Independence.

SEAL



RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk