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IN THE EIGHTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2004 MAR 12 PM 2:33

JENNIFER MICHELE SHORT,

Plaintiff,

VS. NO. D.C. 03D-1804

ROBERTSON JAMES SHORT, II,

Defendant.

NOTICE OF ENTRY REQUESTED

FINAL DECREE OF DIVORCE

This cause came on to be heard on the 9th day of March, 2004 before the Honorable Carol Soloman, Judge, upon the original and Amended and Supplemental Complaints for Absolute Divorce filed by the Plaintiff, Jennifer Michele Short, hereinafter referred to as "Wife"; Answer filed by the Defendant, Robertson James Short, II, hereinafter referred to as "Husband"; testimony of the parties; testimony of witnesses; submission of exhibits; argument of counsel; statements of the Court; and the entire record in this cause, from all of which the Court is of the opinion and finds as follows. It is therefore:

ORDERED, ADJUDGED AND DECREED that the Court finds that this is not an extremely complicated case, but had a difficult time because it thought all the proof was not really given by the Husband because he failed to supply the documents necessary for the Court to make an exact decision. The Court finds that the Husband shall be responsible for paying any penalty and interest due on the residence located at 2512 Woodlawn Drive, in Nashville, Davidson County, Tennessee 37212 for the Davidson County property taxes which were due on or about February 29, 2004 and which were

previously ordered for him to pay his one-half (1/2) in a prior pendente lite Order.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that it is the Court's understanding on how the Husband wanted to be awarded equity from the marital residence, that it is absolutely ludicrous to make the Wife borrow monies and award the Husband one-half (1/2) of her borrowing ability. The Court finds that if that theory is what the Courts made decisions on, the Courts would put people in debt way over their head, and it makes no sense. The Court does not find the real value of the home to be what the Husband claimed, and the Court does not find the Husband very credible as a witness because he failed to provide documents requested and was vague about the figures that this Court needed to make for an exact division.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court finds the value of the house is exactly what the Wife's expert witness, Mr. J. Donald Turner, testified that it was -- Three Hundred Sixty Thousand Dollars ($360,000). The Court finds the appraisal to be good and concise based on Mr. Turner's experience and the comparables. The Court finds that when you take the Three Hundred Sixty Thousand Dollar ($360,000) fair market value and subtract the Two Hundred Seventy-Six Thousand Dollars ($276,000) owed on the first mortgage, plus the Fifty-One Thousand Two Hundred Six Dollars ($51,206) on the second mortgage, and considering the real estate commission fees of Twenty-One Thousand Six Hundred Dollars ($21,600), the Court finds that the equity in the home to be divided for divorce purposes would be Eleven Thousand One

Hundred Ninety-Four Dollars ($11,194). Thus, each party's one-half (1/2) equity would be Five Thousand Five Hundred Ninety-Seven Dollars ($5,597).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court specifically finds that the Husband does not have any separate property in the home place, realizing he put a down payment from one of his accounts, the Court was not offered any proof other than his testimony, and the Court does not find that testimony credible. The Court finds it is difficult to know whether the Husband's money came from a joint account, but it came from his aunt's inheritance which money was commingled, and it was commingled to the point that this Court cannot separate what the Husband meant as a gift to the Wife and what he did not mean. The Court finds that the Husband made the Seventeen Thousand Dollar ($17,000) down payment and put the house in the Wife's name, whether it was for the purposes of hiding from children and ex-wives that are entitled to increased support or not -- which the Wife testified to and the Husband admitted. The Court found that the Husband gave the Wife the house and down payment as a gift, and that it is part of the marital property of which the Husband has a marital interest.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court finds that the Husband owes the Wife one-half (1/2) of the mortgage payments for the months of June 2003 (Eight Hundred Twenty-Five Dollars [$825]), July 2003 (Eight Hundred Twenty-Five Dollars [$825]), October 2003 (Seven Hundred Twenty-Five Dollars [$725]), and November 2003 (Seven Hundred Twenty-Five Dollars [$725]) in the amount of Three Thousand One Hundred Dollars ($3,100). The Court

finds that if the Husband wanted one-half (1/2) of the residence equity, then he was going to have to make one-half (1/2) of the payments for the months that the parties were separated, but that he did not make those payments, and that he cannot have it both ways. The Court shall deduct from the Husband's aforesaid share of the residence equity one-half (1/2) of the mortgage payments that he did not make in 2003 (see above), plus the taxes owed on February 19, 2004 in the amount of One Thousand Four Hundred Dollars ($1,400) and the March 2004 one-half (1/2) mortgage payment in the amount of Seven Hundred Twenty-Five Dollars ($725). The Court will further order a deduction from the Husband's one-half (1/2) share of the equity in the amount of Four Hundred Dollars ($400) for the Wife's interest in what the Husband testified to on the Shareholder's Account withdrawal. The Court finds that the Shareholder's Account had a value of Eight Hundred Dollars ($800), and that the Husband disposed of it after the filing of the divorce. The Court finds that after consideration of each party's one-half (1/2) equity in the residence, the Court is deducting against the Husband's equity the payments he owes the Wife as set forth above, then the Husband owes the Wife the total sum of Twenty-Eight Dollars ($28) for his share of the marital residence equity.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Wife shall be awarded all right, title, and interest in and to the marital residence located at 2512 Woodlawn Drive, Nashville, Davidson County, Tennessee 37212, free and clear of any interest of the Husband, and subject to any indebtedness thereon,

indemnifying and holding the Husband harmless from any liability thereon. The Husband shall execute a Quitclaim Deed divesting himself of any interest in and to said property. The legal description of the property to be transferred from the parties jointly to the Wife is as follows:

> Land in Davidson County, Tennessee, being the westerly one-half of Lot Number 44, on the Plan of Belair, of record in Book 332, Page 6, Register's Office for said County, to which plan reference is hereby made for a more complete description.
>
> Said Lot No. 44 fronts 50 feet on the northerly margin of Belair Avenue (now Woodlawn Drive) and extends back between parallel lines with the easterly margin of Tulip Avenue (now 26th Avenue South) 192 feet to a dead line.
>
> Robertson Short, spouse of Jennifer M. Short, joins in this conveyance for the express purpose of conveying any right, title, and interest, including marital and homestead rights, unto the within described property to the named Trustee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court finds that the Husband shall pay the Wife's attorney's fees and costs incurred for the prosecution of this divorce, and shall award the Wife a judgment against the Husband for her attorney's fees requested in the Affidavit including the Four Hundred Dollars ($400) for J. Donald Turner in the total amount of Three Thousand Nine Hundred Seventy-Nine & 75/100 Dollars ($3,979.75) as alimony in solido, for all of which let execution issue if necessary.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that based on the proof presented, the Wife shall be awarded an absolute divorce from the Husband on the grounds of his Inappropriate Marital Conduct, and the bonds of matrimony heretofore subsisting between the parties is hereby forever and perpetually dissolved, and each party is hereby restored to all the rights and privileges of an unmarried

person.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any Court costs in this cause shall be assessed against the Husband, for all of which let execution issue if necessary.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court finds that the Husband filed a Counter-Complaint for Absolute Divorce the morning of this final hearing. The Court finds that it was not timely filed as the case had been at issue for quite some time, and the Husband's counsel signed a Certificate of Readiness for Trial stating the trial was at issue over two (2) months prior to the hearing. The Court finds that the Husband acted inappropriately towards the Wife without just cause.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court finds that the parties have agreed that the Husband shall be awarded his following separate property: his 401K account, his Glock handgun, and his tools, free and clear of any interest of the Wife, and subject to any indebtedness thereon. The Court finds that the Wife shall be awarded her separate property: her 403 account and her condominium, free and clear of any interest of the Husband, and subject to any indebtedness thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court adopts the Wife's Proposed Division of Wedding Gifts and shall make that the Order of the Court, with the exception of the crystal vase which shall be awarded to the Husband.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Wife shall be awarded all right, title, and interest in and to the 1994 BMW 530i vehicle presently in her possession, free and clear of any

interest of the Husband, and subject to any indebtedness thereon, indemnifying and holding the Husband harmless from any liability thereon. The Court finds that the Husband owned a 1998 BMW 325 vehicle prior to the marriage which he sold following the filing of the divorce for One Thousand Dollars ($1,000), and he shall be awarded those proceeds, free and clear of any interest of the Wife.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court finds that the Wife shall be awarded the two (2) chairs and the couch, the sofa and two (2) chairs, the washer, and the dryer. The Court further finds that the Husband shall be awarded the futon, iron bed with the comforter, coffee table, sofa table, DVD player, and the painting from his mother.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court finds that each party shall be awarded any and all financial accounts or bank accounts in their respective and separate names, free and clear of any interest of the other party, and subject to any indebtedness thereon, indemnifying and holding the other party harmless from any liability thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court makes a specific finding that there was a commingling of funds by the Husband, that the Wife preserved assets of the parties when the Husband did not, and the Husband refused to pay one-half (1/2) of the mortgage payments and taxes for the Wife to preserve the homeplace.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any financial documents that are in the Husband's name only that the Wife may locate at the home shall be turned over to the Husband. The

Husband shall advise the Wife, through her counsel, where he thinks the documents may be located in the homeplace. The Wife shall deliver or mail the documents to the Husband.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Wife shall be restored to the use of her former maiden of Jennifer Michele Ventress.

IT IS SO ORDERED.

ENTERED on this the 22nd day of March, 2004.

JUDGE CAROL SOLOMAN

APPROVED FOR ENTRY:

JACKSON LAW OFFICE

ROBERT TODD JACKSON, #13566
Counsel for Plaintiff/Wife
222 Second Avenue North
Suite 419
Nashville, TN 37201
(615) 248-3051

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree of Divorce has been forwarded to James L. Curtis, Attorney at Law, 214 Second Avenue North, Suite 204, Nashville, TN 37201, on this the 15TH day of March, 2004.

ROBERT TODD JACKSON

CERTIFICATE OF SERVICE

DOCKET NO. 03D-1804

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 25th day of March, 2004.

RICHARD R. ROOKER, Circuit Court Clerk

By: _____
Deputy Clerk

Robert Todd Jackson, Attorney
222 Second Avenue North
Suite 419
Nashville, Tennessee 37201

James L. Curtis, Attorney
'214 Second Avenue North
Suite 204
Nashville, Tennessee 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 EIGHTH Circuit Court for Davidson County, Tennessee, on the 22 day of MARCH , 2004 , in the Case Number 03D1804 between SHORT, JENNIFER MICHELE Plaintiff, and SHORT, ROBERTSON JAMES III Defendant, as same remains of record in Vol. 5599 , Page 1449976 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 29 day of MARCH in the year two thousand four and in the 227th year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk