PICK-UP

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
2002 APR 19 PM 3:56
RICHARD R. ROOKER, CLERK
B. Ralph D.C.

HAZEL ANN EDDE,

PLAINTIFF,

VS.

GLADYS DALTON EDDE,

DEFENDANT.

CASE NO.: 00D-2337

Davidson County DEEDDIV
Recvd: 06/09/04 13:28 5pgs
Fees:27.00 Taxes:0.00
20040609-0068307

FINAL DECREE OF DIVORCE

This cause came before the Court on the 12th day of February 2002 upon Complaint and Amended Complaint filed by the Wife, and Answer to Complaint and Amended Answer to Complaint filed by the Husband, sworn testimony of the parties and witnesses in open court, interrogatories and exhibits submitted by the parties, statement of counsel, and the court record as a whole, from all of which the Court finds as follows:

1. Based on the testimony heard and the witnesses presented, Mrs. Edde has proved her case against Mr. Edde, and the Court finds him guilty of inappropriate marital conduct and guilty of adultery. The Court finds that Mr. Edde is not a credible witness. Therefore the Court awards a divorce to Mrs. Edde on grounds of inappropriate marital conduct and adultery, having observed the witness's demeanor and on the proof presented to the court.

2. Insofar as the property division, each of these parties shall keep the items they have agreed upon.

3. The home place and contents therein will be awarded to Mrs. Edde, free and clear of any claim of Mr. Edde, with the exception of the items she has agreed that he may have from the home place.

4. The court will approve the other personal property.

5. Mr. Edde will receive the ENCO profit sharing, because Mrs. Edde is receiving the home place. Mrs. Edde will keep her retirement accounts at approximately $16,000. Mrs. Edde will receive her Christmas account.

6. Mr. Edde will have the IRA of $600 in the Old Hickory Credit Union account.

7. Mr. Edde is awarded one-half of the pension plan which is going to be divided equally QDRO.

8. Mr. Edde will be awarded his workers' compensation judgment in the amount of $33,970.91, and Mrs. Edde will be awarded $3,000 from the worker's compensation judgment.

9. Mr. Edde will pay Mrs. Edde *alimony in futuro* in the amount of $425.00 per month. The Court finds Mr. Edde has the ability to work, even though he says he doesn't; by his own testimony he does. The Court finds Mr. Edde is just conveniently not working for this divorce and finds Mr. Edde does have sufficient assets to cover this alimony if he decides not to work. The alimony will be paid until Mrs. Edde's death, remarriage, or further orders of this court. It will be paid at the rate of ~~$98.83~~ 98.08 per week.

10. Mr. Edde will pay the costs, and counsel for Mrs. Edde can file an affidavit for attorney's fees and the Court will entertain that.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that Hazel Ann Edde is granted a divorce from Gladys Dalton Edde on the grounds of adultery and inappropriate marital conduct, that the bonds of matrimony heretofore existing between them be, and the same hereby are, absolutely and forever dissolved, and that the parties are restored to all the rights and privileges of unmarried persons.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party shall keep the items they have agreed upon and currently in their possession with the exception of the items Mrs. Edde has agreed that Mr. Edde may have from the home place.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties' house and lot and the contents thereof at 133 Scenic View Road, Old Hickory, Tennessee is hereby divested from Mr. Edde and vested in Mrs. Edde free and clear of any claims of Mr. Edde. A more adequate description of the property is as follows:

> **Being part of Lot No. 67 on the unrecorded Map of scenic View Subdivision and being Lot "K" on the Map of a Resubdivision of Lots Nos. 67 to 74, inclusive of said Plan and described according to a copy of a survey made by James L. Murphy, JR., Surveyor, dated April 21, 1959, as follows:**
>
> **BEGINNING at a point in the northeasterly margin of Havron Avenue 6.1 feet northwest of the common corner of Lots Nos. 67 and 68, said point likewise being 506.1 feet northwest from the intersection of Havron Avenue and a 20 foot public walkway; thence with said Avenue, north 46° 29' west 72.3 feet to the corner of Lots "K" and "L"; thence along the line between said lots, north 43° 59' east 173.14 feet; thence south 46° 01' east 72.3 feet to the corner of Lots "K" and "J" in said Resubdivision; said point being 6.1 feet northwest of the common rear corner of Lots 67 and 68; thence along the line between Lots "K" and "J" south 43° 59' west 172.56 feet to the beginning.**
>
> **Being the same property conveyed to Gladys Dalton Edde and wife, Hazel Ann Edde, by warranty deed from Bill Crusenberry and wife, Peggy G. Crusenberry, as of record in Book 4522, Page 880.**

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Mr. Edde shall receive the ENCO profit sharing plan in the approximate amount of $47,618.61 and his IRA in the approximate amount of $600 in the Old Hickory Credit Union.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Mrs. Edde shall receive her retirement accounts from the Metro Board of Education in the approximate amount of $16,478 and her Christmas fund account in the approximate amount of $200.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Mr. Edde is awarded one-half of his pension plan with ENCO and the remaining half shall be awarded to Mrs. Edde by a Qualified Domestic Relations Order.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Mr. Edde shall be awarded his workers' compensation judgment in the amount of $33,970.91, and Mrs. Edde shall receive $3,000 from the worker's compensation judgment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED Mr. Edde shall pay Mrs. Edde *alimony in futuro* in the amount of $425.00 per month until Mrs. Edde's death, remarriage, or further orders of this court, and this shall be paid at the rate of ~~$98.83~~ 98.08 per week.

BY AGREEMENT OF THE PARTIES AND WITH PERMISSION OF THE COURT IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Primelite Variable Annuity owned by the parties is divided equally.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Mr. Edde shall pay the costs of this cause, for which execution may issue if necessary.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that counsel for Mrs. Edde, L.G. Burnett, Jr., based upon the affidavit for fees filed in this cause is hereby awarded attorney's fees against Mr. Edde in the amount of 6510.00 MVC, for which execution may issue if necessary.

Entered this 19th day of April 2002.

MURIEL ROBINSON, JUDGE

APPROVED FOR ENTRY,

L. G. BURNETT, JR., BPR#6463
Attorney for Ann Edde
4800 Charlotte Avenue
Nashville, Tennessee 37209
(615) 279-0007

CERTIFICATE OF SERVICE

I hereby certify a true and exact copy of the foregoing document has been mailed on April 17, 2002 to the following:

DONALD ARKOVITZ
Attorney at Law
332 White Bridge Road
Nashville, Tennessee 37209

L. G. Burnett Jr.

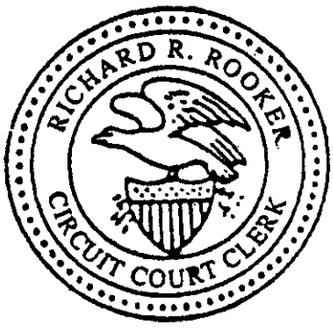
L. G. BURNETT, JR.

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 19 day of APRIL , 2002 , in the Case Number 00D2337 between EDDE, HAZEL ANN Plaintiff, and EDDE, GLADYS DALTON Defendant, as same remains of record in Vol. 3843 , Page 708745 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 09 day of JUNE in the year two thousand four and in the 227th year of American Independence.

SEAL



RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk