IN THE EIGHTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2004 JUN 24 PM 3:09

GARY WAYNE PEDIGO,

Plaintiff/Counter-Defendant,

vs.

LINDA CUMMINGS PEDIGO,

Defendant/Counter-Complainant.

B. Rawls D.C.

Docket No. 03D-2420

NOTICE OF ENTRY REQUESTED

**FINAL DECREE OF DIVORCE**

This cause came on to be heard on the 18th day of May, 2004, before the Honorable Carol Soloman, Judge of the Eighth Circuit Court for Davidson County, Tennessee upon the original Complaint for Divorce filed herein, Answer and Counter-Complaint, testimony of the parties in open Court, stipulation and agreement of the parties and statement of counsel, from all of which the Court finds as follows:

That pursuant to T.C.A. §36-4-129, if the Court heard the proof in this cause the Court would find that the Counter-Complainant Linda Cummings Pedigo hereinafter referred to as "Wife" shall be awarded a divorce on the grounds of inappropriate marital conduct and the Court, therefore, declares the parties divorced.

That the Counter-Defendant Gary Wayne Pedigo hereinafter referred to as "Husband" shall be awarded the marital residence located at Unit D-15, 420 Walton Lane, Madison, Tennessee subject to the lien set forth below and shall be responsible for any indebtedness associated with said real property and shall hold the Wife harmless thereon.

That the Wife shall be awarded the Westgate Resort Timeshare and shall be responsible for the indebtedness associated therewith and hold the Husband harmless thereon.

That the Wife shall be awarded the 1993 Honda Prelude automobile and the Husband shall

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be awarded the 1994 Lincoln Towncar and each party shall be responsible for seeing that said vehicles are properly insured and hold the other party harmless thereon.

That the Husband shall be awarded as his separate property the U.S. Navy Pension which he has accrued and the Wife shall be awarded the contents of the Hartford Investment Account in her name with a value of approximately $16,000 as her separate property.

That the MetLife IRA in the name of the Husband with a value of approximately $21,884 shall be divided equally between the parties by Qualified Domestic Relations Order or otherwise.

That each of the parties shall be awarded any checking or savings accounts listed in his or her name individually.

That each of the parties shall be responsible for any debts or obligations listed in his or her name and shall hold the other party harmless thereon.

That the Wife shall be awarded all household furniture, furnishings and appliances now in her possession and, further, shall be awarded the items under *Furniture and Furnishings/Marital* on Exhibit 1 titled *Assets and Liabilities of Gary Wayne Pedigo and Linda Cummings Pedigo* which are designated by an asterisk unless circled in red. Further, the Wife shall be awarded the items on the aforesaid exhibit under *Separate Property of Wife* unless circled in red.

That the Husband shall be awarded the remaining furniture and furnishings in the marital residence including the items circled in red on the above exhibit.

That each of the parties shall be awarded his or her own personal clothing, books, jewelry, documents and other similar personal items.

That as an additional division of marital property, the Husband shall pay to the Wife the sum of $12,000 and the Wife is awarded a lien against the above-listed real property awarded to the Husband to secure the payment of same. The Husband shall pay to the Wife $5,000 on or before

Friday, May 21, 2004, with the balance of $7,000 to be paid on or before August 16, 2004.

That the Wife is awarded rehabilitative alimony in the amount of $300 per month to be paid by the Husband for a period of five years with the first payment to commence June 1, 2004, and the first day of each month thereafter until paid in full, or pending further Orders of the Court.

That as additional alimony, attorney Phillip Robinson is awarded a judgment against the Husband in the amount of $1,500 representing a portion of the Wife's reasonable attorney's fees and the Husband shall satisfy said judgment on or before June 17, 2004.

That the Husband shall pay the cost of this cause.

It is therefore **ORDERED, ADJUDGED AND DECREED** that the Wife Linda Cummings Pedigo is hereby declared divorced pursuant to T.C.A. §36-4-129, and both parties are restored to all the rights and privileges of unmarried persons.

It is further **ORDERED** that the Husband Gary Wayne Pedigo is awarded the marital residence being Unit D-15, 420 Walton Lane, Madison, Tennessee 37115 subject to the judgment lien awarded to the Wife below. The Husband shall be responsible for the aforementioned judgment lien and all other indebtedness associated with said real property and shall indemnify and hold the Wife harmless thereon.

It is further **ORDERED** that the Wife Linda Cummings Pedigo is awarded the Westgate Smoky Mountain Resort Timeshare located at 915 Garden Road, Gatlinburg, Tennessee 37739 and more particularly described as follows:

> One-half timeshare interest according to the Timesharing Plan for Westgate Smoky Mountain Resort at Gatlinburg, recorded in Volume Book 1092, at page 375, Register's Office Sevier County, Tennessee.
>
> Together with a right to occupy pursuant to the Timesharing Plan, Unit 2035-3512, during Unit Week 24, during assigned year odd.

The Husband is divested of any right, title or interest in the foregoing real property and all interest is vested solely in the Wife who shall be responsible for any indebtedness associated with said property and shall indemnify and hold the Husband harmless thereon.

It is further **ORDERED** that the Wife Linda Cummings Pedigo is awarded the 1993 Honda Prelude automobile now in her possession and the Husband Gary Wayne Pedigo is awarded the 1994 Lincoln Towncar now in his possession each free and clear of any claim of the other party. Each of the parties shall be responsible for seeing that the vehicle awarded to him or her is properly insured and shall indemnify and hold the other party harmless from any liability thereon.

It is further **ORDERED** that the MetLife IRA currently in the name of the Husband Gary Wayne Pedigo shall be divided equally between the parties as of the date of this Order, plus or minus each of the parties' *pro rata* shares of any increases or decreases. The Court shall retain jurisdiction over this asset until it is divided pursuant to the terms of this Order by Qualified Domestic Relations Order or otherwise.

It is further **ORDERED** that each of the parties is awarded any checking, credit union account or savings account listed in his or her name individually all free and clear from any claim of the other party.

It is further **ORDERED** that each of the parties shall be responsible for any debts listed in his or her name and shall indemnify and hold the other party harmless thereon.

It is further **ORDERED** that as an additional division of marital property, the Wife Linda Cummings Pedigo is awarded a judgment against the Husband Gary Wayne Pedigo in the amount of $12,000 which shall be secured by a judgment lien against the real estate awarded to the Husband above and more particularly described as follows:

BEING Lot No. D-15 as shown on the Plat of Quail Creek

Condominium, of record in Book 6328, Pages 89-90, Register's Office for Davidson County, Tennessee, together with an undivided interest in the common elements of The Quail Creek Homeowner's Association, all as described in Book 6328, page 44, *et seq.*, said Register's Office.

BEING the same property conveyed to Gary W. Pedigo by deed from Vernon R. Burch of record in Book 7971, page 803, Register's Office for Davidson County, Tennessee.

The Husband shall satisfy the foregoing judgment by paying $5,000 to the Wife on or before Friday, May 21, 2004, and the remaining balance of $7,000 on or before August 16, 2004. Upon payment of the judgment in full, the Wife shall execute an appropriate release of lien.

It is further **ORDERED** that the Wife is awarded rehabilitative alimony in the amount of $300 per month to be paid by the Husband Gary Wayne Pedigo for a period of five years, with the first payment to commence June 1, 2004, and the first day of each month thereafter until paid in full, or pending further Orders of the Court.

It is further **ORDERED** that the Husband Gary Wayne Pedigo is awarded his U.S. Navy Pension free and clear of any claim of the Wife.

It is further **ORDERED** that the Wife is awarded the Hartsford Account with a value of approximately $16,000 as her separate property all free and clear of any claim of the Husband.

It is further **ORDERED** that the Wife is awarded the household furniture, furnishings and appliances now in her possession as well as her clothing, jewelry, books and personal documents located in the marital residence and the items of household furniture, furnishings and appliances located in the marital residence as set forth in attached Schedule A. The Husband is divested of any right, title or interest in and to all of the foregoing described property.

It is further **ORDERED** that the Husband is awarded his clothing, jewelry, books and personal documents as well as the items of household furniture, furnishings and appliances as set

forth in attached Schedule B. The Wife is divested of any right, title or interest in and to all of the foregoing described property.

It is further **ORDERED** that as additional alimony, attorney Phillip Robinson is awarded a judgment against the Husband Gary Wayne Pedigo in the amount of $1,500 representing a portion of the Wife's reasonable attorney's fees and the aforesaid judgment shall be satisfied on or before June 17, 2004.

It is further **ORDERED** that the Husband Gary Wayne Pedigo shall pay the cost of this cause for which execution may issue, if necessary.

This the 14th day of June, 2004.

**JUDGE CAROL SOLOMAN**

**APPROVED FOR ENTRY:**

Phillip Robinson by Phillip Robinson

**Phillip Robinson, #3023**
Attorney for Defendant/Counter-Complainant
Suite 2400, L&C Tower
401 Church Street
Nashville, Tennessee 37219
(615) 467-1801

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Final Decree of Divorce has been forwarded via U.S. Mail to Brenda Miller Stiles, Attorney for Plaintiff/Counter-Defendant, 105 Hazel Path Mansion, Hendersonville, Tennessee 37075, on this the 14th day of June, 2004.

Phillip Robinson by Phillip Robinson

**Phillip Robinson**

**IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE**

2004 JUN 24 PM 3:09

RICHARD R. ROOKER, CLERK

B. Rawls D.C.

**GARY WAYNE PEDIGO,**
**SSN: [redacted]-7718,**

**Complainant/Counter-Defendant,**

**vs.**

**LINDA CUMMINGS PEDIGO,**
**SSN: [redacted]-7261,**

**Defendant/Counter-Complainant.**

**No. 03D-2420**

**SCHEDULE "A"**

**FURNITURE, FURNISHINGS AND APPLIANCES AWARDED TO LINDA CUMMINGS PEDIGO**

***Upstairs Front Bedroom:***
Two gold sconces
Cross
Angel
Old English picture
Rocker
Wicker chair
Dolls
Quilts
Spread
TV (36")
Red & white linens
Sewing machine

***Second Bedroom:***
Cherry bed
Chest
Dresser
Jewelry chest & jewelry
Two pictures
Three lamps
One tall lamp
Box spring & mattress
Spread/curtains

Pictures
Two gold coins for grandson
One silver vase

***Kitchen:***
Cannister set
Her cookbooks
China & blue glasses
Mexican baskets
Pots & pans
Iron cookware
Silver Queen vacuum
Iron/Ironing board
Hen cookie jar
Biscuit tray
Old butter churn
Three-tier basket with fruit
Pink/white china
White china/fruit
Flatware
White china

***Outside:***
Fountain
White table with two chairs
Small white table
Green arch
Flowers outside
Child's chair
Bench
Bird bath
Angels

***Living Room:***
Flower picture
Lazy Boy
One ottoman
One crystal lamp
One crystal lamp
Angel w/flowers

***Dining Room:***
One Duncan Fyfe table
Four chairs

One corner cabinet
One oak pie safe
All china & crystal
One fruit picture
One large vase of flowers
One pair Waterford candle holders
One small Waterford bowl
Bowl and vase (matches red glasses)
Old pitcher
Large pitcher (Wife's mother's)
Window valance
"Pier One" wicker dresser w/mirror

## ***SEPARATE PROPERTY OF WIFE***

***Gifts to Wife:***
One pink and white cannister set
Pots and pans
Silver Queen vacuum
Hen cookie jar
Cherry dining room suite
Crystal light
Fruit picture
Sewing machine
Spread & drapes
Flower picture

***Premarital Property of Wife:***
Lazy Boy chair
Ottoman
China and crystal
One gold Elvis embossed print
Three lamps
Two antique lamps
One white & gold table lamp
Blue glasses
Dolls
Mother's quilts
Cookbooks
White spread
Rocker
Grandmother's Bible
Antique vase

Two crystal lamps
Black ironware
Jewelry chest
White patio table and two chairs

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2004 JUN 24 PM 3:10

RICHARD R. ROOKER, CLERK

B. Rooks D.C.

GARY WAYNE PEDIGO,
SSN: [redacted]-7718,

Complainant/Counter-Defendant,

vs.

LINDA CUMMINGS PEDIGO,
SSN: [redacted]-7261,

Defendant/Counter-Complainant.

No. 03D-2420

**SCHEDULE "B"**

**FURNITURE, FURNISHINGS AND APPLIANCES AWARDED TO GARY WAYNE PEDIGO**

***Downstairs bathroom:***
Mirror

***Upstairs bathroom:***
Mirror
Small mirror
Shower curtain
Two lamps

***Upstairs Front Bedroom:***
Drapes
Large chest
Vacuum cleaner
Oak bedroom suite
Mattress set
Dresser
Small chest
Bed
Washstand
Outdoor scene picture
Night stand
Table lamp
White table

***Kitchen:***
China from Japan
His cookbooks
Flatware
Mixer
Stove
Large fruit platter
Washer/dryer

***Living Room:***
One large mirror
Sofa bed
Loveseat
Three tables
Two lamps
One pole lamp
Three-legged corner chair
One 48" tv

***Dining Room:***
One large Waterford vase
One pine cabinet
Table w/four blue chairs

***Storage:***
Christmas items
Grill
Ironing Board

CERTIFICATE OF SERVICE

DOCKET NO. 03D-2420

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 June, 2004.

RICHARD R. ROOKER, Circuit Court Clerk

By: B. Rawls
Deputy Clerk

Phillip Robinson, Attorney
Suite 2400, L&C Tower
401 Church Street
Nashville, TN 37219

Brenda Miller Stiles, Attorney
105 Hazel Path Mansion
Hendersonville, TN 37075

**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 24 day of JUNE , 2004 , in the Case Number 03D2420 between PEDIGO, GARY W Plaintiff, and PEDIGO, LINDA A Defendant, as same remains of record in Vol. 5652 , Page 1550914 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 JUNE in the year two thousand four and in the 227th year of American Independence.

**RICHARD R. ROOKER,** Clerk,

By _____
Deputy Clerk

SEAL

