FILED

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2004 APR -6 PM 3:20

RICHARD R. ROOKER, CLERK

B. Ramsey D.C.

Davidson County DEEDDIV
Recvd: 07/20/04 15:54 17pgs
Fees:87.00 Taxes:0.00
20040720-0086806

EVELYN SUE BOTTS,

Plaintiff,

vs.

RONALD LAYNE BOTTS,

Defendant.

DOCKET NO.: 03-D-2353

FINAL DECREE OF DIVORCE

This cause came to be heard on this 6th day of April 2004, before The Honorable Substitute Judge Jack Norman, Jr. ~~Muriel Robinson,~~ Fourth Circuit Court of Davidson County, Tennessee, upon the Complaint for Divorce filed by Wife, Evelyn Sue Botts, upon which a judgment by default was taken against Husband, Ronald Layne Botts, after his failure and/or refusal to answer or otherwise plead to the Complaint within the time period prescribed by law, and after he was duly noticed and failed to appear. Upon statements of counsel, sworn testimony of the Wife and two corroborating witnesses, and the entire record of this cause, the Court finds that the Wife should be granted a divorce on the grounds of inappropriate marital conduct. The Court further finds that the parties have one (1) minor child, Ronald Layne Botts, Jr., (DOB: 4/15/87); that neither party is in the military; that the parties jointly own certain real property located at 3728 John Mallette Drive, Nashville, TN 37218; that the parties jointly own certain personal property currently in the possession of the Wife, including ABL Holding, Inc. stock which are being purchased by ABL Holding, Inc. by monthly installment payments; that the Wife owned the real property located at 3344 Hospital Lane, Nashville, TN 37218, prior to the marriage; and that the parties have no joint marital debts, except for the mortgage on the marital residence and federal income taxes.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court as follows:

1. That the wife, Evelyn Sue Botts, is hereby granted an absolute divorce from the husband, Ronald Layne Botts, on the grounds of inappropriate marital conduct.

2. That the Wife is awarded residential custody of the parties' minor child, Ronald Layne Botts, Jr., (DOB: 4/15/87), as set forth in the attached Permanent Parenting Plan, and incorporated herein as if set forth verbatim and hereby made the Order of the Court.

3. That the Wife, is awarded all rights, title and interest to the real property located at 3728 John Mallette Drive, (also known as 3728 Hydes Ferry Road) Nashville, TN 37218, to wit:

> Being a tract or parcel of land (Metropolitan Tax Map 69-16, parcels 1 and 2) lying in the First Civil District, Davidson County, Tennessee, located on the northerly right-of-way of Hydes Ferry Pike near the intersection of Old Hydes Ferry Road and being more particularly described as follows:
>
> Beginning at an iron pin (by others) located on the northerly right-of-way of Hydes Ferry Pike, being the southeasterly corner of the herein described tract and the southwesterly corner of the property now or formerly conveyed to Nashville Young Mens Christian Assoc., Inc., as of record in Book 4293, Page 371, Register's Office for Davidson County, Tennessee; thence continuing with said right-of-way North 76 degrees 55 minutes 55 seconds West, 64.58 feet; thence with a curve to the right with a delta of 17 degrees 10 minutes 04 second, a radius of 1125.92 feet and an arc length of 337.38 feet to the southwesterly corner of the herein described tract; thence leaving the aforestated right-of-way and running North 82 degrees 53 minutes 55 seconds East 318.11 feet to the northeasterly corner of the herein described tract and lying in the westerly line of the abovementioned "Nashville Young Mens Christian Assoc., Inc.," property; thence South 22 degrees 26 minutes 05 seconds East, 28.11 feet; thence South 17 degrees 50 minutes 00 seconds East, 159.83 feet to the northerly right-of-way of Hydes Ferry Pike and this point of beginning.
>
> Being the same property conveyed to Elizabeth C. Kennedy N/K/A Elizabeth Kennedy Burgess, by Deed of Record in Book 1940, Page 612 and Book 2877, Page 393, Register's Office for Davidson County, Tennessee. The said Elizabeth Kennedy Burgess having since died. The subject property is now vested in Fisk University pursuant to her Last Will and Testament under Probate #94P-1726.
>
> Being the same property conveyed to Ronald L. Botts and wife, Evelyn S. Botts, by deed from Fisk University of record in Book 9661, Page 607, Register's Office for Davidson County, Tennessee.

Any interest that the Husband, Ronald Layne Botts, has in this said property shall be and is hereby divested from him and revested in the Wife, Evelyn Sue Botts, in fee simple, subject to the mortgage, and hold Husband harmless for said mortgage.

4. That the Wife, is awarded all rights, title and interest to the real property located at 3344 Hospital Lane, Nashville, TN 37218, as property that she owned prior to the marriage, to wit:

> BEING Lot No. 442 on the Plan of BORDEAUX HILLS, Section 9, which is of record in Book 4175, Page 116, Register's Office for Davidson County, Tennessee.
>
> BEING the same property conveyed to Everett Earl Holmes et ux Frankye J. Holmes by deed of record in Book 4507, Page 860, Register's Office for Davidson County, Tennessee.
>
> BEING the same property conveyed to Evelyn Sue Buchanan, A/K/A Evelyn Sue Botts by deed of record in Book 5273, Page 293, Register's Office for Davidson County, Tennessee.

Any interest that the Husband, Ronald Layne Botts, has in this said property shall be and is hereby divested from him and revested in the Wife, Evelyn Sue Botts, in fee simple, subject to the mortgage, and hold Husband harmless for said mortgage

5. That Wife is awarded any and all household furnishing and goods in her current possession free and clear of any interest that Husband may have by virtue of the marriage of the parties.

6. That Wife is awarded any vehicle in her current possession free and clear of any interest that Husband may have by virtue of the marriage of the parties, subject to any lien thereon and hold Husband harmless for said lien.

7. That Wife is awarded the monthly payments being made by ABL Holding, Inc. for stocks being purchased from the parties;

8. That each party is awarded any and all personal property in his or her current possession.

9. That each party shall pay any and all debts currently in his or her name.

WIFE, EVELYN BOTTS

10. That the costs of this cause shall be assessed against the ~~Husband, Ronald Layne~~ Botts, for which execution may issue without further process.

11. The parties addresses are:

Wife's: 3728 John Mallette Drive, Nashville, TN 37218

Husband's Last Known Address: Kentucky State University - food Services
Human Resources
400 East Main Street
Frankfort, Kentucky 40601

ENTERED this the 6 day of April, 2004.

~~MURIEL ROBINSON, JUDGE~~

Jack Norman, Jr.
Substitute Judge

APPROVED FOR ENTRY:

By _____
Fannie J. Harris, #018983
SMITH, HIRSCH, BLACKSHEAR & HARRIS, PLC
One Vantage Way, Suite B-105
Nashville, Tennessee 37228
(615) 242-5003
Attorneys for Wife, Evelyn Sue Botts

CERTIFICATE SERVICE

I certify that a true and exact copy of the Final Decree of Divorce contained herein has been forwarded by first class, U.S. Mail, postage prepaid, to Mr. Ronald Layne Botts, at his last known address, Kentucky State University - food Services, Human Resources, 400 East Main Street, Frankfort, Kentucky 40601, on this the 6th day of April 2004.

FANNIE J. HARRIS

FILED

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

2004 APR -6 PM 3:20

RICHARD R. ROOKER, CLERK

Evelyn Sue Botts
FATHER/MOTHER

R. Rawls

Ronald Layne Botts
FATHER/MOTHER

Case No. 03 D-2353

PARENTING PLAN
[X] Proposed (PPP)
[ ] Temporary (TPT)
[ ] Final Order (FPP)

PARENTING PLAN

This Parenting Plan is :

[ ] the final parenting plan signed by the court pursuant to a decree of dissolution entered on _____.

[ ] the final parenting plan signed by the court pursuant to a decree of dissolution entered on _____ which modifies a previous parenting plan or custody decree.

[ ] a temporary parenting plan signed by the court.

[X] proposed by Evelyn Sue Botts.

I. GENERAL INFORMATION

This parenting plan applies to the following children:

Name	Birthdate	Social Security No.
Ronald Layne Botts, Jr.	April 15, 1987	[redacted]-6661

II. RESIDENTIAL SCHEDULE

These provisions set forth where the child(ren) shall reside each day of the year and what contact the child(ren) shall have with each parent.

2.1 PRE-SCHOOL SCHEDULE.

[X] There are no children of preschool age.

[ ] Prior to enrollment in school, the child(ren) shall reside with the [ ] mother [ ] father, except for the following days and times when the child(ren) will reside with or be with the other parent:

From:_____ to _____
(Day/Time) (Day/Time)

[ ] every week
[ ] every other week
[ ] the first and third week of the month.
[ ] the second and fourth week of the month
[ ] other: _____

and from:_____ to _____
(Day/Time) (Day/Time)

[ ] every week
[ ] every other week
[ ] the first and third week of the month.
[ ] the second and fourth week of the month
[ ] other: _____

2.2 SCHOOL SCHEDULE.

Upon enrollment in school, the child(ren) shall reside with the [X] mother [ ] father, except for the following days and times when the child(ren) will reside with or be with the other parent: Reserve pending father's application for visitation

From:_____ to _____
(Day/Time) (Day/Time)

[ ] every week
[ ] every other week
[ ] the first and third week of the month.
[ ] the second and fourth week of the month
[ ] other: _____

and from:_____ to _____
(Day/Time) (Day/Time)

[ ] every week
[ ] every other week
[ ] the first and third week of the month.
[ ] the second and fourth week of the month
[ ] other: _____

[ ] The school schedule will start when each child begins
[ ] kindergarten [ ] first grade [ ]other: _____

2.3 SCHEDULE FOR WINTER/CHRISTMAS VACATION.

The child(ren) shall reside with the [X] mother [ ] father during winter vacation, except for the following days and times when the child(ren) will reside with or be with the other parent:

_____

2.4 SCHEDULE FOR SPRING VACATION.

Same as School schedule

The child(ren) shall reside with the [ ] mother [ ] father during spring vacation, except for the following days and times when the child(ren) will reside with or be with the other parent:

2.5 SUMMER SCHEDULE.

Upon completion of the school year, the child(ren) shall reside with the [X] mother [ ] father, except for the following days and times when the child(ren) will reside with or be with the other parent:

[X] Same as school year schedule.
[ ] One week every month
[ ] Two weeks every month
[ ] One month beginning _____
[ ] _____ weeks during summer, starting _____.
[ ] Other:_____

During the above summer schedule, the other parent shall have time with the child[ren] as follows: _____

2.6 SCHEDULE FOR HOLIDAYS.

The residential schedule for the child(ren) for the holidays listed below is as follows:

	With Mother (Specify Year Odd/Even/Every)	With Father (Specify Year Odd/Even/Every)
New Year's Day	Every	
Martin Luther King Day	Every	
Presidents' Day	Every	
Easter	Every	
Passover	Every	
Memorial Day	Every	
July 4th	Every	
Labor Day	Every	
Veterans' Day	Every	
Thanksgiving Day	Every	
Christmas Eve	Every	
Christmas Day	Every	
Hanukkah	Every	

[ ] For purposes of this parenting plan, a holiday shall begin and end as follows (set forth times):

[ ] Holidays which fall on a Friday or a Monday shall include Saturday and Sunday.

[ ] Other:

2.7 SCHEDULE FOR SPECIAL OCCASIONS.

The residential schedule for the child(ren) for the following special occasions (i.e., birthdays) is as follows:

	With Mother (Specify Year Odd/Even/Every)	With Father (Specify Year Odd/Even/Every)
Mother's Day	Every	
Father's Day	Every	
Mother's Birthday	Every	
Father's Birthday	Every	
Child's Birthday	Every	

[ ] Other: _____

2.8 PRIORITIES UNDER THE RESIDENTIAL SCHEDULE.

[X] Does not apply.

[ ] For purposes of this parenting plan the following days shall have priority over the residential schedule.

2.9 RESTRICTIONS.

[X] Does not apply.

[ ] The [ ] father's [ ] mother's residential time with the children shall be limited because

- [ ] Physical, sexual or a pattern of emotional abuse of a child.
- [ ] A history of acts of domestic violence or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.
- [ ] Neglect or substantial nonperformance of parenting functions.
- [ ] A long-term emotional or physical impairment which interferes with the performance of parenting functions as defined in TCA 36-6-102.
- [ ] The absence or substantial impairment of emotional ties between the parent and child.
- [ ] The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development.
- [ ] A parent has withheld from the other parent access to the child for a protracted period without good cause.

The following restrictions shall apply when the children spend time with this parent: [ ] father's [ ] mother's residential time with the children.

_____

_____

2.10 TRANSPORTATION ARRANGEMENTS.

Transportation arrangements for the child(ren), other than costs, between parents shall be as follows:

_____

_____

2.11 DESIGNATION OF CUSTODIAN.

The children named in this parenting plan are scheduled to reside the majority of the time with the [X] mother [ ] father. This parent is designated the custodian of the child(ren) 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.

2.12 OTHER:

_____

_____

III CHILD SUPPORT

3.1 FINANCIAL SUPPORT. Reserved pending personal Service

[ ] The [ ] mother [ ] father will pay child support, in accordance with the Tennessee Child Support Guidelines, in the amount of $_____ per _____, beginning _____.

This amount shall not be prorated unless otherwise specified.

[ ] A wage assignment shall issue (by separate order to be presented by counsel) to_____, the employer of _____, for the ongoing child support.

[ ] Other provisions for financial support:

_____

[ ] The parties affirmatively acknowledge that no action by either or both of them will be effective to reduce child support after the due date of each payment. The parties further understand that Court approval must be obtained before child support can be reduced or modified, unless such payments are automatically reduced or terminated under the terms of this parenting plan.

3.2 TAX DEDUCTION.

[X] The [X] mother [ ] father will receive the tax deduction for the child(ren). Each party shall provide to the other, by or before April 15 of every year, a copy of their respective W-2 form or a copy of the first page of their tax return.

[ ] Other provisions regarding tax deduction:

3.3 HEALTH INSURANCE. Reserved Pending Personal Service

[ ] The [ ] mother [ ] father will maintain medical/hospital insurance on the minor child(ren) and he/she shall provide proof of continuing coverage by February 15th of each year.

[ ] Uncovered medicals, including deductibles, if any, will be
- [ ] borne by the _____
- [ ] divided equally by the parties
- [ ] _____

3.4 LIFE INSURANCE. Reserved pending personal Service

[ ] The [ ] mother [ ] father shall insure his/her own life in the minimum amount of $_____, whole or term, which may not decrease in face amount during the minority of any child. The policy shall name the minor child(ren) as primary beneficiaries of the coverage required by the Court. The choice of the secondary beneficiary(ies) is up to the policy owner(s).

[ ] Other provisions regarding life insurance:

_____

_____

3.5 DENTAL/ORTHODONTIC CARE Reserved pending personal Service

[ ] The [ ] mother [ ] father will maintain dental/orthodontics care on the minor child(ren). Uncovered dental/orthodontic expenses will be borne by [ ] mother [ ] father [ ] divided equally by the parties.

[ ] Other provisions for dental/orthodontic care:_____

_____

IV. DECISION MAKING

4.1 DAY TO DAY DECISIONS

Each parent shall make decisions regarding the day-to-day care and control of each child while the child is residing with that parent. Regardless of the allocation of decision making in this parenting plan, either parent may make emergency decisions affecting the health or safety of the children.

4.2 MAJOR DECISIONS.

Major decisions regarding each child shall be made as follows:

Education decisions	[X] mother	[ ] father	[ ] joint
Non-emergency health care	[X] mother	[ ] father	[ ] joint
Religious upbringing	[X] mother	[ ] father	[ ] joint
_____	[ ] mother	[ ] father	[ ] joint
_____	[ ] mother	[ ] father	[ ] joint
_____	[ ] mother	[ ] father	[ ] joint

4.3 RESTRICTIONS IN DECISION MAKING.

[X] Does not apply.

[ ] Sole decision making shall be ordered to the [ ] mother [ ] father for the following reasons:

_____

[ ] A limitation on the other parent's decision-making authority is mandated by TCA 36-6-412 .

[ ] Both parents are opposed to mutual decision making.

[ ] One parent is opposed to mutual decision making, and such opposition is reasonably based on the following criteria:

[ ] The existence of a limitation under TCA 36-6-412;

[ ] The history of participation of each parent in decision making in each of the areas in TCA 36-6-411;

[ ] Whether the parents have demonstrated ability and desire to cooperate with one another in decision making in each of the areas in TCA 36-6-411; and

[ ] The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

V. DISPUTE RESOLUTION Reserved pending personal use

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

[ ] Counseling by _____, or

[ ] Mediation by _____
_____, or

[ ] Arbitration by _____.

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

[ ] _____% mother _____ % father.

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

[ ] as determined in the dispute resolution process. _____

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

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.

[ ] There are the following other provisions: _____

_____

VIII. DECLARATION FOR PROPOSED PARENTING PLAN

[ ] Does not apply.

[ ] (Only sign if this is a proposed parenting plan.) I declare under penalty of perjury under the laws of the State of Tennessee that this plan has been proposed in good faith and that the statements in Part II of this Plan are true and correct.

Cheryl Sue Batts
Mother

04/06/04 in Court
Date and Place of Signature

_____
Father

_____
Date and Place of Signature

IX. ORDER BY THE COURT

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

When mutual decision making is designated but cannot be achieved, the parties shall make a good faith effort to resolve the issue through the dispute resolution process.

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

Dated: April 6, 2004

Judge

Jack Norman, Jr.
Substitute Judge

Presented by:

Fannie J. Harris, attorney for Mother
Signature

Fannie J. Harris # 018983
Print or Type Name

_____
Signature

_____
Print or Type Name

Mediation Services provided by:

(Name) _____

(Address) _____

_____

(Phone) _____

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 06 day of APRIL , 2004 , in the Case Number 03D2353 between BOTTS, EVELYN SUE Plaintiff, and BOTTS, RONALD LAYNE Defendant, as same remains of record in Vol. 5607 , Page 1464862 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 15 day of JULY in the year two thousand four and in the 228th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

