Davidson County DEEDDIV
Recvd: 12/02/04 14:40 7pgs
Fees:37.00 Taxes:0.00
20041202-0143876

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

NANCY JONES RUSSELL
Wife/Plaintiff

vs

CHARLES WILLIAM RUSSELL
Husband/Defendant

B Rawls D.C.

Docket No. 03D-1524

NOTICE OF ENTRY REQUESTED

FINAL DECREE

This cause came on for hearing on the 19th day of October, 2004 before the Honorable Muriel Robinson, Judge, upon Wife's Complaint for Divorce and Husband's Counter-Complaint for Divorce. Wife was represented by David Lyle and Husband was represented by James Curtis.

Upon testimony of the parties, statements of counsel and the record as a whole, it appears that it should be, and therefore,

It is **ORDERED, ADJUDGED** and **DECREED** as follows:

1. The parties are declared ~~divorce~~ divorced pursuant to Tennessee Code Annotated, Section 36-4-129(b).

2. The marital residence at 3928 Plantation Drive, Hermitage shall be sold and after the expenses of the sale are paid, the equity shall be divided equally between the parties. Any escrow balance remaining after the sale shall also be divided equally between the parties. The parties shall immediately proceed with listing the house.

3. Husband shall pay $1500 to Wife's attorney toward her total fees. This judgment is made a lien upon Husband's share of the house equity. Each party shall be responsible for the remainder of their legal expenses. Each attorney is granted a

lien upon his client's interest in the marital residence for fees in this cause. The property description for the marital residence is:

> All that certain parcel of land situated in Davidson County, city of Hermitage, being known as lot 117, section 1, subdivision Hermitage Hills, Plat Book 2900, Plat Page 48 & 49, and being more fully described in deed book 5565, page 172, recorded on 02/11/1980 among the land records of Davidson County, TN.
>
> Said lot No. 117 fronts 86.0 feet on the northeasterly margin of Plantation Drive and extends back 147.4 feet on the southeasterly line and 181.4 feet on the westerly line to a dead line in the rear, measuring 90.0 feet thereon.
>
> Being the same property conveyed to Charles W. Russell II, Nancy J. Russell by deed from Wade H. Bobbitt, Venita D. Bobbitt dated 02/07/1980, recorded 02/11/1980 in deed Book 5565, on Page 172.
>
> Parcel ID number 075090 032 00
>
> This is improved property known as 3928 Plantation Drive, Hermitage, Davidson County, Tennessee.

4. The parties hold a note from their son Brandon Russell for the payment of $40,000 that he received in May 2003 from the $50,000 second mortgage on the marital residence, whose payments to date have been interest only. Each party shall receive a one-half interest in the note.

5. Each party shall receive all personal property in their possession free of any claim from the other party with the following exceptions. Wife shall give the derringer gun to Husband and she keeps the other gun that was a gift to her and Husband keeps the rest of the gun collection and his Nascar collection. Husband gets the automatic weapon that he proposes to transfer to another person and counsel for Husband may submit an order specific to the transfer of title of that weapon. Husband shall give the brass bed, its mattress and box springs, the portable dishwasher, and the patio furniture consisting of glide swing, table and chairs, and umbrella and stand to Wife.

6. As to the parties' respective defined benefit pension plans through their employers, it is ordered:

a. Each party retains a sole, undivided interest in their respective plans;

b. Each party shall possess and retain the sole survivor beneficiary of the other's defined benefit pension plan in case of death and the parties shall take such steps as may be necessary to implement this provision.

c. Husband, through his union membership with the Teamsters, participates in the Central States, Southeast and Southwest Areas Pension Fund. His social security number is [redacted]-6394. His date of birth is January 16, 1956. During her lifetime, Wife, Nancy Russell shall be the surviving spouse for purposes of receiving the plan's surviving spouse benefit as to any benefits accrued to Husband;

d. Wife, through her employment with Sears-Roebuck Company, participates in the Sears Pension Plan. Her social security number is [redacted]-06-[redacted]72. Her date of birth is July 20, 1956. During his lifetime, Husband, Charles William Russell, II shall be the surviving spouse for purposes of receiving the plan's surviving spouse benefit as to any benefits accrued to Wife.

7. Wife holds a 401(k) plan through her employment with Sears. The court divides the money in Wife's account as of the date of the divorce of October 19, 2004. Of that balance, Wife shall receive the first $400 and the rest shall be divided equally between the parties and a QDRO may be executed to implement this provision.

8. Any stock that Husband has in Yellow Freight shall be his.

9. As part of the property division, Husband shall pay $5000 to Wife for her half of the $10,000 that he received from the $50,000 second mortgage. He shall pay toward that award at $100 per month until paid in full. The first monthly payment toward this property division shall be due immediately after the sale of the 3928 Plantation Drive residence.

10. Wife is awarded alimony in futuro until her death or remarriage of $600.00 per month. The first payment shall be due immediately after the sale of the 3928 Plantation Drive residence.

11. Wife shall have the right to continue to live in the Plantation Drive house pending its sale and the pendente lite financial arrangement shall remain in effect such that Husband shall pay the mortgage and utilities. He shall also continue paying Wife $50 per week until the alimony in futuro commences. Wife shall make only reasonable use of the utilities. Wife shall keep the house looking suitable for showings to promote a prompt sale and Husband shall be responsible for keeping the grass cut if the house has not yet sold by spring.

12. Each party is in possession of a vehicle they customarily drive and each shall receive a sole interest in the vehicle in their possession. Namely, Husband shall receive sole interest in the 1994 Ford F250 pickup truck. Wife shall receive sole interest in the 1997 Ford Explorer Sport Utility Vehicle, currently titled to Husband, Charles W. Russell, II, VIN 1FM0U3SP0VU887491.

13. Husband shall pay the costs of this cause.

Enter this the 17th day of November, 2004.

Muriel Robinson, Judge

APPROVED FOR ENTRY,

DAVID LYLE
Supreme Court No. 14638
3924 Gallatin Pike
Nashville, Tennessee 37216-2406
Telephone: (615) 228-4202
Fax: (615) 228-4263

Attorney for Ms. Russell

Certificate of Service

I have the forgoing upon the following persons by U.S. mail:

Mr. James L. Curtis
Washington Square, Suite 204
214 Second Avenue North
Nashville, TN 37201

This the 12th day of Nov., 2004.

David Lyle

CERTIFICATE OF SERVICE

DOCKET NO. 03D-1524

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 23rd day of November, 2004.

RICHARD R. ROOKER, Circuit Court Clerk

By: B Rambo
Deputy Clerk

David Lyle, Attorney
3924 Gallatin Pike
Nashville, TN 37216-2406

Mr. James L. Curtis, Attorney
Washington Square, Suite 204
214 Second 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 17 day of NOVEMBER , 2004 , in the Case Number 03D1524 between RUSSELL, NANCY JONES Plaintiff, and RUSSELL, CHARLES WILLIAM II Defendant, as same remains of record in Vol. 5733 , Page 1716863 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 02 day of DECEMBER in the year two thousand four and in the 228th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

