IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

DONNA JEAN DOWELL,

Plaintiff/Wife,

VS.

LARRY GAIL DOWELL,

Defendant/Husband.

2004 OCT 25 PM 1:21
RICHARD R. ROOKER, CLERK
B. Rawls D.C.

NO: 02D-2569
Notice of Entry Requested

Davidson County DEEDDIV
Recvd: 12/09/04 13:41 5pgs
Fees:27.00 Taxes:0.00
20041209-0146901

**FINAL JUDGMENT OF DIVORCE**

This matter came on for trial on the 21st day of September 2004, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the Complaint for Divorce filed by the Plaintiff/Wife, personal service of process received by the Defendant/Husband, the Answer filed by the Defendant/Husband, the sworn testimony of the Plaintiff/Wife and her witnesses Det. David Louis Zoccola of the Metro Police Department and Richard Brittain in open Court, statements of respective counsel, and the entire record herein; from all of which the Court finds as follows:

1. The allegations contained in the Plaintiff/Wife's Complaint for Divorce are sustained by the proof; 1) that the Defendant/Husband is guilty of such inappropriate marital conduct toward the spouse as to render cohabitation unsafe and improper, 2) that the Defendant/Husband has been convicted of a felonious crime and sentenced to confinement in the penitentiary; and 3) for a continuous period of two (2) or more years both parties have lived in separate residences, have not cohabited as man and wife during such period, and have no minor children. The Defendant/Husband's Answer is therefore dismissed and the Plaintiff/Wife is awarded an absolute divorce from the Defendant/Husband pursuant to Tenn. Code Ann. §§ 36-4-101(6), 36-4-101(11), and 36-4-101(15) thereby restoring the Plaintiff/Wife to all the rights and privileges of an unmarried person.

2. All right, title and interest in and to the marital residence of the parties located at 727 Braidwood Drive, Nashville, Tennessee 37214, shall be divested out of the Defendant/Husband and all right, title and interest in and to said marital residence located at 727 Braidwood Drive, Nashville, Tennessee 37214 shall be vested in the Plaintiff/Wife in fee simple absolute and shall be free and clear from any claims of the Defendant/Husband. This real property is particularly described as follows:

> LAND in Davidson County, Tennessee, being Lot No. 315, on the plan of Cloverhill, Section 7, of record in Plat Book 2133, Page 92, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete description.

Being the same property conveyed to Larry Gail Dowell and wife, Donna Jean Dowell, by warranty deed from Jim Eddington and wife, Betty J. Eddington, of record in Book 8478, Page 140, Register's Office for Davidson County, Tennessee.

This is improved property known as 727 Braidwood Drive, Nashville, Tennessee 37214.

The Plaintiff/Wife shall be responsible for the present mortgage on this real property and shall indemnify and hold the Defendant/Husband harmless thereon.

3. The Defendant/Husband shall be solely responsible for the judgment of $39,834.00 that was entered against him on July 2, 2003 in the Fifth Circuit Court for Davidson County, case number 03C-1312. This judgment caused a lien to be filed against the above-described marital residence at Instrument number 20031210-0176958, Register's Office for Davidson County. The Defendant/Husband, by allowing this judgment to become a lien against the marital residence, has violated this Court's Injunction that went into effect on or about November 4, 2002 pursuant to Tenn. Code Ann. § 36-4-106(d) when the Plaintiff/Wife filed her Complaint for Divorce. The Defendant/Husband shall indemnify and hold the Plaintiff/Wife harmless on this judgment. This judgment/debt is a nondischargeable debt under 11 USC 523(5) of the United States Bankruptcy Code; the Defendant/Husband's obligation on this debt being in the nature of alimony or financial support for the Plaintiff/Wife, not in the nature of any property settlement.

4. The Plaintiff shall be restored to her maiden name, "Donna Jean LeCroy".

5. The Plaintiff is awarded all of her personal property in her possession.

6. All costs and litigation taxes associated with this proceeding shall be taxed to the Defendant/Husband for which execution may issue, if necessary.

**IT IS SO ORDERED.**

**ENTERED** this 25th day of October 2004.

HON. MURIEL ROBINSON, JUDGE

**APPROVED FOR ENTRY:**

LAURA TEK, #16523
Rivergate Park Office Building
1994 N. Gallatin Road, Suite 205
Madison, Tennessee 37115
615/851-2100
*Counsel for Plaintiff/Wife*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Final Decree was sent by U.S. Mail, postage prepaid, to C. LeAnn Smith, Esq., *Counsel for Defendant*, P.O. Box 198467, Nashville, Tennessee 37219-2324, on this 11th day of October 2004.

LAURA TEK

CERTIFICATE OF SERVICE

DOCKET NO. 02D-2569

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 26th day of October, 2004.

RICHARD R. ROOKER, Circuit Court Clerk

By: B. Rawls
Deputy Clerk

Laura Tek, Attorney
Rivergate Park Office Building
1994 N. Gallatin Road, Suite 205
Madison, TN 37115

C. LeAnn Smith, Attorney
P. O. Box 198467
Nashville, TN 37219-2324

**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 25 day of OCTOBER , 2004 , in the Case Number 02D2569 between DOWELL, DONNA JEAN Plaintiff, and DOWELL, LARRY GAIL Defendant, as same remains of record in Vol. 5717 , Page 1685900 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 28 day of OCTOBER in the year two thousand four and in the 228th year of American Independence.

**RICHARD R. ROOKER,** Clerk,

By _____ Deputy Clerk

SEAL

