8th

IN THE ~~SECOND~~ CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED
2004 AUG 27 PM 1:11
RICHARD R. ROOKER, CLERK

STANTON MAURICE SMITH	)	
	)	
Plaintiff,	)	
vs.	)	**Docket No. 02D-2859**
	)	**Notice of Entry Requested**
MARILYN JEAN SMITH	)	
Respondent.	)	
	)	

Davidson County ORDER
Recvd: 01/07/05 15:33 21 pg
Fees:107.00 Taxes:0.00
20050107-0003062

FINAL ORDER

This matter came on to be heard on the 18th day of August, 2004 before the Honorable Marietta Shipley, Judge of the Second Circuit Court for Davidson County, Tennessee. This matter was before the court on a Motion for a Ruling on the Marital Residence which had been taken under advisement and for a final order in this matter. Present were Judge Marietta Shipley, Cynthia Bohn, and Clark Shaw by teleconference. Upon argument of counsel for the parties the court finds that this matter should be finalized and that this court has jurisdiction to award the Wife an interest in the marital residence.

It is therefore **ORDERED, ADJUDGED, and DECREED** that the residence located here in Nashville, Davidson County, Tennessee at 504 Rivercrest Cove is marital property. That the equity in said residence is fifty thousand dollars ($50,000.00). That the Husband did Quit Claim a joint interest in that real property to the Wife. That the Wife is awarded a twenty five percent (25%) interest in the equity of said residence and therefore she is awarded twelve thousand five hundred dollars ($12,500.00) as her interest in the marital residence.

It is therefore **ORDERED, ADJUDGED, and DECREED** that the Wife is awarded a

RECORDERS MEMO
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judgement in the amount of twelve thousand five hundred dollars ($12,500.00) against the Husband. Said judgement is reduced to a lien against the marital residence. The Wife cannot execute on said lien until March of 2007. In the event the Husband sells the marital residence then said lien shall be paid off in full. Nothing in this order shall prevent the Husband from paying of the judgement in full. Said residence is more particularly described below:

> BEING Lot No. 28, on the Plan of first Revision, River Crest, of record in Plat Book 9700, Page 46516, Register's Office for Davidson County, TN, to which plat reference is hereby made for a more complete description.
>
> BEING the same property conveyed to River Crest, L.L.C by deed from B & P Developments, Inc., of record in Book 10538, Page 210, Register's Office for said County.
>
> BEING the same property conveyed to Frank Batson Homes, Inc. by Quitclaim deed from River Crest, L.L.C., being recorded simultaneously herewith, Register's Office for said County.
>
> This conveyance is subject to Restrictive Covenants of record in Book 10578, Page 683, Register's Office for said County.
>
> This conveyance is subject to all terms and provisions of the By-Laws, of record in Book 10578, Page 699, said Register's Office.
>
> This conveyance is subject to any and all existing restrictions and easements of record.

It is **ORDERED, ADJUDGED, and DECREED** that the Husband shall be ordered to pay the judgement at the rate of $5,000.00 on January 30, 2005; $5,000.00 on January 30, 2006, and $2,500.00 plus any accrued judgement interest on January 30, 2007.

It is **ORDERED, ADJUDGED, and DECREED** that said judgement shall accrue interest at the statutory rate of ten percent (10%).

It is further **ORDERED, ADJUDGED, and DECREED** that Clark Shaw, counsel for the

Husband, shall be allowed to withdraw as attorney of record in this matter.

This constitutes the final order in this matter. All preceding orders in this case which make up the total ruling from this divorce matter are attached as Exhibits A, B, C, and D.

IT IS SO ORDERED.

ENTERED this the 27th day of August, 2004.

HONORABLE MARIETTA M. SHIPLEY

APPROVED FOR ENTRY:

CYNTHIA J. BOHN, BPR #16592
Attorney for Wife
545 Mainstream Drive, Ste. 320
Nashville, TN 37228
(615) 252-8866

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document has been sent to the following by (X) U. S. Mail, postage prepaid; ( ) hand delivery; ( ) facsimile transmission to _____, hard copy to follow via regular U. S. Mail:

Clark Shaw
Attorney at Law
2525 Lebanon Road
Nashville, TN 37214

This the 23 day of Aug, 2003.

CYNTHIA J. BOHN

FILED

2003 AUG 27 PM 1:

RICHARD R. ROOKER, CL

FILED

2003 AUG 27 PM 4:13

RICHARD R. ROOKER, CLERK

D.C.

IN THE SECOND CIRCUIT COURT OF DAVIDSON COUNTY TENNESSEE AT NASHVILLE

STANTON MAURICE SMITH **Plaintiff**	]	**Case No. 02D-2853**
	]	
	]	**PARENTING PLAN**
v.	]	**[ ] Proposed (PPP)**
	]	**[ ] Temporary (TPP)**
MARILYN JEAN SMITH **Defendant**	]	**[x] Final Order (FPP)**
	]	

PARENTING PLAN

This Parenting Plan is the Final Order of the Court heard September 8, 2003.

I. GENERAL INFORMATION

This Parenting Plan applies to the following children:

Name	Birth date	Social Security #
Isabella D. Smith	5/28/98	[redacted]5404
Stephen O. Smith	11/10/00	[redacted]5971

II. RESIDENTIAL SCHEDULE

These provisions set forth where the children shall reside each day of the year and what contact the children shall have with each parent.

2.1 PRE-SCHOOL SCHEDULE.

Shall be the same as the school schedule.

2.2 SCHOOL SCHEDULE.

Upon enrollment in school, the children shall reside with the Mother from August 1-May 31. Husband will be allowed up to one week, seven (7) consecutive days, so long as he takes the children to school and their activities. Father may exercise seven (7) consecutive days per month

EXHIBIT
A

in Florida.

2.3 SCHEDULE FOR WINTER/CHRISTMAS VACATION.

The children shall reside with the Mother the week before or time out of school through Christmas Eve during winter vacation. The children shall reside with the Father for one week beginning December 26 in odd years.

2.4 SCHEDULE FOR SPRING VACATION.

The children shall reside with the Mother during spring vacation, except for the following days and times when the children will reside with or be with the Father: Alternate or split as per agreement.

2.5 SUMMER SCHEDULE.

The Father shall have the children from June 1- July 31 each summer in Nashville. The Mother shall have one weekend visitation each month to occur in Nashville.

2.6 SCHEDULE FOR HOLIDAYS.

The residential schedule for the children 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	Odd	Even
Easter	Even	Odd
Memorial Day	Odd	Even
July 4th	Even	Odd
Labor Day	Odd	Even
Thanksgiving Day	Even	Odd
Christmas Eve	Odd	Even
Christmas Day	Even	Odd

For purposes of this parenting plan, a holiday shall begin at 8:00 p.m. on the eve of the holiday and shall end at 8:00 p.m. the day of the holiday. Holidays which fall on a Friday or a Monday shall include Saturday and Sunday.

2.7 SCHEDULE FOR SPECIAL OCCASIONS.

The residential schedule for the children 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	Odd	Even

2.8 PRIORITIES UNDER THE RESIDENTIAL SCHEDULE.

For purposes of this parenting plan, Holidays take priority over the weekend schedule.

2.9 RESTRICTIONS.

Does not apply.

2.10 TRANSPORTATION ARRANGEMENTS

Transportation arrangements for the children, other than costs, between parents shall be as follows: Each parent picks up the children from the other parent. Mother pays one-half the cost of Father's transportation to Florida up to $250.00 per month during her possessory months when the Father exercises seven (7) consecutive days of parenting time in Florida. The Mother only pays one-half of the cost when the Father exercises his seven (7) consecutive days.

2.11 DESIGNATION OF CUSTODIAN.

The children named in this parenting plan are scheduled to reside the majority of the time with the Mother. This parent is designated the custodian of the children 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

The parties anticipate agreeing on other reasonable and liberal visitation. In the event they cannot agree, then the above schedule applies.

2.13 The Father is restrained and enjoined from drinking alcohol while driving with the children. Father shall drive no more than five (5) miles over the speed limit at all times.

III. CHILD SUPPORT

3.1 FINANCIAL SUPPORT.

The Father will pay child support, in accordance with the Tennessee Child Support Guidelines, in the amount of $250.00 per week or $1083.00 per month, based on average annual income of $54,600.00, beginning upon entry of the Order.

This amount shall not be prorated unless otherwise specified.

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.

The Mother is awarded a judgement agreement from the Father for past due family support in the amount of one thousand seven hundred and seventy five dollars ($1,775.00). The Father shall liquidate solid judgement at the rate of two hundred ($200.00) per month beginning November 1, 2003.

3.2 TAX DEDUCTION.

The Mother will receive the tax deduction for Stephen O. Smith each year she earns $15,000.00 per year. The Father shall receive the tax deduction for Isabella D. Smith each year. Both parties shall provide to the other, by or before April 15 of every year, a copy of their W-2 form or a copy of the first page of their tax return. The Mother must earn $15,000.00 before she receives a deduction. The Father only receives a deduction if he is current in his child support payments by January 1 each year.

3.3 HEALTH INSURANCE.

The Father will maintain medical/hospital insurance on the minor children. Any uncovered medicals, including deductibles, co-payments, pharmaceuticals, eye care, if any, will be equally divided between the parties.

3.4 LIFE INSURANCE

The Father shall insure his own life in the minimum amount of $100,000.00 within ninety (90) days, whole or term, which may not decrease in face amount during the minority of any

children. The policy shall name the minor children as primary beneficiary of the coverage required by the Court. The choice of the secondary beneficiary(ies) is up to the policy owner.

3.5 DENTAL/ORTHODONTIC CARE

No dental insurance.

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	[ ] mother	[ ] father	[x] joint
Non-emergency health care	[ ] mother	[ ] father	[x] joint
Religious upbringing	[ ] mother	[ ] father	[x] joint
Extracurricular activities	[ ] mother	[ ] father	[x] joint

4.3 RESTRICTIONS IN DECISION MAKING.

Does not apply

V. DISPUTE RESOLUTION

Disputes between the parties, other than the child support disputes, shall be submitted to mediation by agreement or Court appointment with right to apply to the Court if necessary. The cost of this process shall be allocated between the parties as follows: 50% mother and 50% father. The counseling, mediation or arbitration process shall be commenced by notifying the other party by certified mail. Return receipt.

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 or 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.

VII. 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 children at least twice each week at reasonable times and for a reasonable duration;
2. Sending mail to the children 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 children;
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 children or in the children's presence.
7. The right to be given at least forty-eight (48) hours notice, whenever possible, of all extra-curricular activities, and the opportunity to participate or observe, including but not limited to, the following:
   (I) School activities
   (ii) Athletic activities
   (iii) Church activities
   (iv) Other activities as to which parental participation or observation would be appropriate.
8. The right to receive from the other parent, in the event the other parent leaves the

state with the minor children for more than two (2) days, an itinerary including telephone numbers for use in the event of an emergency.

9. The right of access and participation in education, including the right of access to the minor children for lunch and other activities on the same basis that is provided to all parents, provided the participation or access is reasonable and does not interfere with day-to-day operations or with the children's educational performance.

Either parent may petition for a return to court, paying appropriate fees for mediation on any further parenting issues.

VII. OTHER PROVISIONS

There are no 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.

_____ _____

Marilyn Jean Smith Date and Place of Signature

_____ _____

Stanton Maurice Smith 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 T.C.A. 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: _____

JUDGE MARIETTA SHIPLEY

APPROVED FOR ENTRY:



CYNTHIA J. BOHN, BPR #16592
Attorney for Wife
545 Mainstream Drive, Suite 320
Nashville, TN 37228
(615) 252-8866

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document has been sent to the following by (X) U. S. Mail, postage prepaid; ( ) hand delivery; ( ) facsimile transmission to _____, hard copy to follow via regular U. S. Mail:

Clark Lee Shaw
Attorney at Law
2525 Lebanon Road
Nashville, TN 37214

This the 3 day of Oct, 2003.

CYNTHIA J. BOHN

COPY SENT
To:
Date:
Initials:

FILED

2004 AUG 27 PM 1:12

RICHARD R. ROOKER, CLERK

COPY

IN THE SECOND CIRCUIT COURT FOR TENNESSEE
20TH JUDICIAL DISTRICT
AT NASHVILLE

STANTON MAURICE SMITH]
]
Plaintiff,]
]
VS.] No. 02D-2859
]
MARILYN JEAN SMITH]
]
Defendant.]

FINAL DECREE OF DIVORCE

This cause came on to be heard on the 8th day of September 2003 before the Honorable Marietta Shipley, Judge of the Second Circuit Court for Nashville, Davidson County, Tennessee. It appearing to the Court that the parties have stipulated that should the Court hear the proof in this matter that both parties would have grounds for a divorce and, therefore, the parties should be declared divorced pursuant to *Tenn. Code Ann.* § 36-4-129. It further appearing to the Court that all issues involving the children of the parties are set forth in a parenting plan, which should be incorporated herein and made the order of the Court.It further appearing to the Court that the issue of alimony should be taken under advisement and the Husband is to report to the Court in mid December 2003 as to the simulator and whether it is installed and earning income for the Husband and the Wife is to report to the Court the proposed course of study details, the costs, and the availability of grants and scholarships so that the Court can determine this issue. It further appearing to the Court that each party should pay their own attorney fees. It further appearing to the Court that the costs for this action should be taxed as follows: the Husband pays the first $155.50, the Wife pays the next $115.50, and the Husband pays the remaining costs.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the parties shall be declared divorced pursuant to *Tenn. Code Ann.* § 36-4-129.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all issues involving the children of the parties are set forth in a parenting plan, which shall be incorporated herein and made the order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the issue of alimony shall be taken under advisement and the Husband is to report to the Court in mid December 2003 as to the simulator and whether it is installed and earning income for the Husband and the Wife is to report to the Court the proposed course of study details, the costs, and the availability of grants and scholarships so that the Court can determine this issue.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that each party shallpay their own attorney fees.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the costs for this action shall be taxed as follows: the Husband pays the first $155.50, the Wife pays the next $115.50, and the Husband pays the remaining costs.

EXHIBIT
B

ENTERED THIS _____ DAY OF _____, 2003.

_____
JUDGE

APPROVED FOR ENTRY:

Clark Lee Shaw
Attorney for Plaintiff
2525 Lebanon Road
(615) 883-0705
Supreme Court Reg. No. 10836

Cynthia Bohn
545 Mainstream Drive
Suite 320
Nashville, TN 37228

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been sent via facsimile to:

Cynthia Bohn
545 Mainstream Drive
Suite 320
Nashville, TN 37228

this 22 day of December, 2003

Clark Lee Shaw

S:\2003\aOct.03\Smith.fd

COPY SENT

FILED

FILED

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE.
AT NASHVILLE

2004 FEB 20 AM 9:15

RICHARD R. ROOKER, CLERK

D.C.

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RICHARD R. ROOKER, CLER

STANTON MAURICE SMITH

Plaintiff,

vs.

Docket No. 02D-2859

MARILYN JEAN SMITH
Respondent.

ORDER

This matter came on to be heard on the 12th day of February, 2004 before the Honorable Marietta M. Shipley, Judge of the Second Circuit Court for Davidson County, Tennessee. This matter was before the Court upon a Motion filed by the Wife to resolve issues undecided at final hearing with regard to alimony, Wife's transportation needs and division of the equity in the marital residence. Upon argument of counsel and testimony of the parties, the Court finds the following:

1. The Husband's net income is $39,000.00 per annum. Because the Husband paid no taxes in 2002, his annual income shall be set at $51,600.00. The Court held in a September hearing that the Husband was capable of earning $54,600.00. The Husband has requested a downward deviation, which is denied, because the difference in income does not meet the fifteen percent (15%) variance required to justify a downward deviation.

2. The Wife is awarded $600.00 per month as rehabilitative alimony for three (3) years, ending on September 1, 2007, based on the available income of the parties and the need of the Wife. After September 7, 2007, the Wife is awarded $600.00 per month as rehabilitative alimony, until the youngest child of the marriage reaches the age of majority. This amount shall not be modifiable until the Wife earns at least $40,000.00 per year.

EXHIBIT
C

3. The Court is taking under advisement the division of any equity in the marital residence.

The following is therefore **ORDERED, ADJUDGED AND DECREED**:

1. The Husband's request for a downward deviation from the child support set in September, 2003 is hereby denied.

2. The Wife is hereby awarded $600.00 per month as rehabilitative alimony for three (3) years, ending on September 1, 2007. After September 7, 2007, the Wife is awarded $600.00 per month as rehabilitative alimony, until the youngest child of the marriage reaches the age of majority. This amount shall not be modifiable until the Wife earns at least $40,000.00 per year.

3. All issues with regard to the division of equity in the marital residence are hereby taken under advisement, pending further hearing of the Court.

IT IS SO ORDERED.

ENTERED the _____ day of February, 2004.

Judge Marietta M. Shipley

Approved for Entry:

CYNTHIA J. BOHN & ASSOCIATES.

Cynthia J. Bohn BPR No. 16592
Paul W. Moser, BPR No. 022205
Attorney for Wife
545 Mainstream Drive, Suite 320
Nashville, TN 37229
(615) 252-8866

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document has been sent to the following by (✓) ~~U. S.~~ Mail, postage prepaid; ( ) hand delivery; ( ) facsimile transmission to _____, hard copy to follow via regular U. S. Mail:

Mr. Clark Shaw
Attorney at Law
2525 Lebanon Road
Nashville, TN 37214

This the 19 day of February, 2004.

Paul W. Moser

Cynthia J. Bohn
Paul W. Moser

FILED
2004 AUG 27 PM 1:12
RICHARD R. ROOKER, CLERK
D.C.

FILED
2004 JUL 14 PM 4:
RICHARD R. ROOKER, CL

IN THE SECOND CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

STANTON MAURICE SMITH,

Plaintiff,

vs.) No. 02D-2859

MARILYN JEAN SMITH,

Defendant.

Amended Order from Order Entered February 25, 2004

This case was heard on September 8, 2003 and February 12, 2004. On September 8, 2003 the court issued what is called a Final Decree of Divorce. In that order the court granted a divorce and entered a Parenting Plan. The issues of alimony and property division were to be addressed at a subsequent hearing. On February 12, 2004, the court heard testimony concerning the parties' finances and division of property. The court took the matter under advisement for a final order to allow for the parties to present any judgment liens that were on the parties' residence. No further documents were tendered to the court. During the week of July 6, Cynthia Bohn inquired why the court had not issued an opinion. The clerk looked at the video and learned that the court was awaiting documents.

During that investigation, the court listened to the end portion of the February 12, 2004 hearing and compared the court's findings with the order tendered to the court, which was entered on February 25, 2004. The court finds that the Order should be amended as follows to give a clearer picture of the type, duration and restrictions on the alimony ordered. Thus Paragraph 2 of the order should be amended to read as follows:

EXHIBIT
D

2. The Wife is awarded rehabilitative alimony for the next three years, until September 7, 2007, in the amount of $600 per month. This alimony is modifiable. Its purpose is to help pay for her schooling, contribution to her mother's car, an Expedition, which she primarily drives as well as her expenses. It will cease upon her or his death or her remarriage. The purpose is for her to rehabilitate herself.

At the end of the three years, the alimony will convert to alimony in futuro. It will continue at the rate of $600 per month, until the youngest child turns 18 . It will cease upon her or his death or her remarriage. The expectation is that she will eventually earn at least $40,000 per year as a dental hygienist. Mr. Smith may not file for modification of the alimony in futuro until she earns at least $40,000.

The court understands that Ms. Smith is presently living with her mother, who provides housing for her daughter and the two children. Mr. Smith may not file for modification of either the rehabilitative or futuro awards on the grounds that Ms. Smith is receiving support from a third person, so long as she is living with her mother. However, if she lives with any other third person, the presumption might attach.

The second part of the order should comply with the above wording.

It is so ORDERED.

JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Order has been faxed and mailed, postage pre-paid, to:

Cynthia Bohn
Paul Moser
545 Mainstream Drive, Suite 320
Nashville, TN 37228

Clark Shaw
2525-A Lebanon Road
Nashville, TN 37214

Clerk

G:\CIRCUIT2\OPINIONS\2004 Opinions\Smith v. Smith Order to Amend Order of February 12, 2004.wpd

NOTICE OF ENTRY
CERTIFICATE OF SERVICE

DOCKET NO. 02D-2859

Pursuant to Rule 58(3) of the Tennessee Rules of Civil Procedure, I hereby certify that I have mailed a copy of the foregoing Order to the parties/counsel listed below, on this the 27th day of August, 2004.

Cynthia Bohn, Attorney
545 Mainstream Drive, Suite 320
Nashville, TN 37228

Clark Shaw, Attorney
2525 Lebanon Road
Nashville, TN 37214

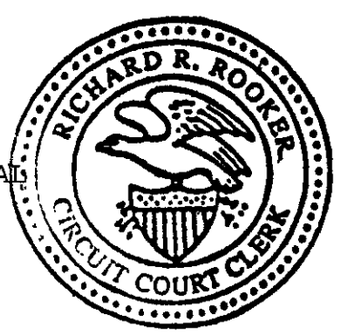
By: _____
Ronnell Griffin, Clerk
Second Circuit Court

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 11 day of OCTOBER , 2004 , in the Case Number 02D2859 between SMITH, STANTON MAURICE Plaintiff, and SMITH, MARILYN JEAN Defendant, as same remains of record in Vol. 5709 , Page 1670677 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 07 day of JANUARY in the year two thousand five and in the 228th year of American Independence.

SEAL



RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk