epo

FILED
CHARLES BACARISSE
District Clerk

JAN 06 2005

Harris County, Texas
By _____ Deputy

P-7
5

No. 2004-27003

IN THE MATTER OF	§	IN THE DISTRICT COURT
THE MARRIAGE OF	§	
EDDIE R. CARTER	§	HARRIS COUNTY, TEXAS
AND	§	
MITZI W. CARTER	§	311TH JUDICIAL DISTRICT

DEFAULT FINAL DECREE OF DIVORCE

VS 165

On January 6, 2005, this case came on for hearing.

Petitioner, **EDDIE R. CARTER,** Texas Driver's License No. 21805185 appeared in person and with his attorney, Delia M. Stephens.

Respondent, **MITZI W. CARTER,** having been duly served citation and notice of the cause on November 23, 2004, at her place of residence by alternative service as per Rule 106, failed to make any appearance, and wholly made default. The returned citation has been on file with the Court since December 1, 2004.

II.

RECORD

The making of record of testimony was taken by Marilee Anderson CD the official Court Reporter.

III.

JURISDICTION AND DOMICILE

The Court finds that the pleadings of Petitioner are in due form and contain all the allegations, information, and prerequisites required by law. The Court, after receiving evidence, finds that it has jurisdiction over this cause of action and the parties and that at least 60 days have elapsed since the date the suit was filed. The court finds Petitioner has been a domiciliary of this State for at least six months and a resident of the County in

Davidson County DEEDDIV
Recvd: 02/01/05 14:07 8 pgs
Fees:42.00 Taxes:0.00
20050201-0011728

Certified Document Number: 9812212 - Page 1 of 7

which this suit is filed for at least a 90-day period preceding the filing of this action. All persons entitled to citation were properly cited.

IV.

JURY

A jury was waived, and all questions of fact and of law were submitted to the Court.

V.

DIVORCE

IT IS ORDERED AND DECREED that **EDDIE R. CARTER**, Petitioner, is granted a divorce from **MITZI W. CARTER**, Respondent, and the marriage between them is dissolved on the grounds of insupportability.

VI.

NO CHILDREN OF THE MARRIAGE

The Court finds that there are no minor children remaining of the marriage and none are expected of the marriage.

VII.

DIVISION OF MARITAL ESTATE

The Court finds that the following is a just and right division of the parties' marital estate, having due regard for the right of each party of the marriage.

IT IS ORDERED AND DECREED that the estate of the parties is divided as follows:

Property to Petitioner

Petitioner is awarded the following property as Petitioner's sole and separate property, and Respondent is hereby divested of all right, title, interest, and claim in and to

Certified Document Number: 9812212 - Page 2 of 7

such property:

1. All furniture, furnishings, fixtures, goods, appliance, tools, household items, and equipment in the possession of or subject to the sole control of petitioner.

2. The 1999 Chevrolet Tahoe, titled in his name, together with all title documents, keys, and insurance policies related thereto.

3. All clothing, jewelry, photographs, art, and other personal effects in the possession of or subject to the control of Petitioner.

4. Any and all investment accounts and sums of cash in the possession of or subject to the sole control of Petitioner, including IRA accounts, 401K accounts, Money Market accounts, savings accounts, checking accounts, annuities, and certificates or deposit on account in banks, or savings institutions.

5. All right, title and interest in and to any and all BP Petroleum savings plans and company pensions, retirement benefits and other employment benefits resulting from Petitioner's past, present, and future employment.

6. Any and all policies of life insurance insuring the life of Petitioner, including all beneficiary interest therein.

DMS Real property

7. [redacted] located at 505 Harold Prewitt Dr., Nashville, Davidson County, Tennessee 37218, better described as:

   Lot 2, West Hamilton Place, Nashville, Davidson County, Tennessee, 053X130X1R, together with all prepayments for taxes and insurance, and all insurance policies related thereto.

Property to Respondent

Respondent is awarded the following as Respondent's sole and separate property, and Petitioner is hereby divested of all right, titled, interest, and claim in such property:

1. All furniture, furnishings, fixtures, goods, appliance, tools, household items, and equipment in the possession of or subject to the sole control of Respondent.

2. All clothing, jewelry, photographs, art, and other personal effects, in the possession of or subject to the control of Respondent.

3. Any and all investment accounts, sums of cash in the possession of or

Certified Document Number: 9812212 - Page 3 of 7

subject to the sole control of Respondent, including IRA accounts, Money Market accounts, savings account, checking account, annuities, and certificates of deposit on account in banks and savings institutions.

4. Any and all policies of life insurance insuring the life of Respondent, including all beneficiary interest therein.

5. The 1999 Dodge Durango currently titled in Respondent's name, together with title documents and keys.

6. All right, title and interest in and to Respondent's Teacher Retirement Accounts and any and all company savings plan and company pensions, retirement benefits, and other employment benefits resulting from Respondent's past, present, and future employment.

DIVISION OF DEBTS
Debts to Petitioner

IT IS ORDERED AND DECREED that Petitioner shall pay, as a part of the division of the estate of the parties, the following debts and obligations and shall indemnify and hold Respondent and Respondent's property harmless from any failure to so discharge these debts and obligations:

1. All credit card debt in Petitioner's name.

Debts to Respondent

IT IS ORDERED AND DECREED that Respondent shall pay, as a part of the division of the estate of the parties, the following debts and obligations and shall indemnify and hold Respondent and Respondent's property harmless from any failure to so discharge these debts and obligations:

1. All credit card debt in Respondent's name.

2. All school loans in Respondent's name.

IT IS ORDERED AND DECREED that the Petitioner and Respondent execute all documents necessary to achieve the distribution of the assets awarded in this decree.

Certified Document Number: 9812212 - Page 4 of 7

ATTORNEY'S FEES

To effect an equitable division of the estate of the parties and as a part of the division, each party is responsible for his/her respective attorney's fees incurred in this matter.

DIVISION OF ASSETS AND LIABILITIES NOT PROVIDED FOR IN DECREE

IT IS FURTHER ORDERED AND DECREED, as a part of the division of the estate, of the parties, that any community property or its value not otherwise awarded by this decree is awarded to the party in possession or control of the property.

IT IS FURTHER ORDERED AND DECREED, as a part of the division of the estate of the parties, that any community liability not expressly assumed by a party under this decree is to be paid by the party incurring the liability.

COURT COSTS

Costs of Court are to be borne by the party by whom such costs were incurred.

CLARIFYING ORDERS

Without affecting the finality of this Decree of Divorce, this Court expressly reserves the right to make orders necessary to clarify and enforce this decree. The parties are ORDERED to execute all instruments required to effect this decree.

RELIEF NOT GRANTED

IT IS ORDERED AND DECREED that all relief requested in this cause and not expressly granted is denied.

Certified Document Number: 9812212 - Page 5 of 7

DATE OF JUDGMENT

This Decree of Divorce **SIGNED AND RENDERED** in open Court at Houston, Harris County, Texas on JAN 06 2005, 2005.

JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

Delia M. Stephens
TBA #19152500
1100 NASA Rd. One, Suite 204
Houston, Texas 77058
Telephone: 281-486-4441
FAX: 281-3332940
Attorney for Petitioner, EDDIE R. CARTER

APPROVED AS TO FORM AND SUBSTANCE:

EDDIE R. CARTER

Certified Document Number: 9812212 - Page 6 of 7

No. 2004-27003

IN THE MATTER OF	§	IN THE DISTRICT COURT
THE MARRIAGE OF	§	
EDDIE R. CARTER	§	HARRIS COUNTY, TEXAS
AND	§	
MITZI W. CARTER	§	311TH JUDICIAL DISTRICT

CERTIFICATE OF LAST KNOWN ADDRESS

I certify that the last known address of MITZI W. CARTER, the respondent in this cause is as follows:

MITZI W. CARTER
505 Harold Prewitt
Nashville, TN 37218

Signed this 6th day of January, 2005.

Delia M. Stephens
DELIA M. STEPHENS

Certified Document Number: 9812212 - Page 7 of 7



I, Charles Bacarisse, District Clerk of Harris County, Texas, certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date
Witness my official hand and seal of office
this January 13, 2005

Certified Document Number: 9812212 Total Pages: 7

CHARLES BACARISSE, DISTRICT CLERK
HARRIS COUNTY, TEXAS

Certified Document Number: 9812212