IN THE CIRCUIT COURT FOR WILSON COUNTY, TENNESSEE
AT LEBANON, TENNESSEE

Davidson County DEEDDIV
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FAITH ELIZABETH QUINN,	)	
	)	
Plaintiff/Counter-Defendant,	)	
	)	
vs.	)	**Civil Action No. 4799 DVC**
	)	
KEVIN PATRICK QUINN,	)	
	)	
Defendant/Counter-Plaintiff.	)	

ORDER FILED

MAR 15 2005

LINDA NEAL
CIRCUIT COURT CLERK
WILSON COUNTY, TN

FINAL DECREE OF DIVORCE

This cause came for trial on January 10, 11, 18, 19, and 25, 2005, before the Honorable Clara Byrd, Judge of the Circuit Court for Wilson County, Tennessee, upon the original Complaint for Divorce filed by the wife, the Husband's Answer and Counter-Complaint, and the wife's Answer to Counter-Complaint. Whereupon, hearing statements and arguments of counsel, testimony of witnesses and the parties, the Court made the following findings and rulings:

ORDER LODGED
DATE 3-2-05
LINDA NEAL
CIRCUIT COURT CLERK
WILSON COUNTY, TN

1. The Court pronounces the parties divorced pursuant to Tenn.Code Ann. § 36-4 129;

2. As to the care and custody of the children, the Court finds that the Wife should be awarded the primary residential custody of the two children based on a number of reasons. First, the Court finds that the mother is a good mother and the father is a good father. But, on a comparative basis, the Court finds it to be in the best interests of the children to award primary residential custody to the mother with the father having 120 days per year of residential custody;

The primary reason the Court found that Mrs. Quinn should be the primary residential parent is due to the testimony about what a great stepmother she was to Jessica Quinn and Kevin A. Quinn, two (2) of Mr. Quinn's children by a prior marriage. Mrs. Quinn has been

very good to these children, taken them to school, and made sacrifices of her time for these two (2) step-children while Mr. Quinn was busy being a very good provider to the family;

Another reason that primary custody has been awarded to the mother is that even the summer after she began to work at the post office, during that time she was working five days a week and getting up at 4:30 in the morning and making sure the kids' lunches were packed and their clothes packed, and getting them off to Aunt Dee Dee's (Diane Dickman) or getting the Husband to get them there. During the three or four hour break Mrs. Quinn got in between her shifts at the post office, she would come home and take the children to swim lessons and then go back to work. The Court desires that Mrs. Quinn continue to do what she's been doing in terms of going to school functions and art classes and whatever she's required to do;

3. After the children complete Holy Rosary this year, and beginning in the 2005-2006 school year, the children will be placed in Wilson County Public schools because the parties can no longer afford Holy Rosary and the Wife expressed a desire to move to Wilson County, Tennessee to be closer to Husband. If Wife does not move to Wilson County, Tennessee, Husband will be allowed to keep the children in the Wilson County schools where they will be able to go to school with their friends in Husband's neighborhood, 617 Parnell Road, Old Hickory, Tennessee 37138. The Husband will be responsible for any tuition owed to Holy Rosary for the 2004-2005 school year. The Court specifically finds that the education offered at Holy Rosary is not any better than the education offered by the Wilson County Public Schools, and that the Wilson County School (Lakeview Elementary) is a very good elementary school.

4. The parties two (2) children, Dylan and Chase Quinn, have a very close bond with their aunt, Mrs. Diane Dickman. Mrs. Dickman has kept these two (2) children since their birth and her routine with these two (2) children should not be disrupted. Mrs. Diane Dickman, Husband's sister, shall continue, as long as she is willing and able, to provide day care for the

minor children, in the event that they need day care. Mrs. Dickman will be paid $125 per week for providing day care for the minor children. The Mother will pay this amount even during the summer when the father has possession of the minor children. This child care has been considered when calculating the father's monthly child support obligation;

5. For the last two (2) years, Husband's business, City Decorating, Inc., has not been very profitable. According to the financial records provided, the Court finds that Husband is capable of earning at least $48,000.00 per year. Although Husband is claiming to make only $31,000.00 per year, he has certain expenses written off by the company that are allowed by the IRS. But in the past, even with the business benefits and the corporation benefits, he had W2s of at least $48,000.00. For purposes of child support, the Court imputes Husband's income to be $48,000.00;

6. Until the conditional bond is lifted in June, 2005, the exchange of the minor children will be conducted at Mrs. Dickman's residence. All other provisions regarding the minor children are attached in the permanent parenting plan. Each party will be responsible for picking the children up at the designated time for visitation;

7. All of the parties' real estate has been appraised by a competent real estate appraiser at the request of this Court. As to the real property, the Court finds that Husband did have significant assets prior to the marriage, and should receive credit for same. Specifically, Husband had a $30,000.00 IRA fund and the property located at 1203 Kermit Drive, Nashville, Tennessee 37217 was paid off at the time of the marriage. The aforementioned Kermit Drive Property is appraised at $58,000.00. In any event, due to various transactions, all the aforementioned pre-marital money and property has been transmuted during the marriage due to the financing. The marital property should not be equally divided because of the Husband's significant assets prior to the marriage. Therefore, in the division of marital property, the Court

sets aside a sum of $50,000.00 to Husband first, and then divides the remaining property, approximately equal. The Court, in determining the equity of the houses, has deducted a 6% real estate fee because if the Court was required to auction these properties, there would be at least a 6% commission. There are five parcels of real estate owned by the parties. Those properties are as follows: 1. house and lot at 617 Parnell Road, Old Hickory, TN 37138 2. house and lot at 7010 Bonnamere Drive, Hermitage, TN 37076 3. house and lot at 3847 Bonnacreek Drive, Hermitage, TN 37076 4. house and lot at 1203 Kermit Drive, Nashville, TN 37217; 5. vacant lot at 14095 Lebanon Road, Hermitage, TN 37076. The Court finds that the total equity (market value less indebtedness less 6% commission) on said properties is $279,500.00;

8. For the aforementioned reasons, the Court finds that the Husband's pre-marital interests in the assets of the parties is $50,000.00, and that, therefore, the Husband should be awarded $50,000.00 of the total of equity of $279,500.00, and that the balance of $229,500.00 in equity shall thereafter be divided equally;

9. The Court specifically finds that the lake house located at 617 Parnell Road, Old Hickory, TN has an equity of $100,400.00, and should be awarded to Husband as set forth below;

10. The Court specifically finds that the property located at 7010 Bonnamere Drive, Hermitage, TN has an equity of $44,360.00, and should be awarded to Wife as set forth below;

11. Wife is hereby awarded the residence at 7010 Bonnamere Drive, Hermitage, Tennessee, more particularly described at Book 11120, Page 119, Davidson County Register's Office, and any interest Husband has in same is divested out of him and vested solely in Wife to be hers absolutely. Wife shall assume and pay any indebtedness, mortgage, or deed of trust associated with said property and shall hold the Husband harmless on the same.

12. The husband is awarded the remaining properties located at: 3847 Bonnacreek Drive, Hermitage, TN 37076, more particularly described at Instrument Number 2001212-0122409, Davidson County Register's Office, 1203 Kermit Drive, Nashville, TN 37217, more particularly described at Book 8350, Page 571, Davidson County Register's Office, 14095 Lebanon Road, Hermitage, TN 37076 more particularly described at Book 462, Page 520, Wilson County Register's Office, 617 Parnell Road, Old Hickory, Tennessee 37138 (the lake house), more particularly described at Book 925, Page 2253, Wilson County Register's Office, because he is good at managing properties. Husband can decide whether he wants to sell any or all of said properties, borrow against any or all of said properties, or whatever else Husband deems financially prudent in regard to said properties. Any and all interest that Wife has in the aforementioned properties is divested out of the Wife and vested solely in the Husband to be his absolutely. Husband shall assume all indebtedness, deeds of trusts, and mortgages associated with said properties, and hold Wife harmless on the same. In order to pay the wife her portion of the remaining equities so that the Wife will receive half of the $229,500.00 in equity as stated above, the Husband shall pay to the wife, in lump sum, the amount of $70,390.00 as her portion of the equity in the marital properties in lieu of her receiving any additional properties beyond the Bonnamere property as set forth above. The husband shall pay $70,390.00 to the wife, in cash, within thirty (30) days from entry of the Final Decree of Divorce;

13. The parties shall execute and/or deliver all necessary deeds, papers, properties, and documents in order to effectuate the terms of this Divorce Decree. It is understood that the Husband may have to sell or refinance some real estate in order to pay the Wife as per this Decree and the Wife shall cooperate in signing all necessary documents, papers, and deeds necessary to accomplish the same;

14. The Husband is hereby awarded the Ford 150 and the Wife is hereby awarded the Suburban automobile. The Husband is to make sure that all repairs are completed on the Suburban at Shelly's Automotive. Each party shall cooperate with the other in making sure that the titles are appropriately transferred so that the Husband will be the sole owner of the Ford 150 and Wife will be the sole owner of the Suburban, and each shall immediately assume all expenses related to their respective automobiles and hold the other party harmless thereto;

15. The Husband is awarded the cemetery plots located at Hermitage Memorial Gardens, and any and all right, title, and interest to said properties is hereby divested out of the the Wife and vested solely in the Husband to be his absolutely. Husband shall assume and pay any indebtness associated with said property;

16. The Wife is hereby awarded the two (2) Titans PSLs, and any and all interest that the Husband has in the same is divested out of the Husband and vested in the Wife to be hers absolutely. Wife shall assume and pay any indebtness or expenses associated with said property, and hold the Husband harmless from same. The Wife shall grant the Husband the first option to buy the PSLs (one or both) in the event she desires to sell the same;

17. The following personal property is divided as follows: **HUSBAND:** riding lawn mower, play gym, clown collection (which Jessica Quinn, Husband's daughter will possess), one filing cabinet, fish tank, big screen television, glass table with 12 captain chairs, pool table, home theater system, king size bed, dresser, computer, printer, office desk, chair, stove, one microwave, toaster, push mower, leaf blower, new grill, vacuum, one-half silverware, ironing board, 2 rocking chairs, 2 Indian head statutes, framed art of New York, framed art of Downtown Nashville, bicycles, child's motorized jeep, 8 round deck chairs, 6 deck chair, fish poker machine, nautical decorations, 2 lifts, scaffolds, 3 spray pumps, ladders, all documents related to City Decorating, Inc., Kevin A. Quinn, and Jessica Quinn, personal property currently in his

possession. **WIFE:** VCR (if located), remotes to television, night stand, DVD/CD changer (if located), one microwave, 2 bar stools, one-half of silverware, Christmas tree with decorations (if located), personal property currently in her possession;

18. The Wife is currently borrowing certain appliances from Wayne Sharp. Those appliances are a washer, dryer, refrigerator, and stove. Mr. Sharp has testified that the Wife can use the same, but, in the event Mr. Sharp is willing to sell the appliances for $600, then the Husband shall pay the same to Wayne Sharp, and the Wife shall have ownership and possession of said items;

19. As to the photos, the parties are to equally divide the family photos and make copies if desired. The Wife does not have to give any pictures to the Husband that she is in. The parties are encouraged not to cut each other out of family photos. In addition, the Wife will provide the Husband with any Dale Earnhardt or other race car driver photographs, if located;

20. Wife's request for alimony is denied. The Court is of the opinion that the Wife will have adequate monies to cover her expenses as indicted in her sworn income and expense statement. Specifically, the child support Wife is to receive, $1145 per month, will cover those expenses that she anticipated in her sworn income/expense statement that she would not be able to pay without an award of alimony. Moreover, The Wife is receiving a house. Finally, Husband is supporting both the children of this marriage and Kevin A. and Jessica Quinn, and the Wife will have numerous benefits once she obtains full-time employment at the U.S. Post Office as she testified at trial;

21. The IRAs established by City Decorating, Inc. shall be equally divided. Each party is to receive one-half of the total proceeds;

22. The expert fees associated with John Massa, William Easley, and all court reporters are to be divided equally by the parties;

23. Each party is responsible for his or her own attorney's fees incurred in this very difficult, complex case. Attorneys John L. Meadows and James L. Curtis are hereby awarded a lien against all real estate and other property their respective clients shall receive in this matter, as set forth above, to secure their attorney's fees and the costs of the expert fees and court reporter expenses;

24. The Court costs are taxed to both parties, equally, for which execution shall issue, if necessary.

All of which is, accordingly,

ORDERED, ADJUDGED AND DECREED

ENTERED THIS 15th DAY OF MARCH, 2005.

Clara Byrd
The Honorable Clara Byrd

I, LINDA NEAL, CLERK, DO HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT ON FILE IN THIS CASE
APR 1 3 2005
Linda Neal / de
LINDA NEAL
CIRCUIT COURT CLERK
WILSON COUNTY, TN

APPROVED FOR ENTRY:

John Meadows
JOHN L. MEADOWS, BPR #19504
Attorney for Defendant/Counter-Plaintiff
LAW OFFICE OF HUGH GREEN
100 Public Square
Lebanon, TN 37087
615/444-5555

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been sent by U.S. Mail, postage pre-paid, to:

The Honorable James L. Curtis
Attorney for Plaintiff
214 Second Avenue North, Ste. 204
Nashville, TN 37201-6101

This the 2nd day of March, 2005.

John Meadows
John L. Meadows