IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

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RICHARD R. ROOKER, CLERK

Davidson County DEEDDIV
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20051115-0138173

LINDA NELL McSHANE,

Plaintiff,

vs.

Doc. 04D-3815

BRUCE HOWELL McSHANE,

Defendant.

NOTICE OF ENTRY REQUESTED

FINAL DECREE

This cause came to be heard on the 31st day of August, 2005, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, for a full and final hearing, upon announcement of the agreement of the parties as announced by counsel for the plaintiff and upon the affirmation of the agreement by the defendant appearing *pro se*, exhibits, and the entire record, from all of which it satisfactorily appears to the Court as follows:

1. That the plaintiff shall be granted a divorce from the defendant upon the grounds of inappropriate marital conduct pursuant to T. C. A. § 36-4-101 (11) and shall be restored to all the rights and privileges of an unmarried person.

2. That the marital residence is appraised for One Hundred Forty Thousand Dollars & 00/100 ($140,000.00), and the indebtedness secured by the same is One Hundred Nine Thousand Dollars & 00/100 ($109,000.00), the Six percent (6%) real estate commission on the sale of the marital residence would be Eight Thousand Four Hundred Dollars & 00/100 ($8,400.00), the credit card debt held by the plaintiff for fixtures added to the marital residence is in the amount of Thirteen Thousand Dollars & 00/100 ($13,000.00). The heating and cooling system in the marital residence is in need of replacement and the estimate for the replacement is Six Thousand Five Hundred Dollars

& 00/100 ($6,500.00), leaving equity in the amount of Three Thousand One Hundred Dollars & 00/100 ($3,100.00)

3. That the plaintiff is awarded all equity in the marital residence located at 2440 Cabin Hill Road, Nashville, Tennessee 37214, which is more particularly described as follows:

Being Lot No. 87 on the Map of Sunset View Subdivision, Section I, Revised of record in Book 2663, page 28, Register's Office for Davidson County, Tennessee.

Said Lot No. 87 fronts 165 feet on the northerly side of Cabin Hill Road and runs back 206 feet on the westerly line and 101.6 feet on the easterly line to a line in the rear which is a broken line, measuring 205 feet thereon.

Being the same property conveyed to Linda J. McShane and husband, Bruce H. McShane, by deed from Ernest M. Tyree and wife, Dorothy Ann Tyree, dated November 15, 2000, of record at 20001128-0116665, Register's Office of Davidson County, Tennessee.

The interest of the defendant is hereby divested from the defendant and re-vested in the plaintiff so that she shall own this property free and clear of any interest or claim of the defendant.

The plaintiff shall be responsible for the payment of the indebtedness secured by the real property, and the plaintiff shall indemnify and hold the defendant harmless from any liability thereon.

4. That the plaintiff shall receive all right, title and interest in the 2003 Nissan Altima which she drives or is in her possession, free and clear of any claim of the defendant, and she shall assume any indebtedness associated with said vehicles and hold the defendant harmless thereon.

5. That the defendant shall receive all right, title and interest in the vehicle which he drives or is in his possession, free and clear of any claim of the plaintiff, and he shall assume any

indebtedness associated with said vehicle and hold the plaintiff harmless thereon.

6. That the plaintiff shall receive all right, title and interest in and to the following:

riding mower, push mower, vacuum, carpet cleaner, wet saw, blower, chipper, gas grill, weedeater, tiller, edger, couch on the second floor of the marital residence, loveseat, queen size bed, dresser, mirror, night stand, twin size bed, couch on the first floor, sander, drill, antique dresser, antique china closet, antique table, personal clothing, jewelry, two (2) living room lamps, 20" round table, camcorder, 35 mm camera, digital camera, 25"' Sony television, VCR, radio, iron and ironing board, luggage, washer and dryer, desk, wood stove, and items in storage unit.

7. That the defendant shall receive all right, title and interest in and to the following:

premarital tools, two (2) end tables, coffee table, queen size bedroom suit in the room he used at the marital residence, personal clothing, desk on the second floor, desk on the first floor, entertainment center, bookcase, red chair, mirror in the dining room, mantle picture in the small bathroom, river scene next to the bed, books, mitre saw, and computer in his bedroom.

8. That the plaintiff shall give the defendant his grandmother's pocket watch if she finds the same in the marital residence.

9. That the plaintiff shall download the genealogy information relative to the defendant and give the defendant a copy of the same.

10. That each party shall be awarded any monetary accounts in their possession.

11. That the plaintiff shall be awarded the 401 (K), in an approximate amount of Eight Thousand One Hundred Eighty-Seven Dollars & 00/100 ($8,187.00) held in her name or on her behalf as well as the Merrill Lynch stock in an approximate amount of Six Hundred Dollars & 00/100 ($600.00).

12. That the plaintiff shall be responsible for the payment of her credit card debts, and any

debt incurred in her sole name, and the utility bills at the marital residence in the parties' joint name or the plaintiff's name, and indemnify and hold the defendant harmless thereon.

13. That the plaintiff shall be responsible for the payment of an indebtedness to the Internal Revenue Service in an approximate amount of Eight Hundred Dollars & 00/100 ($800.00).

14. That the defendant shall be responsible for any debt incurred in his sole name, and indemnify and hold the plaintiff harmless thereon.

15. That the plaintiff shall be responsible for her attorney fees.

16. That the plaintiff shall be responsible for the court costs, if any, incurred in this cause, for which execution may issue.

17. That the defendant shall have two (2) weeks to vacate the marital residence from the date of the hearing.

18. That the plaintiff shall pay for the defendant to stay at an extended stay hotel for two (2) weeks subsequent to the defendant vacating the marital residence.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff ~~shall~~ is hereby ~~be~~ granted a divorce from the defendant upon the grounds of inappropriate marital conduct pursuant to T. C. A. § 36-4-101 (11) and shall be restored to all the rights and privileges of an unmarried person.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff is awarded all equity in the marital residence located at 2440 Cabin Hill Road, Nashville, Tennessee 37214, which is more particularly described as follows:

Being Lot No. 87 on the Map of Sunset View Subdivision, Section I, Revised of record in Book 2663, page 28, Register's Office for Davidson County, Tennessee.

Said Lot No. 87 fronts 165 feet on the northerly side of Cabin Hill Road and

runs back 206 feet on the westerly line and 101.6 feet on the easterly line to a line in the rear which is a broken line, measuring 205 feet thereon.

Being the same property conveyed to Linda J. McShane and husband, Bruce H. McShane, by deed from Ernest M. Tyree and wife, Dorothy Ann Tyree, dated November 15, 2000, of record at 20001128-0116665, Register's Office of Davidson County, Tennessee.

The interest of the defendant is hereby divested from the defendant and re-vested in the plaintiff so that she shall own this property free and clear of any interest or claim of the defendant.

The plaintiff shall be responsible for the payment of the indebtedness secured by the real property, and the plaintiff shall indemnify and hold the defendant harmless from any liability thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff shall receive all right, title and interest in the 2003 Nissan Altima which she drives or is in her possession, free and clear of any claim of the defendant, and she shall assume any indebtedness associated with said vehicles and hold the defendant harmless thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant shall receive all right, title and interest in the vehicle which he drives or is in his possession, free and clear of any claim of the plaintiff, and he shall assume any indebtedness associated with said vehicle and hold the plaintiff harmless thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff shall receive all right, title and interest in and to the following:

riding mower, push mower, vacuum, carpet cleaner, wet saw, blower, chipper, gas grill, weedeater, tiller, edger, couch on the second floor of the marital residence, loveseat, queen size bed,

dresser, mirror, night stand, twin size bed, couch on the first floor, sander, drill, antique dresser, antique china closet, antique table, personal clothing, jewelry, two (2) living room lamps, 20" round table, camcorder, 35 mm camera, digital camera, 25"' Sony television, VCR, radio, iron and ironing board, luggage, washer and dryer, desk, wood stove, and items in storage unit.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant shall receive all right, title and interest in and to the following:

premarital tools, two (2) end tables, coffee table, queen size bedroom suit in the room he used at the marital residence, personal clothing, desk on the second floor, desk on the first floor, entertainment center, bookcase, red chair, mirror in the dining room, mantle picture in the small bathroom, river scene next to the bed, books, mitre saw, and computer in his bedroom.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff shall give the defendant his grandmother's pocket watch if she finds the same in the marital residence.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff shall download the genealogy information relative to the defendant and give the defendant a copy of the same.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party shall be awarded any monetary accounts in their possession.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff shall be awarded the 401 (K), in an approximate amount of Eight Thousand One Hundred Eighty-Seven Dollars & 00/100 ($8,187.00) held in her name or on her behalf as well as the Merrill Lynch stock in an approximate amount of Six Hundred Dollars & 00/100 ($600.00).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff shall be responsible for the payment of her credit card debts, and any debt incurred in her sole name, and the

utility bills at the marital residence in the parties' joint name or the plaintiff's name, and indemnify and hold the defendant harmless thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff shall be responsible for the payment of an indebtedness to the Internal Revenue Service in an approximate amount of Eight Hundred Dollars & 00/100 ($800.00).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant shall be responsible for any debt incurred in his sole name, and indemnify and hold the plaintiff harmless thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff shall be responsible for her attorney fees.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff shall be responsible for the court costs, if any, incurred in this cause, for which execution may issue.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant shall have two (2) weeks to vacate the marital residence from the date of the hearing.

IT IS FINALLY ORDERED, ADJUDGED AND DECREED that the plaintiff shall pay for the defendant to stay at an extended stay hotel for two (2) weeks subsequent to the defendant vacating the marital residence.

ENTER, this 31st day of October, 2005.

MURIEL ROBINSON, JUDGE

APPROVED FOR ENTRY:

JEANAN MILLS STUART
Tenn. Sup. Ct. No. 18911
545 Mainstream Drive, Ste. 320
Nashville, Tennessee 37228
(615) 256-2029

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing motion has been forwarded by First Class, U. S. Mail, with sufficient postage affixed thereto to carry the same to its destination, to Mr. Bruce McShane, 2440 Cabin Hill Road, Nashville, Tennessee 37214 on this the 25th day of October, 2005.

JEANAN MILLS STUART

CERTIFICATE OF SERVICE

DOCKET NO. 04D3815

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 4TH day of NOVEMBER, 2005.

RICHARD R. ROOKER, Circuit Court Clerk

BY: _____
Deputy Clerk

JEANAN MILLS STUART
545 MAINSTREAM DR., SUITE 320
NASHVILLE, TN 37228

BRUCE MCSHANE
2440 CABIN HILL RD.
NASHVILLE, TN 37214

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 31 day of OCTOBER , 2005 , in the Case Number 04D3815 between MCSHANE, LINDA NELL Plaintiff, and MCSHANE, BRUCE HOWELL Defendant, as same remains of record in Vol. 6085 , Page 2095182 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 08 day of NOVEMBER in the year two thousand five and in the 229th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

