IN THE EIGHTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED

MAY 2 2 2006

RICHARD R. ROOKER, Clerk
By _____ Deputy

LORETTA Y. LAURY,	)	
	)	
Plaintiff	)	
v.	)	No. 05D-1393
	)	
VINCENT M. LAURY,	)	
	)	
Defendant	)	

FINAL DECREE OF DIVORCE

This matter came on to be heard on the 28th day of February, 2006 upon the Complaint for Divorce filed by Loretta Y. Laury (Wife), the Answer and Counter-Complaint filed by Vincent M. Laury (Husband) and the Answer thereto filed by Wife, and upon the entire record in the cause, the testimony of the parties and the statements in open court of their respective counsel, the Court affirmatively finds as follows:

1. Husband is found to be a non-credible witness, and Wife is found to be credible.

2. Wife is found to be disabled and not capable of gainful employment.

3. Husband has stipulated, pursuant to T.C.A. §36-4-129, that he is guilty of inappropriate marital conduct that would entitle Wife to a divorce, and Wife is granted an absolute divorce on that ground. The Court also heard evidence to the extent necessary as to Husband's history of physical abuse of Wife, which did not go to the determination of fault as grounds for default, but rather went to the Court's consideration of alimony, under T.C.A. §36-5-121(i)(11).

4. The Order of Protection obtained by Wife against Husband in April 2005 is hereby renewed

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for a period of 12 months from the date of this hearing.

5. Husband admitted that he failed to pay Wife $500.00 as previously ordered by this Court with respect to bills that were outstanding in April 2005, when he left the marital residence, and which have now been paid by Wife. Wife is awarded a judgment in this amount, for which execution may issue if necessary. This amount is alimony that is necessary for Wife's support and maintenance, and is not dischargeable in bankruptcy.

6. Husband admitted that he borrowed approximately $1,800.00 from his 401(k) plan with Nissan during the pendency of this divorce to spend on attorney fees and other items personal to him. Wife is awarded a judgment in this amount, for which execution may issue if necessary.

7. Wife incurred some $1,200 in ambulance and medical bills not covered by insurance as a result of Husband's violence against her. Wife is awarded a judgment in this amount, for which execution may issue if necessary.

8. Husband is awarded the guest bedroom suite, the big-screen television from the basement (if it is still in the marital home) and the DVD player (if it is still in the marital home). Husband is further awarded his clothes and his personal effects still in the marital home. Arrangements for delivery to Husband shall be made through the parties' counsel.

9. Husband has not paid the full amount of pendente lite support as ordered by this Court.

   a. Husband did not pay any of the $3,500.00 per month ordered by the Court on October 18, 2005. This amount was ordered when Husband failed to appear at the pendente lite hearing, although he had been duly noticed. At the subsequent hearing on November 28, 2005, Wife was granted a judgment in the amount of $7,000.00, but

the payment schedule was reserved pending this hearing. Husband's failure to have paid any of this amount gives him unclean hands and does not support this Court's revisiting the $3,500.00 per month that had been deemed necessary for Wife's support and maintenance. Wife testified that she had been reliant on the charity of two churches, family and friends. The judgment previously ordered by the Court in the amount of $7,000.00 is reaffirmed, and execution may issue if necessary. This amount is alimony that is necessary for Wife's support and maintenance, and is not dischargeable in bankruptcy.

b. On November 28, 2005, this Court modified Husband's support obligation so that it was limited to fifty percent of Husband's net take-home pay, and on January 13, 2006, it further modified Husband's support obligation so that it was limited to fifty percent of Husband's net take-home pay plus $35.00 per week based on the amount of the parties' Chapter 13 bankruptcy payments that were going to his prior child support/alimony obligations. All of Husband's payslips over this period were not available to the Court, but it is clear that Husband did not make full payment as ordered. Counsel for the parties are to obtain the relevant details on Husband's pay since January 1, 2006 (the 2005 records already being in hnad), compute Husband's obligation and amount he paid, and determine his remaining obligation. Counsel for the parties may submit an Agreed Order or, alternatively, either may file a Motion to determine the arrears on this pendente lite support. Wife shall be awarded a judgment in this amount, as and when determined, for which execution may issue if necessary. This amount is alimony that is necessary for Wife's support and

maintenance, and is not dischargeable in bankruptcy.

10. During the course of the hearing Husband indicated that he did not want the marital residence and that Wife could have it. Wife is awarded the marital residence at 1056 Blue Mountain Lane, Antioch, Tennessee 37013, free and clear of all claims of Husband. Wife is responsible for all debt secured by the property effective March 1, 2006 and shall hold Husband harmless thereupon. The property is more particularly described as:

> Land in Davidson County, state of Tennessee, described as follows, to-wit:
>
> Being Lot No. 209 on the Plan of Final Plat of Pinnacle Point Subdivision, Phase Five, of record in Book 8250, Page 842, **Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and detailed description.
>
> Being the same property conveyed to Vincent Laury and wife, Loretta Y. Cheairs-Laury, a married couple, by Warranty Deed from W.L. Bainbridge, Inc., of record in Book 11372, Page 876, Register's Office Davidson County.
>
> For source of title reference is made to Book 11151, Page 860, Register's Office for Davidson County, Tennessee.
>
> This Conveyance is subject to any and all existing easements, restrictions, zoning regulations and building setback lines of record.
>
> Subject to Master Deed, Declaration of Covenants, Conditions and Restrictions and By-Laws filed of record in Book 7032, Page 730-777, Register's Office for Davidson County, Tennessee.
>
> **as amended in Book 10890, Page 215.

11. Husband is awarded the Lincoln Continental and Buick. Wife is awarded the Mitsubishi Galant. Each party is responsible for any and all debt secured by their respective vehicle(s) and shall hold the other harmless thereupon.

12. Wife is to seek medical insurance through TennCare immediately, and shall advise Husband

through the parties' counsel of all steps taken to get TennCare coverage. Until such coverage is in place, Husband is to pay for Wife's medical insurance. This is almost certain to have to be through COBRA, as Wife would appear to be uninsurable, and Husband is to act expeditiously in ensuring that there is no lapse in coverage.

13. Wife is to continue to pursue her claim for Social Security Disability Insurance expeditiously, and shall advise Husband through the parties' counsel of all steps taken in this regard, as well as all results of hearings and other adjudications. Until Wife qualifies for SSDI payments, Husband is to pay Wife $300.00 per week in alimony, commencing Friday, March 3, 2006. This alimony is subject to review upon Motion upon an award of SSDI to Wife. Such review may be retrospective to the extent that the SSDI award is retroactive.

14. Wife is restored to her maiden name of Cheairs.

15. Wife is awarded $6,000 towards her attorney fees, for which execution may issue if necessary.

16. Court costs are taxed to Husband.

It is so ORDERED, ADJUDGED and DECREED.

ENTER this 22nd day of May, 2006.

Judge Carol Soloman

Nunc Pro Tunc To March 7, 06

APPROVED FOR ENTRY:

Jeffrey L. Levy, BPR#18770
Bruce Weathers Corley & Lyle, PLLC
315 Deaderick Street, Suite 2075
Nashville, Tennessee 37238-2075
615-244-5432

Certificate of Service

I hereby certify that a true and correct copy of the foregoing has been sent by first class mail, postage prepaid, to Cynthia Bohn, Riverview Building, 545 Mainstream Drive, Suite 320, Nashville, TN 37228 on this the 2nd day of March, 2006.

Jeffrey L. Levy

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 EIGHTH Circuit Court for Davidson County, Tennessee, on the 22 day of MAY , 2006 , in the Case Number 05D1393 between LAURY, LORETTA Y Plaintiff, and LAURY, VINCENT M Defendant, as same remains of record in 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 26 day of MAY in the year two thousand six and in the 229th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

