IN THE EIGHTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

RUSSELL IRVIN FOSTER,

Plaintiff,

vs.

VALERIE NÁSHELLE FOSTER,

Defendant.

Davidson County DEEDDIV
Recvd: 09/25/06 13:24 7 pgs
Fees:37.00 Taxes:0.00
20060925-0118560

2006 AUG 28 PM 3:21

NO. 05D-2387

Notice of Entry Requested

FINAL DECREE OF DIVORCE

This cause came on to be heard on the 8th day of August, 2006, before the Honorable Carol Soloman, Judge, upon the Husband's complaint for absolute divorce and the Wife's Counter-Complaint for Divorce, the Husband's testimony by deposition having been read into the record, the sworn testimony of the Wife in open Court, statement of counsel, and the entire record herein, from all of which the Court finds that the allegations set forth in the Husband's Complaint are unfounded and without merit and that his Complaint should be dismissed, but that the allegations set forth in Wife's Counter-Complaint are sustained by the proof; that is, that

1. the Husband is guilty of such cruel and inhuman treatment or conduct towards the spouse as renders cohabitation unsafe and improper; and

2. the Husband has abandoned the spouse or turned the spouse out of doors for no just cause, and has refused or neglected to provide for the spouse while having the ability to so provide.

The Court further finds that the marital residence has a value of $155,000.00, from which must be deducted the outstanding note and mortgage of $116,000.00 and $25,699.00 of capital improvements and substantial material damage repairs Wife has had to make and pay for, without any assistance from Husband, prior to making an equitable distribution of the equity remaining in the marital residence.

IT IS THEREFORE ORDERED AND ADJUDGED that the Complaint for Divorce filed by the Husband is dismissed.

IT IS FURTHER ORDERED AND ADJUDGED that the Counter-Complainant, Valerie Náshelle Foster, be and is hereby awarded an absolute divorce from the plaintiff, Russell Irvin Foster, and the parties are restored to all of the rights and privileges of unmarried persons.

IT IS FURTHER ORDERED AND ADJUDGED that Wife is awarded a judgment of $5,880.00 against the Husband as arrearages on pendente lite spousal support, together with interest thereon at the rate of twelve percent (12%), beginning August 8, 2006.

IT IS FURTHER ORDERED AND ADJUDGED that as soon as the Husband is no longer incarcerated or is on work release, he shall immediately either pay the spousal support judgment in full, together with the twelve percent (12% percent) interest assessed thereon or he shall begin making substantial payments on the support arrearage judgment, entered above until it is satisfied.

IT IS FURTHER ORDERED AND ADJUDGED that Husband shall pay $366.00 to Wife as rehabilitative alimony for thirty-six (36) months, beginning as soon as he is no longer incarcerated or is on work release and continuing until he has paid thirty-six (36) payments at $366.00 per month, each and every consecutive month, on the first day of the month.

IT IS FURTHER ORDERED AND ADJUDGED that Husband shall pay and continue to pay the following debts: the electric bill in his name and the house alarm bill owed to ADT.

IT IS FURTHER ORDERED AND ADJUDGED that Wife shall pay and continue to pay the Sears bill, the furniture bill and the bills for all repairs that have been done on the marital residence since the parties' separation on June 2, 2005.

IT IS FURTHER ORDERED AND ADJUDGED that Husband shall immediately contact ADT and instruct them to deactivate the alarm system in the marital residence, to immediately cease billing for service at 418 Broadmoor Drive, Nashville, Tennessee, and to bill him personally for any and all charges.

. IT IS FURTHER ORDERED AND ADJUDGED that the 2004 GMC Yukon, VIN Number 1GKEC13V74R133824, which is currently titled in both parties' names as joint owners, shall be vested and titled solely in Wife, and Wife shall be fully responsible for the payment of any indebtedness due on said automobile and shall indemnify and hold Husband harmless on same. Husband shall execute any and all documents necessary to ensure that the title to said automobile is in Wife's name alone.

IT IS FURTHER ORDERED AND ADJUDGED that the 1992 Cadillac, which is currently titled in both parties' names, shall be vested and titled solely in Husband, and Husband shall be fully responsible for the payment of any indebtedness due on said automobile and shall indemnify and hold Wife harmless on same. Wife shall execute any and all documents necessary to ensure that the title to said automobile is in Husband's name alone.

IT IS FURTHER ORDERED AND ADJUDGED that the 1989 Suzuki Motorcycle, which is currently titled in Husband's name, shall be vested and titled solely in Husband, and Husband shall be fully responsible for the payment of any indebtedness due on said automobile and shall indemnify and hold Wife harmless on same. Wife shall execute any and all documents necessary to ensure that the title to said motorcycle is in Husband's name alone.

IT IS FURTHER ORDERED AND ADJUDGED that the house and lot titled in the parties' names shall be vested solely in wife, Valerie Náshelle Foster. Husband is divested of all right, title and interest in said property; and all right, title and interest in said property shall be vested in Wife. Said property is located at 418 Broadmoor Drive, Nashville, Tennessee 37216 which is in Davidson County, Tennessee, and is more specifically described as Parcel ID 061 06 0 001.04 as follows:

Legal Reference 20020226-0024505

Narrative Description: This property contains 0.6 A of land mainly classified as RES with a(n) SINGLE FAM style building, built about 1967, having BRICK/FRAME exterior and ASPHALT roof cover, with 1 unit(s), 6 total room(s), 3 total bedroom(s), 2 total bath(s), 0 total half bath(s), 0 total ¾ bath(s).

Legal Description: S/S BROADMOOR DR. N. of MAPLEWOOD LANE 112X216XIR

This conveyance is subject to any and all existing easements of record.

Wife shall be responsible for satisfying the mortgage note on said property and shall indemnify and take all action necessary to hold Husband harmless from any liability resulting from the failure to pay said note when due.

IT IS FURTHER ORDERED AND ADJUDGED that Husband is awarded $2,528.50 as his share of the equity in the marital residence, which Wife shall pay to him after, and only after, Husband has paid the $5,880.00 arrearage judgment awarded to Wife, and, further, if Husband fails to pay the arrearage judgment of $5,880.00 to Wife by August 8, 2007, Wife's obligation to pay Husband the $2,528.00 share of the equity is extinguished.

IT IS FURTHER ORDERED AND ADJUDGED that the parties' personal property shall be divided as follows:

HUSBAND is awarded the antique dresser and sleigh bed (headboard and footer) in Wife's daughter's room, couch, loveseat, coffee table, two (2) end tables and curio cabinet, the stereo in the bedroom, the camera and the camcorder, half the wedding photos and his separate property photo albums of his children and family, two (2) cups, cologne and one (1) pair of boxer shorts; WIFE is awarded the other china (or curio) cabinet, dinette, bar stools, recliner, half the wedding photos, big screen TV, washer and dryer, and the master bedroom furniture, and as her separate property her motorcycle jacket and helmet that she had to right to sell.

IT IS FURTHER ORDERED AND ADJUDGED that Husband has thirty (30) days, until September 8, 2006, to pick up the personal property awarded to him herein.

IT IS FURTHER ORDERED AND ADJUDGED that Wife shall record the identification numbers on the camera and camcorder and report those numbers to the Metro Police Department prior to conveying the camera and camcorder to Husband.

IT IS FURTHER ORDERED AND ADJUDGED that Wife's Order of Protection shall be and is hereby extended for an additional year, until August 8, 2007.

IT IS FURTHER ORDERED AND ADJUDGED that the Husband is permanently enjoined from making any contact in any manner whatsoever with Wife or molesting, harassing, assaulting, threatening or harming the Wife in any manner whatsoever.

IT IS FURTHER ORDERED AND ADJUDGED that the Wife be and is hereby restored to her maiden name, Tharpe.

IT IS FURTHER ORDERED AND ADJUDGED that the costs of this cause be and are hereby taxed to the Husband, for which execution shall issue if necessary.

ENTERED this 16th day of August, 2006.

CAROL SOLOMAN, JUDGE

PREPARED BY:

JEAN N. CROWE, NO. 11457
LEGAL AID SOCIETY
300 Deaderick Street
Nashville, Tennessee 37201
(615) 244-6610
Attorney for Defendant/Wife

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Final Decree of Divorce was mailed to Robert J. Turner, Attorney for Plaintiff/Husband, 208 Third Avenue North, Suite 100, Nashville, Tennessee 37201 on the 18th day of August, 2006.

JEAN N. CROWE

CERTIFICATE OF SERVICE

DOCKET NO. 05D2387

Pursuant to Rule 58(3) of the Tennessee rules of Civil Procedure, I hereby certify I have mailed a copy of the foregoing Judgment to the parties/counsel listed below, on this 30TH day of AUGUST, 2006.

RICHARD R. ROOKER, Circuit Court Clerk

BY: _____

Deputy Clerk

JEAN N. CROWE, ATTORNEY
LEGAL AID SOCIETY
300 DEADERICK ST.
NASHVILLE, TN 37201

ROBERT J. TURNER, ATTORNEY
208 3RD AVE. NORTH, SUITE 100
NASHVILLE, TN 37201

STATE OF TENNESSEE

I, Richard R. Rooker, Clerk of the Circuit Court for Davidson County, in the State aforesaid, do certify that the foregoing is a true and complete copy of

FINAL ORDER

heretofore entered in the EIGHTH Circuit Court for Davidson County, Tennessee on the 28TH day of AUGUST, 20 06, in Docket Number 05D-2387 between RUSSELL IRVIN FOSTER, Plaintiff, and VALERIE NASHELLE FOSTER, Defendant, which remains of record in said Court.

In Testimony Whereof, I hereunto subscribe my name and affix the seal of said Court, at office, in Nashville, this 14TH day of SEPTEMBER, 20 06.

RICHARD R. ROOKER CIRCUIT COURT CLERK

Richard R. Rooker, Clerk

STATE OF TENNESSEE

I, CAROL SOLOMAN, Judge of the EIGHTH Circuit Court for the County of Davidson, in the State aforesaid, do hereby certify that Richard R. Rooker, whose genuine signature is subscribed to the foregoing certificate, is Clerk of the Circuit Court for said County, duly elected and qualified as such, and that said attestation is in due form of law.

Given under my hand in Nashville, this 14th day of Sept., 20 06.

Judge

STATE OF TENNESSEE

I, Richard R. Rooker, Clerk of the Circuit Court for the County of Davidson, in the State aforesaid, do hereby certify that CAROL SOLOMAN, whose genuine signature is subscribed to the foregoing certificate, is Judge of the EIGHTH Circuit Court for Davidson County, in the State aforesaid, duly elected and qualified as such, and that said attestation is in due form of law.

In Testimony Whereof, I hereunto subscribe my name and affix the seal of said Court, at office in Nashville, this 14TH day of SEPTEMBER, 20 06.

RICHARD R. ROOKER CIRCUIT COURT CLERK

Richard R. Rooker, Clerk