FILED

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

2006 NOV 30 PM 3:04

RICHARD R. ROOKER, CLERK

D.C.

BRENDA MICHELLE COATS-BIVONA, Plaintiff,	§	
SSN: [redacted]8797,	§	
	§	
vs.	§	**DOCKET No: 06D-2028**
	§	
SCOTT STEVEN BIVONA, Defendant,	§	
SSN: [redacted]3002.	§	

Davidson County DEEDDIV
Recvd: 12/21/06 14:28 8 pgs
Fees:42.00 Taxes:0.00
20061221-0157584

FINAL DECREE

This cause came on to be heard on the 21st day of November 2006, before the Honorable Carol Soloman, Judge of the Eighth Circuit Court for Davidson County, Tennessee, upon the Complaint for Divorce, personal service of process upon the Defendant on July 17, 2006, the Default Judgment previously entered, the testimony of the Plaintiff and two witnesses in open Court, and statements of counsel for the Plaintiff, from all of which the Court finds that the Defendant, Scott Steven Bivona, has been guilty of inappropriate marital conduct toward Brenda Michelle Coats-Bivona.

It is, therefore, ORDERED and ADJUDGED that Plaintiff, Brenda Michelle Coats-Bivona, is awarded a divorce on the grounds of inappropriate marital conduct, and the parties are restored to the rights and privileges of unmarried persons.

It is further ORDERED and ADJUDGED that all right, title and interest in the home place of the parties located at 1608 Crosswind Place, Nashville, Davidson County, Tennessee 37211, is divested out of Scott Steven Bivona and vested in Brenda Michelle Coats-Bivona to be hers absolutely and in fee simple, subject to the outstanding mortgage on the property. The property is described as follows, to-wit:

> LAND in DAVIDSON County, Tennessee being Lot. No. 216 on the Plan of Holt Woods Section ten, of record in Book 9700, Page 281 and 282, Register's Office for DAVIDSON County, Tennessee, to which said plan reference is hereby made for a more complete and accurate legal description thereof.
>
> Being the same property conveyed to Michell [sic] C. Bivona and Husband, Scott S. Bivona, by Deed from Emily S. Jones, Married, Instrument No. 20050615-0068175.

It is further ORDERED and ADJUDGED that Wife shall be allowed to claim all deductions for home mortgage interest and property taxes paid by the parties in 2006.

It is further ORDERED and ADJUDGED that Scott Steven Bivona shall sign any and paperwork, if necessary, to complete the transfer of 1608 Crosswind Place, Nashville, Davidson County, Tennessee 37211 to Brenda Michelle Coats-Bivona.

It is further ORDERED and ADJUDGED that Plaintiff, Brenda Michelle Coats-Bivona, is awarded all right, title and interest in the parties' personal property, furnishings and furniture, which are in her possession and/or under her control, free and clear of any claims by Scott Steven Bivona, including, but not limited to, the parties' dog "Peanut."

It is further ORDERED and ADJUDGED that any interest of the parties in the leased Nissan Pathfinder automobile is awarded to Brenda Michelle Coats-Bivona, free and clear of any claims of Scott Steven Bivona. It is further ORDERED and ADJUDGED that the Nissan Maxima currently in the possession of Scott Steven Bivona is awarded to him, free and clear of any claims of Brenda Michelle Coats-Bivona. It is further ORDERED and ADJUDGED that upon entry of the Final Decree, Husband is required to assume responsibility for paying the liability insurance coverage on the Nissan Maxima automobile. It is further ORDERED and ADJUDGED that upon entry of the Final Decree, Wife will pay the indebtedness secured by the Nissan Maxima in an amount not to exceed Two Thousand, Five Hundred, Ninety-Five Dollars and Eighty-Two Cents ($2,595.82). It is further ORDERED and ADJUDGED that Brenda Michelle Coats-Bivona is awarded a judgment against Scott Steven Bivona in the amount of Two Thousand, Five Hundred, Ninety-Five Dollars and Eighty-Two Cents ($2,595.82) for this indebtedness.

It is further ORDERED and ADJUDGED that upon entry of the Final Decree, all right, title, and interest of Husband in and to the Bank of America joint checking account, Bank of America joint savings account, and the AmSouth checking account titled in the name of Wife, shall be divested out of Husband and vested absolutely in Wife, free and clear of any claims of Husband. It is further ORDERED and ADJUDGED that upon entry of the Final Decree, Wife may close said joint bank accounts.

It is further ORDERED and ADJUDGED that all right, title and interest of Scott Steven Bivona in any retirement assets titled in the name of Brenda Michelle Coats-Bivona, including but not limited to Wife's Nissan North America 401(k) account and Ernst and Young retirement account which Brenda Michelle Coats-Bivona has as a result of her current and past employments, is hereby divested out of Scott Steven Bivona and vested solely in Brenda Michelle Coats-Bivona.

It is further ORDERED and ADJUDGED that each party will be responsible for the payment of any and all accounts or charges which are presently listed in his or her name individually, and shall indemnify and hold the other harmless from any liability resulting from their failure to pay such accounts, credit card charges or debts when due. It is further ORDERED and ADJUDGED that most of the individual debt in Wife's name was incurred for marital purposes due to Wife's superior credit rating, Husband's inferior credit rating, and Husband's failure to secure and maintain gainful employment, accordingly, Brenda Michelle Coats-Bivona is awarded a judgment against Scott Steven Bivona in the amount of Ten Thousand Dollars ($10,000.00) to compensate her for the debt she is legally obligated to repay.

It is further ORDERED and ADJUDGED that the parties' only joint debts are those secured by the real property described above, secured by the Nissan Maxima which Husband is receiving as described above, and an account/charge card with American Express. It is further ORDERED and ADJUDGED that Wife will pay the American Express account in

full and close said account upon entry of the Final Decree. It is further ORDERED and ADJUDGED that the American Express debt was incurred for marital purposes, and Brenda Michelle Coats-Bivona is awarded a judgment against Scott Steven Bivona in the amount of Three Thousand, Five Hundred Dollars ($3,500.00) as his share of this debt which Wife will repay.

It is further ORDERED and ADJUDGED that each party is responsible for any debts or charges which they have incurred, either in the name of both parties and/or individually, and which are not addressed elsewhere herein; furthermore, the party incurring the debt is required to indemnify and hold the other party harmless from any such liability.

It is further ORDERED and ADJUDGED that neither party is entitled to receive alimony from the other.

It is further ORDERED and ADJUDGED that upon entry of the Final Decree, Wife shall discontinue Husband from coverage under the group plan available to her at which time Wife will no longer have any responsibility for providing health insurance to Husband, and Husband will be responsible for securing his own health insurance coverage, or purchasing his own coverage through the COBRA provision of Wife's insurance, if he chooses to maintain health insurance coverage.

It is further ORDERED and ADJUDGED that all right, title, and interest of Husband in and to the term life insurance policy insuring the life of Wife, which Wife has through her employment, is hereby divested out of him and vested absolutely in Wife, free of any claim

by Husband. It is further ORDERED and ADJUDGED that Wife may discontinue the term life insurance policy she has in effect on Husband's life through life insurance available through her employer upon entry of the Final Decree.

It is further ORDERED and ADJUDGED that Scott Steven Bivona shall be permanently **ENJOINED AND RESTRAINED** from coming about Brenda Michelle Coats-Bivona, or telephoning her for the purposes of physically abusing, threatening, harassing, cursing, harming, or intimidating her in any manner, whether in person or by telephone, whether at her residence, work place or at any place she might be.

It is further ORDERED and ADJUDGED that Brenda Michelle Coats-Bivona is awarded a judgment against Scott Steven Bivona in the amount of Two Thousand, Five Hundred Dollars ($2,500.00), for her attorney's fees and expenses in this matter, for a total judgment in favor of Brenda Michelle Coats-Bivona against Scott Steven Bivona, as set forth herein, in the total amount of Eighteen Thousand, Five Hundred, Ninety-Two Dollars and Eighty-Five Cents ($18,592.85), for which execution may issue.

It is further ORDERED and ADJUDGED that the cost of this cause are taxed against the Defendant, Scott Steven Bivona, for which execution may issue if necessary.

Entered this 30th day of November 2006.

HONORABLE CAROL SOLOMAN, JUDGE

Approved for Entry:

HOLLINS, WAGSTER, YARBROUGH, WEATHERLY & RAYBIN, P.C.

Jacqueline B. Dixon (#12054)
2200 Financial Center
424 Church Street
Nashville, Tennessee 37219
615/256-6666
615/254-4254-fax
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing document has been sent via U.S. Mail, postage prepaid, to: Scott Steven Bivona, 4313 Harvard Avenue, Metairie, Louisiana 70006

The 28th day of November 2006

Jacqueline B. Dixon

Plaintiff's Address:

B. Michelle Coats-Bivona
1608 Crosswind Place
Nashville, Tennessee 37211

Defendant's Address:

Scott Steven Bivona
4313 Harvard Avenue
Metairie, Louisiana 70006

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 30 day of NOVEMBER , 2006 , in the Case Number 06D2028 between COATS-BIVONA, BRENDA MICHELLE Plaintiff, and BIVONA, SCOTT STEVEN 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 19 day of DECEMBER in the year two thousand six and in the 230th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

