IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
2002 SEP -3 PM 4:31
RICHARD R. ROOKER, CLERK
D.C.

PHILLIP BELL FRAZIER, III, **Plaintiff,** **Social Security No. [redacted]-6575**	)	
vs.	)	**DOCKET NO. 02D 809**
KAREN ANN FRIERSON FRAZIER, **Defendant.** **Social Security No. [redacted]0674**	)	

Davidson County DEEDDIV
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FINAL DECREE

This cause came on to be heard on the 20th day of August 2002 before the Honorable Muriel Robinson, Judge for the Fourth Circuit Court of Davidson County, Tennessee, upon the Complaint for Divorce filed by the Husband Phillip Bell Frazier, III. The Defendant Wife, Karen Ann Frierson Frazier was duly served and noticed and failed to answer or appear and a default judgment was entered on the 22nd day of July 2002.

This Court finds based upon the testimony of the Plaintiff, Phillip Bell Frazier, III, the witnesses, and the record as a whole that the Plaintiff Phillip Bell Frazier, III, shall be and is hereby granted an absolute divorce from the Defendant Karen Ann Frierson Frazier on the grounds of the Defendant's inappropriate marital conduct and Defendant's habitual use of narcotic drugs pursuant to TCA § 36-4-101 (10) and (11). This Court further finds that the Plaintiff shall be granted custody of the four (4) minor children of this marriage and that he has submitted a Permanent Parenting Plan which sets forth all issues relating to the minor children of this marriage. To Wit:

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RICHARD R. ROOKER, CLERK

D.C.

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

PHILLIP BELL FRAZIER, III,	)	
	)	**Case No.**
PLAINTIFF,	)	
	)	**PARENTING PLAN**
v	)	**[x] Proposed (PPP)**
	)	**[ ] Temporary (TPP)**
KAREN ANN FRIERSON,	)	**[ ] Final Order (FPP)**
	)	
DEFENDANT.	)	

PARENTING PLAN

This Parenting Plan is:

[ ] the final parenting plan signed by the court pursuant to a decree of dissolution entered on _____ .

[ ] the final parenting plan signed by the court pursuant to a decree of dissolution entered on _____ which modifies a previous parenting plan or custody decree.

[ ] a temporary parenting plan signed by the court.

[X] proposed by Phillip Bell Frazier, III.

I. GENERAL INFORMATION

This parenting plan applies to the following children:

Name	Birthdate	Social Security No.
Philana Reneé Frazier	07-03-89	[redacted]1478
Kyron Mitchell Frazier	02-06-91	[redacted]3919
Phillip Bell Frazier IV	09-01-95	[redacted]0191
Shirley Anita Frazier	04-25-97	[redacted]0360

II. RESIDENTIAL SCHEDULE

These provisions set forth where the child shall reside each day of the year and what contact the child shall have with each parent.

2.1 PRE-SCHOOL SCHEDULE.

[ ] There are no children of preschool age.

[ ] Prior to enrollment in school, the child shall reside with the [ ] mother [X] father, except for the following days and times when the child will reside with or be with the other parent:

From: _____ to _____
(Day/Time) (Day/Time)

[ ] every week
[ ] every other week
[ ] the first and third week of the month.
[ ] the second and fourth week of the month
[X] other: Due to the instability of the mother's residency and her usage of illegal substances, the mother will visit with the children at the home of the father at times mutually agreed upon by the parties until such time as she has stable housing and is no longer using illegal substances.

and from:_____ to _____
(Day/Time) (Day/Time)

[ ] every week
[ ] every other week
[ ] the first and third week of the month.
[ ] the second and fourth week of the month
[X] other: Due to the instability of the mother's residency and her usage of illegal substances, the mother will visit with the children at the home of the father at times mutually agreed upon by the parties until such time as she has stable housing and is no longer using illegal substances.

2.2 SCHOOL SCHEDULE.

Upon enrollment in school, the child shall reside with the [] mother [X] father, except for the following days and times when the child will reside with or be with the other parent:

From: _____ to:_____
(Day/Time) (Day/Time)

[ ] every week
[ ] every other week
[ ] the first and third week of the month.
[ ] the second and fourth week of the month
[X] other: Due to the instability of the mother's residency and her usage of illegal substances, the mother will visit with the children at the home of the father at times mutually agreed upon by the parties until such time as she has stable housing and is no longer using illegal substances.

[ ] every week during school year
[ ] every other week
[ ] the first and third week of the month.
[ ] the second and fourth week of the month
[X] other: Due to the instability of the mother's residency and her usage of illegal substances, the mother will visit with the children at the home of the father at times mutually agreed upon by the parties until such time as she has stable housing and is no longer using illegal substances.
[ ] The school schedule will start when each child begins:
[ ] kindergarten [ ] first grade [ ]other: _____

2.3 SCHEDULE FOR WINTER/CHRISTMAS VACATION.

The children shall reside with the [ ] mother [X] father during winter vacation, except for the following days and times when the child will reside with or be with the other parent:

2.4 SCHEDULE FOR SPRING VACATION.

The child shall reside with the [ ] mother [X] father during spring vacation, except for the following days and times when the child will reside with or be with the other parent:

2.5 SUMMER SCHEDULE.

Upon completion of the school year, the child(mn) shall reside with the [ ] mother[X] father, except for the following days and times when the child(mn) will reside with or be with the other parent:

[X] Same as school year schedule.
[ ] One week every month
[ ] Two weeks every month

[ ] One month beginning
[ ] ___ weeks during summer, starting
[ ] Other: _____

During the above summer schedule, the other parent shall have time with the child as follows:

2.6 SCHEDULE FOR HOLIDAYS.

The residential schedule for the child for the holidays listed below is as follows:

	With Mother (Specify Year Odd/Even/Every)	With Father (Specify Year Odd/Even/Every)
New Year's Day	Odd	Even
Martin Luther King Day	Even	Odd
Presidents' Day	Odd	Even
Easter	Even	Odd
Memorial Day	Odd	Even
July 4th	Even	Odd
Labor Day	Odd	Even
Veterans' Day	Even	Odd
Thanksgiving Day	Odd, Wed. - Sun.	Even, Wed. - Sun.
Christmas Eve **	NA	NA
Christmas Day **	NA	NA

Visitation shall be at the home of the father until such time as the mother has stable housing and is no longer using illegal substances.

** **See above under Christmas holiday schedule**

[ ] For purposes of this parenting plan, a holiday shall begin and end as follows (set forth times):
Week-end 6:00 p.m. day prior to 6:00 p.m. day ending
[ ] Holidays which fall on a Friday or a Monday shall include Saturday and Sunday.
[ ] Other:

2.7 SCHEDULE FOR SPECIAL OCCASIONS.

The residential schedule for the child for the following special occasions (i.e., birthdays) is as follows:

	With Mother (Specify Year Odd/Even/Every)	With Father (Specify Year Odd/Even/Every)
Mother's Day	Every	
Father's Day		Every
Mother's Birthday	Every	
Father's Birthday		Every
Child's Birthday	Alternate	

[X] Other: Visitation shall be at the home of the father until such time as the mother has stable housing and is no longer using illegal substances.

2.8 PRIORITIES UNDER THE RESIDENTIAL SCHEDULE.

[X] Does not apply.

[ ] For purposes of this parenting plan the following days shall have priority over the residential schedule.

2.9 RESTRICTIONS.

[X] Does not apply.

[ ] The [ ] father's [ ] mother's residential time with the children shall be limited because:

- [ ] Physical, sexual or a pattern of emotional abuse of a child.
- [ ] A history of acts of domestic violence or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.
- [ ] Neglect or substantial nonperformance of parenting functions.
- [ ] A long-term emotional or physical impairment which interferes with the performance of parenting functions as defined in TCA 36-6-102.
- [ ] The absence or substantial impairment of emotional ties between the parent and child.
- [ ] The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development.
- [ ] A parent has withheld from the other parent access to the child for a protracted period without good cause.

The following restrictions shall apply when the children spend time with this parent: [ ] father's [ ] mother's residential time with the children.

2.10 TRANSPORTATION ARRANGEMENTS.

Transportation arrangements for the child, other than costs, between parents shall be as follows:

2.11 DESIGNATION OF CUSTODIAN.

The children named in this parenting plan are scheduled to reside the majority of the time with the [ ] mother [X] father. This parent is designated the custodian of the child solely for purposes of all other state and federal statutes which require a designation or determination of custody. This designation shall not affect either parent's rights and responsibilities under this parenting plan.

2.12 OTHER:

III. CHILD SUPPORT

3.1 FINANCIAL SUPPORT.

[ ] The [ ]-mother [ ] father will pay child support, in accordance with the Tennessee Child Support Guidelines, in the amount of $ per week, beginning

This amount shall not be prorated unless otherwise specified.

[ ] A wage assignment shall issue (by separate order to be presented by counsel) to the employer of , for the ongoing child support.

[ ] Other provisions for financial support:

[X] The parties affirmatively acknowledge that no action by ~~either or both~~ of them will be ~~effective~~ to reduce child support ~~after the due~~ date of each payment. The parties further understand ~~that Court approval must be obtained~~ before child support can be ~~reduced or modified~~, unless such payments are automatically reduced or terminated under the terms of this parenting plan. MR

The father is not requesting child support from the mother. at this time however child support will be set upon application to the Court by either party. MR

3.2 TAX DEDUCTION.

[X] The [ ] mother [X] father will receive the tax deduction for the child. Each party shall provide to the other, by or before April 15 of every year, a copy of their respective W-2 form or a copy of the first page of their tax return.

[ ] Other provisions regarding tax deduction:

3.3 HEALTH INSURANCE.

[X] The [ ] mother [X] father will maintain medical/hospital insurance on the minor child and he/she shall provide proof of continuing coverage by February 15th of each year.

[X] Uncovered medicals, including deductibles, if any, will be
[X] borne by the father
[ ] divided equally by the parties
[ ]

3.4 LIFE INSURANCE.

[X] The [ ] mother [X] father shall insure his/her own life in the minimum amount of $_____, whole or term, which may not decrease in face amount during the minority of any child. The policy shall name the minor children as primary beneficiaries of the coverage required by the Court.

The choice of the secondary beneficiary(ies) is up to the policy owner(s).

[ ] Other provisions regarding life insurance:

3.5 DENTAL/ORTHODONTIC CARE/VISION CARE

[ ] The [ ] mother [X] father will maintain dental/orthodontics/vision care on the minor child. Uncovered dental/orthodontic expenses will be borne by [ ] mother [X] father [ ] divided equally by the parties.

[ ] Other provisions for dental/orthodontic/vision care:

IV. DECISION MAKING

4.1 DAY TO DAY DECISIONS

Each parent shall make decisions regarding the day-to-day care and control of each child while the child is residing with that parent. Regardless of the allocation of decision making in this parenting plan, either parent may make emergency decisions affecting the health or safety of the children.

4.2 MAJOR DECISIONS.

Major decisions regarding each child shall be made as follows:

Education decisions	[ ] mother	[ ] father	[X] joint
Non-emergency health care	[ ] mother	[X] father	[ ] joint
Religious upbringing	[ ] mother	[ ] father	[X] joint

4.3 RESTRICTIONS IN DECISION MAKING.

[X] Does not apply.

[ ] Sole decision making shall be ordered to the [ ] mother [ ] father for the following reasons:

[ ] A limitation on the other parent's decision-making authority is mandated by TCA 36-6-412.

[ ] Both parents are opposed to mutual decision making.

[ ] One parent is opposed to mutual decision making, and such opposition is reasonably based on the following criteria:

[ ] The existence or a limitation under TCA 36-6-412;

[ ] The history of participation of each parent in decision making in each of the areas in TCA 36-6-411;

[ ] Whether the parents have demonstrated ability and desire to cooperate with one another in decision making in each of the areas in TCA 36-6-411; and

[ ] The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

V. DISPUTE RESOLUTION

[ ] Disputes between the parties, other than the child support disputes, shall be submitted to:

[ ] Counseling by_____, or

[X] Mediation by Agreement or Court appointment with right to apply to Court if necessary, or

[ ] Arbitration by _____.

The cost of this process shall be allocated between the parties as follows:

[X] 50% mother 50% father.

[ ] based on each party's proportional share of income from the child support guidelines.

[ ] as determined in the dispute resolution process, or by Court

The counseling, mediation or arbitration process shall be commenced by notifying the other party by [X] written request [ ] certified mail [ ] other:

In the dispute resolution process:

(a) Preference shall be given to carrying out this Parenting Plan.

(b) Unless an emergency exists, the parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support.

(c) A written record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party.

(d) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the other parent.

(e) The parties have the right of review from the dispute resolution process to the court.

[ ] No dispute resolution process, except court, action, shall be ordered, because [ ] a limiting factor under TCA 36-6-108 applies or [ ] one parent is unable to afford the cost of the proposed dispute resolution process.

VI. STANDARD PARENTING RIGHTS

Pursuant to *Tennessee Code Annotated*, §36-6-101 (a) both parents are entitled to the following rights:

1. unimpeded telephone conversations with the child at least twice each week at reasonable times and for a reasonable duration;

2. sending mail to the child which the custodial parent will not open and will not censor;

3. receiving notice and relevant information as soon as practical (but not more than 24 hours) in the event of hospitalization, major illness, or death of the child;

4. receiving, directly from the school, copies of the child's report cards, attendance records, teacher's names, class schedules, standardized test scores, and other records which are customarily made available to parents. A written, request must be made to the school with a current mailing address and payment must be made for the reasonable cost of duplicating and mailing these records;

5. Receiving, directly from the child's physician and other health care providers, copies of the child's medical records. A written request must be made to the health care provider with a current mailing address and payment must be made for the reasonable cost of duplicating and mailing these records;

6. to be free of derogatory remarks made about the noncustodial parent and his or her family by the custodial parent to the child or in the child's presence.

Either parent may petition for a return to court, paying appropriate fees for mediation on any further parenting issues.

VII. OTHER PROVISIONS

[X] There are no other provisions.

[ ] There are the following other provisions: Either parent shall have the right to apply to the Court for relief in the event mediation is unsuccessful.

VIII. DECLARATION FOR PROPOSED PARENTING PLAN

[ ] Does not apply.

[X] (Only sign if this is a proposed parenting plan.) I declare under penalty o£perjury under the laws of the State of Tennessee that this plan has been proposed in good faith and that the statements in Part II of this Plan are true and correct.

Mother — Date and Place of Signature

Phillip Bill[illegible] III — 06.07.02 Nashville, TN

Father — Date and Place of Signature

IX. ORDER BY THE COURT

It is **ORDERED, ADJUDGED AND DECREED** that the **Parenting Plan** set forth above is adopted and approved as an order of this court.

WARNING: Violation of residential provisions oft his order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under TCA 39-13306. Violation of this order may subject a violator to arrest.

When mutual decision making is designated but cannot be achieved, the parties shall make a good faith effort to resolve the issue through the dispute resolution process.

If a parent fails to comply with a provision of this plan, the other parent's obligations under this plan are not affected.

Dated: 6-20-12 _____
JUDGE

Presented by:

_____
Signature

LINDA M. ANDERSON
Print or Type Name

_____
Signature

_____
Print or Type Name

Mediation Services provided by:

(Name) _____

(Address) _____

_____

(Phone) _____

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED as follows:

1. The Husband, Phillip Bell Frazier, III shall be and is hereby granted an absolute divorce from the Wife on the grounds of inappropriate marital conduct and her habitual use of narcotic drugs pursuant to TCA § 36-4-101 (10) and (11) and is restored to all the rights and privileges of an unmarried person.

2. The original Complaint for Divorce is amended to reflect that the Wife is unemployed.

3. The attached Permanent Parenting Plan submitted by the Husband setting forth the provisions for the care and control of the minor children: Philana Reneé Frazier; Kyron Mitchell Frazier; Phillip Bell Frazier IV; and Shirley Anita Frazier, shall be approved and made an Order of this Court with the modification that the child support is reserved pending the Husband making application to the Court to set the support.

4. The Husband is awarded the marital home free and clear of any claim of the Wife and any right, title, and interest Wife may have in the marital home is vested out of Wife and vested solely in the Husband. The marital property being located at 1209 Greenfield Avenue, Nashville, TN 37216 and described as follows:

> Being the westerly ½ of Lot No. 115 on the Map of Inglewood Place, as of record in Book 332, Page 101, Register's Office for Davidson County, Tennessee.
>
> Said part of said lot fronts 50 feet on the northerly side of Greenfield Avenue and extends back between parallel lines, 205 feet to a dead line.
>
> Being the same property conveyed to Mrs. W. L. Winfrey, a widow, by deed from Leslie B. Borum and husband, John I. Borum, of record in Book 4098, Page 939, Register's Office for Davidson County, Tennessee.
>
> The said Mrs. W. L. Winfrey has since died, leaving as her only heir-at-law Rena K. Scott. James T. Hiatt, Administrator of the Estate of Ruby K. Winfrey, joins in this deed.
>
> Being the same property conveyed to Phillip B. Frazier, III and wife, Karen Frazier of record in Book 8648, Page 383, Register's Office for Davidson County, Tennessee.

5. The Husband is awarded the household contents and any other personal property in his possession free and clear of any claim of Wife with any right, title and interest Wife may have being vested out of the Wife and solely in the Husband.

6. The court costs in this cause are assessed to the Wife.

ENTER this the 31st day of September 2002.

JUDGE MURIEL ROBINSON

APPROVED FOR ENTRY:

LINDA M. ANDERSON, #18105
Attorney for Plaintiff
209 10th Ave. S.
Suite 511, Cummins Station
Nashville, TN 37203
(615) 244-2445

CERTIFICATE OF SERVICE

I certify that I have sent the foregoing Final Decree by U. S. Mail to Karen Ann Frierson Frazier, 1209 Greenfield Ave., Nashville, TN 37216 on this the 23rd day of August 2002.

LINDA M. ANDERSON

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 03 day of SEPTEMBER , 2002 , in the Case Number 02D809 between FRAZIER, PHILLLIP BELL III Plaintiff, and FRAZIER, KAREN ANN FRIERSON 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 24 day of APRIL in the year two thousand eight and in the 231st year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

