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

FILED
2008 JUN 19 PM 3:07
RICHARD R. ROOKER, CLERK
D.C.

JOHN STEVEN DAVIDSON, JR.,	]	
	]	
Plaintiff/Husband,	]	
	]	
VS.	]	**NO:** 07D-1418
	]	
MARY MOLTENI DAVIDSON,	]	
	]	
Defendant/Wife.	]	

FINAL JUDGMENT OF DIVORCE

This cause came on for trial on the 29th day of April 2008, before the Honorable Carol L. Soloman, Judge of the Eighth Circuit Court for Davidson County, Tennessee, upon the Plaintiff/Husband's Complaint for Divorce, the Defendant/Wife's Counter-Complaint for Divorce, and the respective responses thereto. All necessary persons were properly before the Court. Based upon the testimony of the parties, their witnesses, the evidence presented, the arguments of respective counsel, and the record as a whole, the Court finds as follows:

1. The Court finds that both parties have engaged in an inappropriate course of conduct over many months that has rendered continued cohabitation as Husband and Wife unacceptable. Both parties caused the demise of their marriage; the Wife's hostility and anger and the Husband's passivity. This marriage lasted too long. Therefore, pursuant to Tenn. Code Ann. § 36-4-129(b), the Court declares the parties divorced.

2. With regard to the parties' two minor children, the Court makes the findings of fact pursuant to Tenn. Code Ann. § 36-6-106:

a. It is in the best interest of the parties' two minor children for the Husband to be designated the Primary Residential Parent. The proof showed that the Wife was adamant in trying to get the children to dislike their Husband. Wife insisted on calling the Husband an adulterer in front of the children and wrote it on the children's Christmas presents to Husband.

b. Husband's love, affection, and emotional ties to the children were stronger and much healthier than the Wife's ties.

c. Both parties have provided well for the children.

d. Pursuant to Tenn. Code Ann. § 36-6-106 § 5, this Court has read and considered the psychological examination conducted by Ray

Davidson County DEEDDIV
Recvd: 07/09/08 12:03 18 pgs
Fees:92.00 Taxes:0.00
20080709-0070537

Potts, Ed.D. The Court is most concerned about the mental illness of Wife and how it affects the children. The Court heard an audio recording taken during one of the parenting time exchanges where the Wife was torturing the minor son by screaming epithets at the Husband, all the while the son was crying "Stop Mom, Stop. You do this every time".

e. Pursuant to Tenn. Code Ann. § 36-6-106 § 8, the Court finds strong evidence of emotional abuse by the Wife toward the children. The Wife is not able to control her anger when it concerns the Husband.

f. The Court found § 10 of Tenn. Code Ann. § 36-6-106 most important when considering custody. The Court has had to previously incarcerate the Wife for eight (8) days and suspend the remainder of an eighty (80) day sentence for the Wife's interference with phone calls and visits with the Husband and for outrageous statements screamed at the Husband in front of the children; all to their detriment. The Wife does not have the ability to facilitate and encourage a close and continuing parent-child relationship between the Husband and the children. The Husband, on the other hand, has worked very hard to foster a good relationship between the Wife and the children.

g. This Court finds that it is not a close call. It is in the best interest of the children to designate the Husband as the Primary Residential Parent. The Wife will have parenting time three (3) days a week only if conflict is not present between the Wife and the Husband and only if the Wife can control her behavior with the Husband. The Wife shall continue to receive mental health treatment for these issues. The Husband shall discuss with the Wife all issues concerning the children and shall take into consideration her wishes, however, he shall have the sole decision-making authority in all areas.

h. Possession of the children at this time shall be four (4) days with the Husband and three (3) days with the Wife. This custody arrangement is only temporary. The Court had considered giving the Husband five (5) days per week and the Wife two (2) days per week but the Court wants to see progress made by the Wife. This is a temporary order on custody because the Court is going to continue to monitor the Wife's progress. If this custody arrangement does not work, then the Court shall change the arrangement to the Husband having the children five (5) days per week and the Wife having only two (2) days per week. If there is any conflict, or any acting out on the part of the Wife, or if the children mention any aspect of this divorce, or if they know any of the details of this divorce, or if the Wife puts anymore heartbreak on these children, the Court will consider more extreme measures. The Court will not tolerate any misconduct at all from the Wife. This Court feels that it has not protected the children from the trauma the Wife has imposed upon them. The Court will not allow that to happen again. The Court strongly

considered restricting the Wife's time with her children. The Court expects a concerted effort on the Wife's part to take care of her personality disorders that cause her to act the way she does.

i. The Wife shall have a child support obligation to the Husband. It is addressed in the Parenting Plan attached hereto.

j. The Husband shall insure that the parties' oldest child receives mental health counseling.

k. The Court wants the parties to make the Wife's treating psychiatrist / psychologist aware that he/she shall be free to contact the Court if he/she feels that the Wife's behavior is putting the children at risk. The Court wants him/her to notify the Court of such circumstance immediately. Such notification shall be filed with the Court and placed under seal.

3. The marital residence of the parties is known as **504 Wanda Drive, Nashville, Tennessee 37210.** It has a value of $126,500.00. There is a mortgage on this residence. In May of 2007, the Wife refinanced this residence and used these marital funds to pay off, among other items, her 2006 Toyota Tacoma. Wife's 2006 Toyota Tacoma has a value of $14,000.00. Each party owns a one-half undivided interest in this marital residence. The Wife shall have possession of this residence and shall be solely responsible for the payment of the mortgage, utilities, taxes, insurance, maintenance, and all other expenses that may be necessary for the upkeep of this residence. The Wife shall indemnify and hold the Husband harmless on these expenses. Within ninety (90) days from the entry of this Decree, the Wife shall re-finance the residence into her name only thereby divesting the Husband from any right, title and interest therein. Upon said refinancing, the Wife shall pay the Husband 1) the sum of Seven Thousand Dollars, ($7,000.00), which is one-half of the value of the Wife's 2006 Toyota Tacoma, and 2) his share of equity which is one-half of the difference between $126,500.00 and the payoff on the current mortgage. This residence is particularly described as follows:

Being Lot No. 154 on the plan of Elm Hill Acres, Section No. II of record in Plat Book 2331, pages 67 and 68, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete description.

Being the same property conveyed to Mary D. Molteni-Davidson, married, on 12-30-1993, by quitclaim deed from Mary D. Molteni n/k/a Mary Molteni-Davidson, of record at 20070525-0062758, in Register's Office for Davidson County, Tennessee.

This is the same description as in previous deed of record.

This is improved property known as 504 Wanda Drive, Nashville, Tennessee 37210.

The Court understands that the Wife owned this realty prior to the marriage. However, there was no proof presented as to how much equity was in the realty at the time of the marriage or what the debt was on the realty. Further, the parties had refinanced this realty three times since the date of the marriage.

4. In June of 1998, Husband's elderly mother purchased an improved parcel of realty known as 339 Deer Lake Drive, Nashville, TN 37221. Husband's mother had used her own funds to purchase this realty but she put this realty into the Husband's (her son's) name to avoid possible claims against her recently deceased spouse. There were no marital assets used to purchase this realty or maintain this realty. There was never any gift of this realty by the Husband's mother to the marital estate. Neither party has ever resided at this realty. This realty has no encumbrances. In July of 2007, the Husband's mother passed away. She left no Will. Tenn. Code Ann. § 36-4-121(c)(5) requires this Court to consider "the contribution of each party to the acquisition, preservation, appreciation, depreciation or dissipation of the marital or separate property." Based on these facts and authorities, this realty is classified as the Husband's separate property. This realty is particularly described as follows:

> Unit No. 339 in Deer Lake Retirement Community, a horizontal property regime, as shown on the Plat of Deer Lake Retirement Community recorded in Book 5050, Pages 28 and 29, and as amended in Book 5050, Pages 62 and 63, and in Book 5242, Page 872, Register's Office for Davidson County, Tennessee, and described in a Master Deed recorded in Book 5097, Pages 529 through 539 and in Bylaws of Deer Lake Retirement Association, Inc., of record in Book 7556, Page 354 in the Register's Office of Davidson County, Tennessee, to which reference is hereby made. The easements, restrictive covenants, conditions and regulations imposed upon and relating to the property, apartment owners and tenants of Deer Lake Retirement Community contained in the aforesaid Master Deed and Bylaws are incorporated in this deed by reference and made a part hereof the same as though copied herein verbatim.
>
> SUBJECT TO all of the covenants, terms, provisions and conditions set forth in the aforesaid documents including but not limited to the obligation to pay monthly assessments for the maintenance and operation of Deer Lake Retirement Community in accordance with the Master Deed and Bylaws; and
>
> SUBJECT TO restrictions on the right to transfer ownership of the above described apartment unit or to lease said unit as set out in the Master Deed and Bylaws.
>
> Being the same property conveyed to J. Steven Davidson (a/k/a John Steven Davidson, Jr.) by warranty deed from Deer Lake Retirement

Association, Inc., a Tennessee nonprofit corporation, of record in Book 10974, Page 332, Register's Office for Davidson County, Tennessee.

This is the same description as in previous deed of record.

This is improved property known as 339 Deer Lake Drive, Nashville, TN 37221.

5. The Husband shall be awarded all right, title and interest in and to all personalty and home furnishings that are presently in his possession and that were taken by him at the time of the parties' separation on 10/15/2005. The Wife shall be divested of all right, title and interest in and to this personalty and home furnishings and the same shall be reinvested in the Husband which shall become his sole and separate property, free and clear of any claims by the Wife. The only exception is if the Husband has any personalty or home furnishings that belonged to the Wife's mother, then he shall return those items to the Wife.

6. The Wife shall be awarded all right, title and interest in and to all personalty and home furnishings that are presently in her possession and that were not taken by the Husband at the time of the parties' separation on 10/15/2005. The Husband shall be divested of all right, title and interest in and to this personalty and home furnishings and the same shall be reinvested in the Wife which shall become her sole and separate property, free and clear of any claims by the Husband. The only exception is if the Wife has any personalty or home furnishings that belonged to the Husband's mother, then she shall return those items to the Husband.

7. The Husband shall be awarded all right, title and interest in and to the 1998 Ford F-150, VIN 1FTEX07L5WKA00350. The Wife shall be divested of all right, title and interest in and to said vehicle and the same shall be reinvested in the Husband which shall become his sole and separate property, free and clear of any claims by the Wife.

8. The Wife shall be awarded all right, title and interest in and to the 1994 Jeep Wrangler, VIN 1J4FY29S1RP438916. This particular vehicle was a gift to the Wife during the marriage. The Husband shall be divested of all right, title and interest in and to said vehicle and the same shall be reinvested in the Wife which shall become her sole and separate property, free and clear of any claims by the Husband.

9. The Wife shall be awarded all right, title and interest in and to the 2006 Toyota Tacoma, VIN 5TEJU62NX6Z250391. The Husband shall be divested of all right, title and interest in and to said vehicle and the same shall be reinvested in the Wife which shall become her sole and separate property, free and clear of any claims by the Husband

10. The Wife shall be awarded all right, title and interest in and to the parties' Camper. The Husband shall be divested of all right, title and interest in and to this Camper and the same shall be reinvested in the Wife which shall become her sole and separate property, free and clear of any claims by the Husband.

11. The Husband shall be awarded all right, title and interest in and to the parties' two Tennessee Titans' PSLs (Personal Seat Licenses) located at Section 203, Row C, Seats 3 and 4. The Wife shall be divested of all right, title and interest in and to these PSLs and the same shall be reinvested in the Husband which shall become his sole and separate property, free and clear of any claims by the Wife.

12. The Husband is entitled to health insurance coverage under COBRA through the Wife's present employer, Vanderbilt University Medical Center. Husband shall apply for this coverage and the Wife shall fully cooperate with the same. As transitional spousal support, the Wife shall pay one-half the cost of the Husband's coverage under COBRA for the first six (6) months of coverage. This period of time will give the Husband time to obtain his own health insurance. If, however, the Husband does not obtain his own health insurance coverage, then he may continue under COBRA for however long it lasts at his own expense.

13. The Husband shall be awarded all right, title and interest in and to any retirement accounts, pension fund accounts, and 401K accounts that are titled in his name only through any of his employers, present and past. The Wife shall be divested of all right, title and interest in and to these accounts and the same shall be reinvested in the Husband which shall become his sole and separate property, free and clear of any claims by the Wife. Further, the Wife shall be awarded all right, title and interest in and to any retirement accounts, pension fund accounts, and 401K accounts that are titled in her name only through any of her employers, present and past. The Husband shall be divested of all right, title and interest in and to these accounts and the same shall be reinvested in the Wife which shall become her sole and separate property, free and clear of any claims by the Husband. The Court finds that the value of these respective accounts is about the same.

14. The parties' have been separated since October 15, 2005. Husband shall be responsible for all indebtedness incurred by him since the date of the parties' separation and shall hold the Wife harmless on the same. Wife shall be responsible for all indebtedness incurred by her since the date of the parties' separation and shall hold the Husband harmless on the same.

15. The Husband shall be awarded all right, title and ownership in and to the life insurance policy that the Wife has maintained on the Husband's life. This policy has no cash value. The Husband shall hereinafter maintain this policy, shall make all payments on this policy in a timely manner, and shall make the parties' two children as the direct beneficiaries thereon.

16. The division described herein of the parties' marital property is equitable and consistent with the factors enumerated in Tenn. Code Ann. § 36-4-121(c).

17. The Plaintiff/Husband was an exceptionally honest witness during the trial. This Court rarely has people on the stand that tell the truth to their detriment. The Court appreciates the Husband's candidness. The Court also finds it admirable that the

Husband has never once come into this Court and asked not to pay child support on the parties' oldest child. He must love her very much.

18. As spousal support, the Husband is awarded a judgment against the Wife for $1,000.00 in attorney's fees. Execution on this judgment shall issue, if necessary.

19. Each party shall willingly and timely execute and deliver to the other party any and all instruments necessary or required to effectuate the terms of this Final Judgment of Divorce and the transfer of property as awarded herein.

20. It appears to the Court that the current residence address of the Husband is 8137 Stewarts Ferry Parkway, Nashville, TN 37214-4817, and the current residence address of the Wife is 504 Wanda Drive, Nashville, TN 37210.

21. The Parenting Plan attached hereto is approved for entry and incorporated into this Final Decree of Divorce.

22. Any reports or records from the Wife's mental health providers or the children's mental health providers shall be placed under seal by the Clerk of this Court.

23. All costs of Court and litigation taxes associated with this proceeding shall be split equally between the parties for which execution may issue, if necessary.

ENTERED this 19th day of June 2008.

HON. CAROL L. SOLOMAN, JUDGE

APPROVED FOR ENTRY:

LAURA TEK, #16523
Rivergate Park Office Building
1994 N. Gallatin Road, Suite 205
Madison, Tennessee 37115
615/851-2100
Counsel for Husband

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Final Judgment of Divorce was sent by U.S. Mail, postage prepaid, to George T. Davis, Esq., Counsel for Wife, 6307 Ramsgate Court Brentwood, TN 37027, on this the 12th day of June 2008.

LAURA TEK

STATE OF TENNESEE	EIGHTH CIRCUIT COURT (must be completed)	DAVIDSON COUNTY (must be completed) FILED
		2008 JUN 19 PM 3:08
PERMANENT PARENTING PLAN ORDER ____ PROPOSED ___ AGREED _X_ ORDERED BY THE COURT		RICHARD R. ROOKER FILE NO. 07D-1418 DIVISION

PLAINTIFF JOHN STEVEN DAVIDSON, JR.	DEFENDANT MARY MOLTENI DAVIDSON
_____ Mother ___X___ Father	___X___ Mother ____ Father

The Mother and Father will behave with each other and each child so as to provide a loving, stable, consistent and nurturing relationship with the child even though they are no longer together. They will not speak badly of each other or the members of the family of the other parent. They will encourage each child to continue to love the other parent and be comfortable in both families.

This plan
[ ] proposed by [ ] Mother [ ] Father
[X] is a new plan.
[ ] modifies an existing Parenting Plan entered_____.
[ ] modifies an existing Order dated _____.

Child's Name	Date of Birth	Social Security Number
Mary Caitlin Molteni-Davidson	05-08-1993	413-73-6993
Logan Alexander Davidson	04-04-2002	410-93-9074

I. RESIDENTIAL PARENTING SCHEDULE

A. RESIDENTIAL TIME WITH EACH PARENT

The Primary Residential Parent is **the Father**.

Under the above schedule each parent will spend the following number of days with the children:

Mother **156** days Father **209** days

B. DAY-TO-DAY SCHEDULE

The [ ] Mother [X] Father shall have responsibility for the care of the parties' children except at the following times when the other parent shall have responsibility:

From: **the time school begins on all Wednesdays to 6:00 p.m. on all Saturdays**

This parenting schedule begins: **Saturday, May 3, 2008**

C. HOLIDAY SCHEDULE AND OTHER SCHOOL FREE DAYS

Indicate if the children will be with parent in ODD or EVEN numbered years or EVERY year:

	MOTHER	FATHER
New Year's Day	ODD	EVEN
Martin Luther King Day	EVEN	ODD
Presidents' Day	EVEN	ODD
Easter Day(unless otherwise coinciding with Spring Vacation)	EVEN	ODD
Mother's Day	EVERY	
Memorial Day (if no school)	ODD	EVEN
Father's Day		EVERY
July 4th	ODD	EVEN
Labor Day	ODD	EVEN
Halloween		EVERY
Thanksgiving Day & The Friday after	EVEN	ODD
Children's Birthdays	SPLIT	SPLIT
Mother's Birthday	EVERY	
Father's Birthday		EVERY

[X] A holiday shall begin at 6:00 p.m. on the night preceding the holiday and end at 6:00 p.m. the night of the holiday, unless otherwise noted here N/A

D. FALL VACATION (*If applicable*)

The day-to-day schedule shall apply except as follows: **The Father shall have the children during their Fall Break from school every even-numbered year. The Mother shall have the children during their Fall Break from school every odd-numbered year.**

E. WINTER (CHRISTMAS) VACATION

The [ ] Mother [X] Father shall have the children for the first period from the day and time school is dismissed (or December 17th) until December 25th at 12 p.m. [ ] in even-numbered years [X] in odd-numbered years [ ] every year. The other parent will have both children for the second period from the day and time indicated above until 6:00 p.m. on the evening before school resumes.

F. SPRING VACATION (*If applicable*)

The day-to-day schedule shall apply except as follows: **The Father shall have the children during their Spring Break from school every odd-numbered year. The Mother shall have the children during their Spring Break from school every even-numbered year.**

G. SUMMER VACATION

The day-to-day schedule shall apply except as follows:

[X] **The Father shall have One (1) week of vacation with the children in June, One (1) week in July, and One (1) week in August. The Mother shall have the same only if her treating psychiatrist / psychologist opines that she is compliant and doing well in her treatment and that her relationship with both of her children is going well.**

H. TRANSPORTATION ARRANGEMENTS

The place of meeting for the exchange of the children shall be as follows: **the Mother shall pick-up and drop-off the children at the beginning and the ending of her parenting time.**

If a parent does not possess a valid driver's license, he or she must make reasonable transportation arrangements to protect the children while in the care of that parent.

I. OTHER

The following special provisions shall apply:

[X] **The parties shall keep their addresses and telephone numbers available to the other at all times during visitation particularly if they are going out of town on vacation with the children.**

[X] **Neither party shall discuss any aspect of this divorce case or their former marital problems with the children.**

II. DECISION-MAKING

A. DAY-TO-DAY DECISIONS

Each parent shall make decisions regarding the day-to-day care of a child while the child is residing with that parent, including any emergency decisions affecting the health or safety of a child.

B. MAJOR DECISIONS

Major decisions regarding the parties' children shall be made as follows:

Educational decisions	[ ] Mother	[X] Father	[ ] joint
Non-emergency health care	[ ] Mother	[X] Father	[ ] joint
Religious upbringing	[ ] Mother	[X] Father	[ ] joint
Extracurricular activities	[ ] Mother	[X] Father	[ ] joint
All Other Issues	[ ] Mother	[X] Father	[ ] joint

III. FINANCIAL SUPPORT

A. CHILD SUPPORT

Father's gross monthly income is: $ 3,600.00
Mother's gross monthly income is: $ 4,800.00

1. The final child support order is as follows:

The [X] Mother [ ] Father shall pay to the other parent as regular child support the sum of **$348.00 per month, or $80.31 per week**. **The Child Support Worksheet is attached to this Order as an Exhibit.**

If this is a deviation from the Child Support Guidelines, explain why:_____

2. Retroactive Support is ordered as follows:

[X] None

3. Support payments shall begin on **Friday, May 2, 2008.**

This support shall be paid:

[X] to the Central Child Support Receipting Unit, P. O. Box 305200, Nashville, Tennessee 37229, and sent to the other parent at: **John Steven Davidson, Jr., 8137 Stewarts Ferry Pkwy, Nashville, TN 37214-4817**

A Wage Assignment Order shall issue to the Mother's employer at **Vanderbilt Medical Center, HR Express , 2525 West End Ave Suite 218, Nashville TN 37203.**

Court approval must be obtained before child support can be reduced or modified.

B. PRIVATE SCHOOL

[X] The parties' two children presently attend, and have attended, private school at Metro Christian Academy. All costs associated with this private school, including tuition, books, before and after-school care, extracurricular fees, and activity fees, shall be shared between the parties pro rata in accordance with their incomes; which is 57% for the Mother and 43% for the Father. Each party shall pay his/her share of these costs directly to the school or to each other if necessary.

C. FEDERAL INCOME TAX EXEMPTION*

* NOTE: The child support schedule assumptions in the guidelines (140-2-4-.03 (6)(b)) assume that the parent receiving the child support will get the tax exemptions for the child.

The Mother had claimed both children in tax year 2007 and so the Father shall claim both children, **Mary Caitlin Molteni-Davidson and Logan Alexander Davidson, in tax year 2008.**

The Father shall claim child, **Logan Alexander Davidson, in tax year 2009 and for each tax year thereafter.**

The Mother shall claim child: **Mary Caitlin Molteni-Davidson in tax year 2009 and for each tax year thereafter.**

The Mother may claim the exemptions for the children so long as her child support payments are current on January 15 of the year when the return is due.

Both parties shall furnish IRS Form 8332 to the parent entitled to the exemption by February 15th of the year the tax return is due if the same is necessary and required by the IRS.

D. PROOF OF INCOME AND WORK-RELATED CHILD CARE EXPENSES

Each parent shall send proof of income to the other parent for the prior calendar year as follows:

- . IRS Forms W-2 and 1099 shall be sent to the other parent on or before February 15.

- A copy of his or her federal income tax return shall be sent to the other parent on or before April 15 or any later date when it is due because of an extension of time for filing.

E. HEALTH, DENTAL AND VISION INSURANCE

Reasonable health, dental and vision insurance on the children shall be:

[X] maintained by the Mother
[ ] maintained by the Father
[ ] maintained by both

Proof of continuing coverage shall be furnished to the other parent annually or as coverage changes. The parent maintaining coverage shall authorize the other parent to consult with the insurance carrier regarding the coverage in effect.

Uncovered reasonable and necessary medical expenses, which may include but is not limited to, deductibles or co-payments, eyeglasses, contact lens, routine annual physicals, and counseling will be paid by [ ] Mother [ ] Father [X] both parties pro rata in accordance with their incomes; which is 57% for the Mother and 43% for the Father. Each party shall pay his/her share of these expenses directly to the provider or to each other if necessary.

IV. PRIMARY RESIDENTIAL PARENT (CUSTODIAN) FOR OTHER LEGAL PURPOSES

The parties' minor children are scheduled to reside the majority of the time with the Father. This parent is designated as the primary residential parent also known as the custodian, **SOLELY** for purposes of any other applicable state and federal laws. THIS DESIGNATION DOES NOT AFFECT EITHER PARENT'S RIGHTS OR RESPONSIBILITIES UNDER THIS PARENTING PLAN.

V. DISAGREEMENTS OR MODIFICATION OF PLAN

Should the parents disagree about this Parenting Plan or wish to modify it, they must make a good faith effort to resolve the issue by the process selected below before returning to Court. *Except for financial support issues including child support, health and dental insurance, uncovered medical and dental expenses, and life insurance*, disputes must be submitted to:

[ ] Mediation by a neutral party chosen by the parents or the Court.
[ ] Arbitration by a neutral party selected by parents or the Court.
[X] The Court DUE TO ORDER OF PROTECTION OR RESTRICTIONS.

The cost of this process may be determined by the alternative dispute process or may be assessed by the Court based upon the incomes of the parents.

In the dispute resolution process:

A. Preference shall be given to carrying out this Parenting Plan.

B. The parents shall use the process to resolve disputes relating to implementation of the Plan.

C. A written record shall be prepared of any agreement reached, and it shall be provided to each parent.

D. If the Court finds that a parent willfully failed to appear without good reason, the Court, upon motion, may award attorney fees and financial sanctions to the prevailing parent.

VI. RIGHTS OF BOTH PARENTS

Under T.C.A. § 36-6-101 of Tennessee law, both parents are entitled to the following rights:

(1) The right to unimpeded telephone conversations with the child at least twice a week at reasonable times and for reasonable durations;
(2) The right to send mail to the child which the other parent shall not open or censor;
(3) The right to receive notice and relevant information as soon as practicable but within twenty-four (24) hours of any event of hospitalization, major illness or death of the child;
(4) The right to receive directly from the child's school any school records customarily made available to parents. (The school may require a written request which includes a current mailing address and upon payment of reasonable costs of duplicating.) These include copies of the child's report cards, attendance records, names of teachers, class schedules, and standardized test scores;
(5) The right to receive copies of the child's medical health or other treatment records directly from the physician or health care provider who provided treatment or health care. (The keeper of the records may require a written request which contains a current mailing address and the payment of reasonable costs of duplication.) No person who receives the mailing address of a parent as a result of this requirement shall provide such address to the other parent or a third person;
(6) The right to be free of unwarranted derogatory remarks made about the parent or his or her family by the other parent to the child or in the presence of the child;
(7) The right to be given at least forty-eight (48) hours notice, whenever possible, of all extra-curricular activities, and the opportunity to participate or observe them. These include the following: school activities, athletic activities, church activities and other activities where parental participation or observation would be appropriate;
(8) The right to receive from the other parent, in the event the other parent leaves the state with the minor child or children for more than two (2) days, an itinerary including telephone numbers for use in the event of an emergency;
(9) The right to access and participation in education on the same basis that is provided to all parents. This includes the right of access to the child for lunch and other activities. However participation or access must be reasonable and not interfere with day-to-day operations or with the child's educational performance.

VII. NOTICE REGARDING PARENTAL RELOCATION

The Tennessee statute (T.C.A. § 36-6-108) which governs the notice to be given in connection with the relocation of a parent reads in pertinent part as follows:

If a parent who is spending intervals of time with a child desires to relocate outside the

'state or more than one hundred (100) miles from the other parent within the state, the relocating parent shall send a notice to the other parent at the other parent's last known address by registered or certified mail. Unless excused by the court for exigent circumstances, the notice shall be mailed not later than sixty (60) days prior to the move.

The notice shall contain the following:
(1) Statement of intent to move;
(2) Location of proposed new residence;
(3) Reasons for proposed relocation; and
(4) Statement that the other parent may file a petition in opposition to the move within thirty (30) days of receipt of the notice.

VIII. COURT COSTS

Court costs, if any, are taxed as follows: **equally split between the parties.**

It is so ORDERED this the 19th day of June 2008.

JUDGE

APPROVED FOR ENTRY:

LAURA TEK
Attorney for Father
1994 N GALLATIN ROAD, STE 205
Address
MADISON, TN 37115-2024
Address
615/851-2100; TN BAR 016523
Phone and BPR Number

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent by U.S. Mail, postage prepaid, to George T. Davis, Esq., Counsel for Wife, 6307 Ramsgate Court Brentwood, TN 37027, on this the 12th day of June 2008.

LAURA TEK

Effective as of 9/11/2006

State of Tennessee - Department of Human Services
Child Support Worksheet

6/12/2008 - 2:00 PM

FILED
2008 JUN 19 PM 3:08
RICHARD R. ROCKER, CLERK
D.C.

Part I. Identification

Indicate the status of each parent or caretaker by placing an "X" in the appropriate column

		PRP	ARP	SPLIT
Name of Mother:	JOHN STEVEN DAVIDSON, JR.			X
Name of Father:	MARY MOLTENI DAVIDSON			
Name of non-parent Caretaker:				

TCSES case #:
Docket #: 07D-1418
Court name: DAVIDSON COUNTY EIGHTH CIRCUIT

Name(s) of Child(ren)	Date of Birth	Days with Mother	Days with Father	Days with Caretaker
MARY C. MOLTENI-DAVIDSON	5/8/1993	156	209	
LOGAN A. DAVIDSON	4/4/2002	156	209	

Part II. Adjusted Gross Income

Use Credit Worksheet to calculate line items 1d - 1e

			Mother \ Column A	Father \ Column B	Nonparent Caretaker \ Column C
1	Monthly Gross Income		$ 4,800.00	$ 3,600.00	
1a	Social Security benefit for child		+	+	
1b	Self-employment tax paid		-	-	
1c	Subtotal		4,800.00	3,600.00	
1d	Credit for in-home children		- 0.00	- 0.00	
1e	Credit for not-in-home children		- 0.00	- 0.00	
2	Adjusted Gross Income (AGI)		$ 4,800.00	$ 3,600.00	
2a	Combined Adjusted Gross Income	$8,400.00			
3	Percentage Share of Income (PI)		57%	43%	

Part III. Parents' Share of BCSO

		Mother \ Column A	Father \ Column B	Nonparent Caretaker \ Column C
4	BCSO allotted to primary parent's household	$ 0.00	$ 1371.00	$ 0.00
4a	Share of BCSO owed to primary parent	$ 781.47	$ 0.00	
5	Each parent's average parenting time	156	N/A	
5a	Equal parenting time	N/A	N/A	
6	Parenting time adjustment	$ -418.32	$ N/A	
7	Adjusted BCSO	$ 363.15	$ 0.00	

Part IV. Additional Expenses

		Mother \ Column A	Father \ Column B	Nonparent Caretaker \ Column C
8a	Children's portion of health insurance premium	$ 35.00	$	$
8b	Recurring uninsured medical expenses	$	$	$
8c	Work-related childcare - Payroll Deducted	$	$	$
8d	Work-related childcare - Non-Payroll Deducted	$	$	$
9	Total additional expenses	$ 35.00	$ 0.00	$ 0.00
10	Share of additional expenses owed	$ 0.00	$ 15.05	
11	Adjusted Support Obligation (ASO)	$ 363.15	$ 15.05	

** Reminder - Line 8d expenses are to be paid by the child's PRP or either parent in a 50-50 situation.

Part V. Presumptive Child Support Order

		OBLIGATION	
12	Presumptive Child Support Order (PCSO)	$ 348.00	$ 0.00

* Enter the difference between the greater and smaller numbers from Line 11.

Low Income? N (N=15% Y=7.5%)
Current Order Flat %? N (N / Y)

Modification of Current Child Support Order

13a	Current child support order amount for the obligor parent	$	$
13b	Amount required for significant variance to exist	$ 0.00	$ 0.00
13c	Actual variance between current and presumptive child support orders	$ 0.00	$ 0.00

Part VI. Deviations and FCSO

Deviations must be substantiated by written findings in the Child Support Order

14	Deviations (Specify):	$	$
15	Final Child Support Order (FCSO)	$ 348.00	$ 0.00
16	FCSO adjusted for SS benefit, Line 1a, Obligor's column.	$ 348.00	$ 0.00

Comments, Calculations, or Rebuttals to Schedule

Preparer's Use Only

Name: LAURA TEK Date: 6/12/2008
Title: ATTORNEY FOR FATHER

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 19 day of JUNE , 2008 , in the Case Number 07D1418 between DAVIDSON, JOHN STEVEN JR. Plaintiff, and DAVIDSON, MARY MOLTENI 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 09 day of JULY in the year two thousand eight and in the 232nd year of American Independence.

RICHARD R. ROOKER, Clerk,

By R Thomas
Deputy Clerk

SEAL

