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

2006 JUL -7 PM 2:59

RICHARD R. ROOKER, CLERK

ROSA SHIM JOHNSON

vs. **DOCKET NO.: 05D-4667**

PHILLIP RHEA JOHNSON

D.C.

FINAL ORDER OF DIVORCE

This cause came to be heard on May 23, 2006, before the Honorable Jack Norman, Jr., Substitute Judge, upon the the complaint for divorce filed on December 22, 2005, service of process on the Defendant in the City Paper, the default judgment heretofore entered, the sworn testimony of the Plaintiff and witnesses in open Court, statements of the attorney, and the entire record, from all of which the Court finds that the Defendant Phillip Rhea Johnson has been guilty of inappropriate marital conduct and of abandonment of the Wife and the parties' minor son.

It is therefore **ORDERED** as follows:

1. Plaintiff Rosa Shim Johnson is awarded an absolute divorce from the Defendant Phillip Rhea Johnson and the parties are restored to all the rights and privileges of unmarried persons.

2. Rosa Shim Johnson is awarded all of the personal property which is in her possession.

3. Rosa Shim Johnson is awarded custody of Benjamin Michael Johnson, born October 23, 2001. The parenting plan heretofore submitted by Rosa Shim Johnson and attached hereto is approved with the Father's child support obligation reserved.

4. Rosa Shim Johnson is awarded the real property located at 5512 Saddlewood Lane, Brentwood, Davidson County, Tennessee 37027. Phillip Rhea Johnson is divested of equity he may have in said property and all of his right and equity is hereby vested solely in Rosa Shim Johnson.

5. Costs of this cause are taxed against Rosa Shim Johnson.

Davidson County DEEDDIV
Recvd: 01/29/09 11:55 12 pg
Fees:62.00 Taxes:0.00
20090129-0007698

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Enter this the 1 day of July, 2006.

Jack Norman, Jr.,
Substitute Judge

APPROVED FOR ENTRY:

Martha Child, #7213
Attorney for Plaintiff/Wife
392 Harding Place, Suite 215
Nashville, TN. 37211
(615) 834-4300

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and exact copy of the foregoing by postage prepaid mail upon Phillip Rhea Johnson, at his last-known address: 5512 Saddlewood Lane, Brentwood, TN. 37027 on this the 25 day of June, 2006.

Martha Child

rjohn-FO/ibmpts

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STATE OF TENNESSEE	4th CIRCUIT COURT	DAVIDSON COUNTY
	2005 DEC 22 AM 11:47 RICHARD R. ROOKER, CLERK	2006 MAY 23 PM 2:52 RICHARD R. ROOKER, CLERK
PERMANENT PARENTING PLAN ORDER		DOCKET NO. 05D4067
☒ PROPOSED ☐ AGREED ☐ ORDERED BY THE COURT	D.C.	D.C.

PLAINTIFF *(Name: First, Middle, Last)*	DEFENDANT *(Name: First, Middle, Last)*
Rosa Shim Johnson	Phillip Rhea Johnson
☒ Mother ☐ Father	☐ 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 divorced. 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 ☐ is a new plan
☐ modifies an existing Parenting Plan dated _____
☐ modifies an existing Order dated _____

Child's Name	Date of Birth
Benjamin Michael Johnson	10-23-01

I. RESIDENTIAL PARENTING SCHEDULE

A. RESIDENTIAL TIME WITH EACH PARENT

The Primary Residential Parent is Rosa Shim Johnson.

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

Mother 365 days Father 0 days

B. DAY-TO-DAY SCHEDULE

The ☒ mother ☐ father shall have responsibility for the care of the child or children except at the following times when the other parent shall have responsibility:

From _____ to _____

☐ every week ☐ every other week ☒ other: Father's visitation is reserved pending application to the Court

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The other parent shall also have responsibility for the care of the child or children at the additional parenting times specified below:

From _____ to _____

☐ every week ☐ every other week ☐ other: _____

_____

This parenting schedule begins ☐ _____ or ☒ date of the Court's Order.

C. HOLIDAY SCHEDULE AND OTHER SCHOOL FREE DAYS

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

	MOTHER	FATHER
New Year's Day	Every	
Martin Luther King Day	Every	
Presidents' Day	Every	
Easter Day (unless otherwise coinciding with Spring Vacation)	Every	
Passover Day (unless otherwise coinciding with Spring Vacation)	Not applicable	
Mother's Day	Every	
Memorial Day (if no school)	Every	
Father's Day	Every	
July 4th	Every	
Labor Day	Every	
Halloween	Every	
Thanksgiving Day & Friday	Every	
Children's Birthdays	Every	
Other School-Free Days	Every	
Mother's Birthday		
Father's Birthday		
Other:_____		

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 _____

_____.

D. FALL VACATION (*If applicable*)

The day to day schedule shall apply except as follows _____

_____

_____, beginning _____

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E. **WINTER (CHRISTMAS) VACATION** Child shall be with Mother pending application by the Father for visitation.

The ☐ mother ☐ father shall have the child or children for the first period from the day and time school is dismissed until December _____ at _____.m. ☐ in odd-numbered years ☐ in even-numbered years ☐ every year. The other parent will have the child or children for the second period from the day and time indicated above until 6:00 p.m. on the evening before school resumes. The parties shall alternate the first and second periods each year.

Other agreement of the parents: _____

_____

_____.

F. **SPRING VACATION** (*If applicable*)

The day-to-day schedule shall apply except as follows: Mother shall have the entire spring break, beginning _____.

G. **SUMMER VACATION**

The day-to-day schedule shall apply except as follows: ~~Child shall be with the Mother pending application of the Father for visitation.~~ _____

_____, beginning 2006.

Is written notice required? ☐ Yes ☐ No. If so, _____ number of days.

H. **TRANSPORTATION ARRANGEMENTS**

The place of meeting for the exchange of the child or children shall be Not applicable _____.

Payment of long distance transportation costs *(if applicable)*: ☐ mother ☐ father ☐ both equally. Other arrangements: _____

_____.

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

I. **SUPERVISION OF PARENTING TIME** *(If applicable)*

Check if applicable:

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Supervised parenting time shall apply during the day-to-day schedule as follows:

☐ Place: _____.
☐ Person or organization supervising: _____.
☐ Responsibility for cost, if any: ☐ mother ☐ father ☐ both equally.

J. **OTHER**

The following special provisions apply:

_____
_____
_____

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 each child shall be made as follows:

Educational decisions	☒ mother	☐ father	☐ joint
Non-emergency health care	☒ mother	☐ father	☐ joint
Religious upbringing	☒ mother	☐ father	☐ joint
Extracurricular activities	☒ mother	☐ father	☐ joint
_____	☐ mother	☐ father	☐ joint

III. FINANCIAL SUPPORT

A. CHILD SUPPORT

Reserved pending personal service upon the Father

Father's gross monthly income is $_____.
Mother's gross monthly income is $_____.

1. The final child support order is as follows:

   The ☐ mother ☐ father shall pay to the other parent as regular child support the sum of $_____ ☐ weekly ☐ monthly ☐ twice per month ☐ every two weeks. **The Child Support Worksheet shall be attached to this Order as an Exhibit.***

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

   _____.

* Child Support Worksheet can be found on DHS website at http://www.state.tn.us/humanserv/is/incomeshares.htm or at your local child support offices.

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2. Retroactive Support: A judgment is hereby awarded in the amount of $_____ to ☐ mother ☐ father against the child support payor representing retroactive support required under Section 1240-2-4.06 of the D.H.S. Income Shares Child Support Guidelines dating from _____ which shall be paid (including pre/post judgment interest) at the rate of $_____ per ☐ week ☐ month ☐ twice per month ☐ every two weeks until the judgment is paid in full.

3. Payments shall begin on the _____ day of _____, 20____.

This support shall be paid:

☐ directly to the other parent.
☐ to the Central Child Support Receipting Unit, P.O. Box 305200, Nashville, Tennessee, 37229, and sent to the other parent at: _____.
A Wage Assignment Order is attached to this Parenting Plan.
☐ by direct deposit to the other parent at _____ Bank for deposit in account no. _____.
☐ other: _____

_____

The parents acknowledge that court approval must be obtained before child support can be reduced or modified.

B. FEDERAL INCOME TAX EXEMPTION*

The ☒ mother ☐ father is the parent receiving child support.

The Mother shall claim the following children: Benjamin Michael Johnson.

The Father shall claim the following children: _____.

The ☐ mother ☐ father may claim the exemptions for the child or children so long as child support payments are current by the claiming parent on January 15 of the year when the return is due. The exemptions may be claimed in: ☐ alternate years starting _____. ☐ each year ☐ other: _____.

The ☐ mother ☐ father will furnish IRS Form 8332 to the parent entitled to the exemption by February 15th of the year the tax return is due.

C. 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.

* 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.

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- 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.
- The completed form required by the Department of Human Services shall be sent to the Department on or before the date the federal income tax return is due by the parent paying child support. *This requirement applies only if a parent is receiving benefits from the Department for a child.*

The parent paying work-related child care expenses shall send proof of expenses to the other parent for the prior calendar year, and an estimate for the next calendar year, on or before February 15.

D. HEALTH AND DENTAL INSURANCE

Reasonable health insurance on the child or children will be:

- ☒ 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~~ ☐ pro rata in accordance with their incomes. After insurance has paid its portion, the parent receiving the bill will send it to the other parent within ten days. The other parent will pay his or her share within 30 days of receipt of the bill. Reserve uncovered Medical expenses pending personal service

If available through work, the ☐ mother ☐ father shall maintain dental, orthodontic, and optical insurance on the minor child or children.

E. LIFE INSURANCE *(Required for parent paying child support)*

The ☐ mother ☒ father ☐ both shall insure his/her own life in the minimum amount of $ 100,000.00 by whole life or term insurance. Until the child support obligation has been completed, each policy shall name the following as sole irrevocable primary beneficiary: ☐ the other parent ☐ the other parent, as trustee for the benefit of the children, to serve without bond or accounting, ☐ other: _____

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

The child or children are scheduled to reside the majority of the time with the ☒ mother ☐ 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. If the parents are listed in Section II as joint decision-makers, then, for purposes of obtaining health or other insurance, they shall be considered to be joint custodians. THIS DESIGNATION DOES NOT AFFECT EITHER PARENT'S RIGHTS OR RESPONSIBILITIES UNDER THIS PARENTING PLAN.

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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.
- ☐ The Court DUE TO ORDER OF PROTECTION OR RESTRICTIONS.

The costs 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. It must be commenced by notifying the other parent and the Court by ☐ written request ☐ certified mail ☐ other: _____.

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 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;

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(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. PARENT EDUCATION CLASS

This requirement has been fulfilled by ☐ both parents ☐ mother ☐ father ☐ neither. Failure to attend the parent education class within 60 days of this order is punishable by contempt.

Under penalty of perjury, we declare that this plan has been proposed in good faith and is in the best interest of each minor child and that the statements herein and on the attached child support worksheets are true and correct. *(A notary public is required if this is a proposed plan by one parent rather than one agreed by both parents.)*

Mother

12-16-05 Nashville TN
Date and Place Signed

COPY

Sworn to and subscribed before me this 16th day of December, 2005.

My commission expires: 8-4-06

Notary Public

Father

Date and Place Signed

Sworn to and subscribed before me this _____ day of _____, 20____.

My commission expires: _____

Notary Public

APPROVED FOR ENTRY:

Attorney for Mother #7213

Martha Child

Address

392 Harding Place, Suite 215

Address

Nashville, TN. 37211

Phone and BPR Number

(615) 834-4300; BPR #7213

Attorney for Father

Address

Address

Phone and BPR Number

Note: The judge may sign below or, instead, sign a Final Decree or a separate Order incorporating this plan.

COURT COSTS (If Applicable)

Court costs, if any, are taxed as follows: _____.

It is so ORDERED this the 23 day of May, 2006.

Judge

Jack Norman, Jr.
Substitute Judge

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 07 day of JULY , 2006 , in the Case Number 05D4667 between JOHNSON, ROSA SHIM Plaintiff, and JOHNSON, PHILLIP RHEA 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 29 day of JANUARY in the year two thousand nine and in the 232nd year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

