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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED
2008 JUN 30 PM 4:33
RICHARD R. ROOKER, CLERK
D.C.

MELVIN YARBER,

Plaintiff,

vs.

SHIRLEY D. YARBER,

Defendant.

Docket No. 07D-2804
NOTICE OF ENTRY REQUIRED

Davidson County DEEDDIV
Recvd: 02/17/09 13:56 7 pgs
Fees:37.00 Taxes:0.00
20090217-0013264

FINAL DECREE OF DIVORCE

This cause came to be heard on June 18, 2008 before the honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee upon the complaint for divorce filed by the Husband. The Court finds that the complaint for divorce was filed on September 21, 2007 and served on the Defendant/Wife on December 8, ~~2008~~ 2007. The Court further finds that a motion for default judgment was heard on February 1, 2008 at which time the Court gave the Wife an additional fifteen (15) days to retain counsel and file an answer. The Court further finds that the Wife failed to retain counsel at any time. Further, the Court finds at no time has the Wife filed an answer. The Court further finds that a second motion for default was heard on May 30, 2008 which was granted.

The Court finds that the parties have lived separate and apart for more than two (2) years and that there are no minor children born of the marriage. The Court further finds based on the testimony of the Husband, the testimony of two (2) witnesses, the pleadings filed herein, the statement of counsel and the record as a whole that the Husband should be granted an absolute divorce on the grounds that the parties have lived separate and apart for more ~~then~~ than two (2) years with no minor children.

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The Court further finds that the Husband has remained a resident at 918 Petway Avenue, Nashville, Tennessee 37206 and that he has paid all mortgage payments, taxes and homeowners insurance since the parties separation in the Spring of 2005. The Court finds that the parties have been separated for more then three (3) years but that the Wife did return to the home on June 7, 2008 while the Husband was on vacation. The Court further finds that the Wife shall vacate said premises with all of her personal belongings no later than 6:00 p.m. on Sunday, June 22, 2008.

The Court further finds that the Wife shall have sixty (60) days from entry of the final decree in order to file a request for a fair and equitable division of any equity that may exist in the Petway Avenue property.

It is therefore **ORDERED, ADJUDGED AND DECREED** that the Husband, Melvin Yarber, is granted an absolute divorce from the Wife on the ground that the parties have lived separate and apart for more then two (2) years with no minor children.

It is further **ORDERED** that the Husband is restored to all rights and privileges of an unmarried person.

It is further **ORDERED** that the Husband is awarded the real property located at 918 Petway Avenue, Nashville, Tennessee 37206 subject to the mortgage and holding the Wife harmless thereon and described more particularly herein as follows:

LAND in Davidson County, Tennessee, Being Lot No. 6, on the Plan of Division of the Real Estate of JNO, HOBSON, DECEASED, of record in Minute Book "L", page 363, Circuit Court for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate legal description.

Being the same property conveyed to MELVIN YARBER AND WIFE, SHIRLEY D. YARBER, by deed from Robert H. Braswell, of record in Book 9480, page 175, Register's Office for Davidson County, Tennessee. SAID property was then conveyed from Melvin Yarber and wife, Shirley D. Yarber, to SHIRLEY D.

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YARBER by Quitclaim Deed of record in Book 10968, page 718, Register's Office for Davidson County, Tennessee.

Being the same property conveyed by Shirley Yarber to Dyke Tatum, trustee for the express purpose of creating tenancy by the entirety. Said property was then conveyed to Melvin Yarber and Wife, Shirley D. Yarber by Dyke Tatum, trustee by Quitclaim deed of record fount at 20010419-0038771 of the Davidson County Register of Deeds Office.

It is further **ORDERED** that the Wife shall be awarded sixty (60) days to perfect her claim to any equity that exists in the real property located at 918 Petway Avenue, Nashville, Tennessee 37206.

It is further **ORDERED** that the Wife shall vacate 918 Petway Avenue, Nashville, Tennessee 37206 with her personal belongings no later than 6:00 p.m. on Sunday, June 22, 2008.

It is further **ORDERED** that all furniture and furnishings were divided by the parties during the time of their separation in the Spring of 2005 and that each party is awarded the furniture and furnishings in their respective possession free and clear of any claim from the other party.

It is further **ORDERED** that each party is awarded their respective bank accounts and contents therein free and clear of any claim from the other party.

It is further **ORDERED** that the Husband shall be awarded the 2006 Chevrolet Impala free and clear of any claim from the Wife.

It is further **ORDERED** that each party shall be responsible for providing their own medical insurance.

It is further **ORDERED** that each party shall be responsible for their own separate debt holding the other party harmless on the same.

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It is further **ORDERED** that the Husband shall be awarded his retirement with the United States Postal Service free and clear of any claim from the Wife as said retirement was accumulated after the separation of the parties.

It is further **ORDERED** that the cost of this cause of action shall be taxed to the Husband for which execution may issue, if necessary.

ENTERED THIS THE 30th **DAY OF** June, **2008.**

MURIEL ROBINSON, JUDGE

Approved for entry:

PHILIP E. SMITH #13421
Attorney for the Husband
Suite 2400 - L&C Tower
401 Church Street
Nashville, TN 37219
(615) 467-1801

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Final Decree of Divorce has been forwarded via U.S. Mail to the following individual on this the 27th day of June, 2008.

SHIRLEY D. YARBER
510 Heritage Drive
Apt. #118
Madison, TN 37115

SHIRLEY D. YARBER
918 Petway Avenue
Nashville, TN 37206

PHILIP E. SMITH

Copy

CERTIFICATE OF SERVICE

DOCKET NO. 07D2804

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 7TH day of JULY, 2008.

RICHARD R. ROOKER, Circuit Court Clerk

BY: _____

Deputy Clerk

PHILIP E. SMITH, ATTORNEY
SUITE 2400-L&C TOWER
401 CHURCH ST.
NASHVILLE, TN 37219

SHIRLEY D. YARBER
510 HERITAGE DR., APT. 118
MADISON, TN 37115

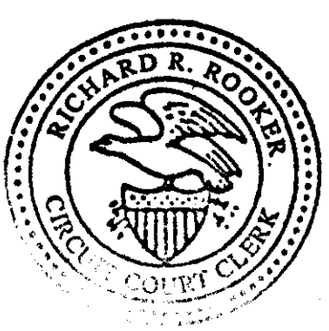
SHIRLEY D. YARBER
918 PETWAY AVE.
NASHVILLE, TN 37206

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 30 day of JUNE , 2008 , in the Case Number 07D2804 between YARBER, MELVIN Plaintiff, and YARBER, SHIRLEY D 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 17 day of FEBRUARY in the year two thousand nine and in the 232nd year of American Independence.

SEAL



RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk