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

FILED
2007 DEC 17 AM 11:48
RICHARD R. ROOKER, CLERK
D.C.

PICK-UP

SHARON TERRY,

Plaintiff

V.

ANDREW J. TERRY,

Defendant

No. 06D-1439
Notice of Entry Requested

Davidson County DEEDDIV
Recvd: 02/25/09 12:41 16 pg
Fees:82.00 Taxes:0.00
20090225-0016582

FINAL DECREE OF DIVORCE

This matter came to be heard on the 23rd day of October, 2007 before the Honorable Muriel Robinson Judge of the Fourth Circuit Court for Davidson County, Tennessee upon the Wife's complaint for divorce, and upon Husband's counter complaint for divorce the parties announced the following agreement. The parties shall be declared divorced on stipulated grounds pursuant to T.C.A. 36-4-129 in that if proof were heard on the issue of grounds the Court would find that each party has grounds to be awarded a divorce from the other. Each party shall be awarded their own retirement, and pension plans free and clear from the other. The Husband shall be awarded standard visitation with the two minor children, and Husband shall have an additional two week period during the summer as per the submitted parenting plan signed by the parties. Husband will give notice by May 1 of each year of when he will exercise his four weeks of summer visitation.

The Wife shall be awarded the marital residence, but she must refinance the home within six months from ~~today's hearing~~ October 23, 2007, being April 23, 2008. If the Wife is unable to refinance the marital residence within the six month period, the Husband shall have the option to refinance the

house and buy out the Wife's equity in the amount of five thousand dollars ($5,000.00). If the Husband or the Wife are unable to refinance the home, then it shall be placed for sale. Upon the sale of the house the Wife shall receive all the equity, or be responsible for any liability thereon. If the House does not sale within 90 days of being placed on the market then either party may motion the Court to order the house to be sold at auction. If the Wife becomes 30 days late on any house payment before she is able to refinance the home then the Husband's option to refinance the home shall automatically be triggered, or the house shall be immediately placed for sale. Husband shall have 45 days in which to vacate the marital residence.

The Husband shall pay child support in the amount of $700.00 per month until May 15, 2008 to be paid at the rate $350.00 twice per month. After May 15, 2008 the Husband shall pay $800.00 per month to be paid twice per month to be paid at the rate of $400.00 twice per month. This is a downward deviation from the Tennessee child support guidelines based upon the Husband's contribution to the marital residence. (See child support worksheet)

Wife will be awarded a Judgment in the amount of $3,000.00 as alimony *in solido* to be paid in 6 monthly increments of $500.00.

Court costs in this matter will be evenly split between the parties. Each party will pay there own attorney fees.

Each party shall indemnify and hold the other harmless on any debts or liabilities on the vehicles that they retain in their possession.

The parties shall file separate tax returns for the year 2007. Wife shall have the tax deductions for both minor children.

The Husband shall be awarded the following items of personal property: the DVD system in the bedroom, the sofa and love seat downstairs, his CD's, his favorite DVD's, the recliner, the

TV in the master bedroom, the Kia Sorento, his motorcycle, all the tools and and his personal property in the garage, the surround sound system in the master bedroom, a dresser, a bed, the coffee table upstairs, his guns, his cards, his personal letters his clothing, his personal jewelry and effects.

It is therefore **ORDERED, ADJUDGED AND DECREED** that the parties are hereby declared divorced on stipulated grounds pursuant to T.C.A. 36-4-129 in that if proof were heard on the issue of grounds the Court would find that each party has grounds to be awarded a divorce from the other.

It is **ORDERED, ADJUDGED AND DECREED** that each party shall be awarded their own retirement, and pension plans free and clear from the other.

It is **ORDERED, ADJUDGED AND DECREED** that the Husband shall be awarded standard visitation with the two minor children, and Husband shall have an additional two week period during the summer as per the submitted parenting plan signed by the parties. Husband will give notice by May 1 of each year of when he will exercise his four weeks of summer visitation.

It is **ORDERED, ADJUDGED AND DECREED** that the Wife shall be awarded the marital residence, but she must refinance the home within six months from ~~today's hearing~~ October 23, 2007, being April 23, 2008. If the Wife is unable to refinance the marital residence within the six month period, the Husband shall have the option to refinance the house and buy out the Wife's equity in the amount of five thousand dollars ($5,000.00). If the Husband or the Wife are unable to refinance the home, then it shall be placed for sale. Upon the sale of the house the Wife shall receive all the equity, or be responsible for any liability thereon. If the House does not sale within 90 days of being placed on the market then either party may motion the Court to order the

house to be sold at auction. If the Wife becomes 30 days late on any house payment before she is able to refinance the home then the Husband's option to refinance the home shall automatically be triggered, or the house shall be immediately placed for sale. Husband shall have 45 days in which to vacate the marital residence.

It is **ORDERED, ADJUDGED AND DECREED** that the Husband shall pay child support in the amount of $700.00 per month until May 15, 2008 to be paid at the rate $350.00 twice per month. After May 15, 2008 the Husband shall pay child support in the amount of $800.00 per month to be paid at the rate of $400.00 twice per month. This is a downward deviation from the Tennessee child support guidelines which would have the Husband paying $937.00 per month based upon the Husband's contribution to the marital residence. (See child support worksheet).

It is **ORDERED, ADJUDGED AND DECREED** that the Wife shall be awarded a Judgment in the amount of $3,000.00 as alimony *in solido* to be paid in 6 monthly increments of $500.00.

It is **ORDERED, ADJUDGED AND DECREED** that the Court costs in this matter will be evenly split between the parties, and that each party will pay there own attorney fees.

It is **ORDERED, ADJUDGED AND DECREED** that each party shall indemnify and hold the other harmless on any debts or liabilities on the vehicles that they retain in their possession.

It is further **ORDERED, ADJUDGED AND DECREED** that the parties shall file separate tax returns for the year 2007. Wife shall have the tax deductions for both minor children.

It is finally **ORDERED, ADJUDGED AND DECREED** that the Husband shall be

awarded the following items of personal property: the DVD system in the bedroom, the sofa and love seat downstairs, his CD's, his favorite DVD's, the recliner, the TV in the master bedroom, the Kia Sorento, his motorcycle, all the tools and and his personal property in the garage, the surround sound system in the master bedroom, a dresser, a bed, the coffee table upstairs, his guns, his cards, his personal letters his clothing, his personal jewelry and effects.

It is so **ORDERED**.

Entered this the 17th day of Dec 2007.

Judge Muriel Robinson

Submitted for Entry,

Derek K. Burks, BPR# 022705
CYNTHIA J. BOHN & ASSOCIATES
Attorney for Defendant/Husband
545 Mainstream Drive, Suite 320
Nashville, TN 37228
(615) 252-8866

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document has been sent to the following by ( ) U. S. Mail, postage prepaid; ( ) hand delivery; ( ) facsimile transmission to _____, hard copy to follow via regular U. S. Mail:

Mark Freeman
Attorney at Law
The American Center
Tower One, Suite 240
Nashville, TN 37203

This the 14th day of December, 2007.

Derek Burks by Mark Freeman
Derek K. Burks
016074

STATE OF TENNESSEE	CIRCUIT COURT	DAVIDSON COUNTY

2007 DEC 17 AM 11:48

RICHARD R. ROOKER, CLERK

PERMANENT PARENTING PLAN ORDER FILE No. 06D-1439

(X) PROPOSED ( ) AGREED ( ) ORDERED BY THE COURT

D.C.

PLAINTIFF	DEFENDANT
SHARON TERRY	ANDREW TERRY
(X) Mother ( ) Father	( ) Mother (X) 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: **(X) is a new plan**

☐ modifies an existing Parenting Plan dated _____.

☐ modifies an existing Order dated _____.

Child's Name	Date of Birth
ANDREW JOHNSON TERRY	08/02/1992
PRESTON JONES TERRY	02/16/1997

I. RESIDENTIAL PARENTING SCHEDULE

A. RESIDENTIAL TIME WITH EACH PARENT

The Primary Residential Parent is **SHARON TERRY**

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

271 94

Mother ~~285~~ days **Father ~~80~~ days**

B. DAY-TO-DAY SCHEDULE

The Mother shall have responsibility for the care of the children except at the following times when the other parent shall have responsibility:

Father shall have visitation with the minor child from Friday at 6 P.M. to Sunday at 6:00 P.M. every other weekend. This parenting schedule shall begin the date of this 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	ODD	EVEN
Easter Day	ODD	EVEN
Mother's Day	EVERY	
Memorial Day (if no school)	ODD	EVEN
Father's Day		EVERY
July 4th	EVEN	ODD
Labor Day	ODD	EVEN
Halloween	EVEN	ODD
Thanksgiving Day & Friday	EVEN	ODD
Children's Birthdays	HALF DAY	HALF DAY
Mother's Birthday	EVERY	
Father's Birthday		EVERY

A holiday shall begin at 10 a.m. on the day of the holiday and ends at 10:00 a.m. the day after of the holiday.

D. FALL VACATION (*If applicable*)

The day to day schedule will apply during this period.

E. WINTER (CHRISTMAS) VACATION

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

The Father shall have the children from 6:00 p.m. after school ends for Winter Break until December 24th at 6:00 p.m. in odd-numbered years and December 24th at 6:00 p.m. until 6:00 p.m. the night before school resumes after Winter Break in even-numbered years.

F. SPRING VACATION (*If applicable*)

The day to day schedule will apply during this period.

G. SUMMER VACATION

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

Father shall have two (2) weeks separate periods for a total of 4 weeks during the summer beginning in 2008. Written notice of thirty (30) days is required to determine the time period for the visitation.

H. TRANSPORTATION ARRANGEMENTS

The Father shall be shall be responsible for pick-up and drop-off of the minor children at the Mother's home.

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

No supervision of parenting time is applicable.

J. OTHER

There are no additional provisions under the residential parenting schedule.

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**
Non-emergency health care	**Mother**
Religious upbringing	**Mother**
Extracurricular activities	**Mother**

III. FINANCIAL SUPPORT

A. CHILD SUPPORT

Father's gross monthly income is $ 6139.00
Mother's gross monthly income is $ 3,809.00

1. The final child support order is as follows:
   a. The father shall pay to the other parent as regular child support the sum of $ ~~954.18~~ 800.00 ☐ weekly (☒) **monthly** twice per month ☐ every two weeks. To be paid twice per month in the amount of $350.00. Beginning May 15 2008 the child support will increase to 800.00 per month to be paid at the rate of 400.00 twice per month.
   The Child Support Worksheet is attached to this Order as an Exhibit.*
2. Payments shall begin upon entry of this Order and shall be made on the 1st of every month.

This support shall be paid: This is a downward deviation based upon father's contribution to the marital residence, without the deviation the child support would be 937.00 per month.

to the Central Child Support Receipting Unit, P. O. Box 305200, Nashville, Tennessee 37229, and sent to the other parent at:_____.

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

*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.

B. FEDERAL INCOME TAX EXEMPTION*

The **(X) Mother** □ father is the parent receiving child support.

The Mother shall claim the minor child for federal income tax exemption purposes.

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.

- 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 INSURANCE

Reasonable health insurance on the children will be:

(X) maintained by the mother.
( ) maintained by the father

Proof of continuing coverage shall be furnished to the other parent upon request. 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 X **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.

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

The **FATHER** 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 other parent beneficiary as trustee for the minor child.

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

The child or children are scheduled to reside the majority of the time with the **X 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.

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:

(X) 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 **(X) certified mail.**

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;
(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 **X mother** ☐ father ☒ BOTH.

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

10-23-07
Date and Place Signed

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

My commission expires:_____

Notary Public

Father

SUBMITTED FOR ENTRY:

David K. Bell
022705

MARK T FREEMAN, Esq. (#16098)
3100 West End Avenue, Suite 240
Nashville, Tennessee 37203
615-352-8447 office
615-352-7884 fax

COURT COSTS (If applicable)

~~Court costs, if any, are taxed to the Father.~~

It is so ORDERED this the 17th day of Dec, 2007.

Judge or Chancellor

CHILD SUPPORT SERVICES OF TENNESSEE

20th Judicial District In-Office Customer Service Survey

Thank you for visiting our offices today. As one of our customers, you are important to us and we want to give you the best service possible. Please take a few minutes to answer the questions below about your experience today. Your responses will help us improve our services to you and to others.

1. Please tell us why you visited our office today. (Please circle all that apply)

   1 - Ask about progress on my case
   2 - Give information about my case
   3 - Clarify information the office sent me
   4 - Get information to help me complete a form
   5 - Determine where to go for information about an issue on my case
   6 - Speak with my caseworker directly
   7 - Other (please describe): _____

2. Below is a list of statements about your experience today. Please tell us how strongly you agree or disagree with each statement. (Please circle one number for each statement)

	Strongly Agree	Agree	Disagree	Strongly Disagree
a. Everyone I spoke with treated me with respect	4	3	2	1
b. The person I spoke with was able to answer my questions	4	3	2	1
c. If you answered that you disagree with statement "b'", did the person you spoke with find someone who could answer your question?	4	3	2	1
d. The person I spoke with explained things to me clearly and in a language I could understand	4	3	2	1
e. I believe the person I spoke with was trying to help me as best she or he could	4	3	2	1
f. I am satisfied with the service I received today	4	3	2	1
g. I was able to get all the services I needed today	4	3	2	1
h. I believe the person I spoke with will take appropriate action on my case in a timely manner	4	3	2	1
i. When I write my caseworker, he/she calls me in a timely manner	4	3	2	1
j. If I must talk to my caseworker and he/she is not available when I call, he/she returns my call in a timely manner.	4	3	2	1

CERTIFICATE OF SERVICE

DOCKET NO. 06D1439

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 19TH day of December, 2007.

RICHARD R. ROOKER, Circuit Court Clerk

BY: _____

Deputy Clerk

DEREK K. BURKS, ATTORNEY
CYNTHIA J. BOHN & ASSOC.
545 MAINSTREAM DR., SUITE 320
NASHVILLE, TN 37228

MARK FREEMAN, ATTORNEY
THE AMERICAN CENTER
TOWER ONE, SUITE 240
NASHVILLE, TN 37203

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 17 day of DECEMBER , 2007 , in the Case Number 06D1439 between TERRY, SHARON D Plaintiff, and TERRY, ANDREW J III 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 06 day of MARCH in the year two thousand eight and in the 231st year of American Independence.

RICHARD R. ROOKER, Clerk,

By L. Thomas
Deputy Clerk

SEAL

