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FILED

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE 2006 MAR -2 PM 3:50

RICHARD R. ROBERTS, CLERK

VENITA LASHONE DAVIS,
Plaintiff,

v.

HOWARD LOUIS DAVIS,
Defendant.

D.C.
Docket No. 05D4025

FINAL DECREE

This matter came to be heard on February 21, 2006, on a Default Judgment for Complaint for divorce filed by Plaintiff (hereinafter Wife). This Court finds that the Defendant (hereinafter Husband) was duly served and failed to appear either at any hearing and did not appear on this date.

After hearing statements of counsel, the testimony of the Wife and her witnesses, a review of the file and the evidence, and for good cause shown, this Court finds:

1. Wife is entitled to an absolute divorce based on the inappropriate marital conduct of the Husband, and she is restored to all rights and privileges of a single person.

2. Wife is awarded all right, title and interest in her 401K and pension and Husband is hereby divested of any right, title or interest he may have in Wife's 401K and pension. Husband is awarded all right, title and interest in his 401K and pension and Wife is hereby divested of any right, title or interest he may have in Husband's 401K and pension.

3. Wife is awarded all right, title and interest in the parties' 2004 Yukon and all right, title and interest in the parties' Ford F150. Wife shall be responsible for any and all liability on these vehicles and will hold Husband harmless thereon.

4. Wife is awarded any and all personal property in Wife's possession free and clear of any claim of Husband.

Davidson County DEEDDIV
Recvd: 03/03/09 11:32 14 pg
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5. Wife is awarded all right, title and interest in the real property more particularly described below:

LAND in Davidson County, Tennessee, being Lot No.114 on the plan of Edge-O-Lake Estates, Section VIII, of record in Book 3700, Page 101, and Register's Office for said County.

SAID Lot No. 114 fronts 69.57 feet on the southerly margin of Rural Hill Circle and extends back 153.13 feet on the easterly line and 183.92 feet on the broken westerly line to a dead line in the rear, measuring 82.32 feet thereon.

BEING the same property conveyed to L. Gene Clark and wife, Judy T. Clark by deed from Robert B. Heppe and wife, Susan M. Heppe of record in Book 5888, Page 73 said Register's Office. L. Gene Clark and wife, Judy T. Clark since been divorced by final decree of the Probate Circuit Court for Davidson County Tennessee, Docket No. 89D-318. Judy T. Clark has since conveyed her interest in subject property to L. Gene Clark by quitclaim deed of record in Book 8023, Page 432, said Register's Office.

SUBJECT to Restrictive covenant contained in instrument of record in Book 4076, Page 565, said Register's Office.

Wife is awarded this property, free and clear of any claim of Husband. Wife will assume all liability associated with this property and will hold Husband harmless thereon.

6. The attached Parenting Plan is hereby adopted by this Court and Husband must petition this Court for visitation.

7. Wife is awarded a judgment in the amount of $3,027.60 for past due child support owed through February, 2006 by Husband to Wife pursuant to this Court's Order of January 17, 2006 for which execution shall attach if necessary.

8. Wife is awarded a judgment in the amount of $1,516.00 for payments due through February 2006 on the automobile and on the marital resident as Ordered by this Court in the hearing of January 17, 2006 for which execution shall attach if necessary.

9. Husband is ORDERED to pay Wife's attorney fees in the amount of $1,500.00 for which execution shall attach if necessary.

10. Husband is ORDERED to pay all court costs in this matter.

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It is, therefore, so ORDERED, ADJUDGED and DECREED.

Enter this the 2nd day of March, 2006.

JUDGE CAROL SOLOMAN

APPROVED FOR ENTRY:

Robyn Lynne Ryan #12782
Attorney for Wife
1808 West End Avenue, Suite 1500
Nashville, Tennessee 37208

CERTIFICATE OF SERVICE

I do hereby certify that a true and exact copy of the foregoing *Final Decree* was mailed, postage pre-paid, to:

Mr. Howard Davis at P.O. Box 41344, Nashville, Tennessee 37204

On this the 24th day of February 2006.

Robyn Lynne Ryan

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

2006 MAR -2 PM 3:50

VETINA LASHONE DAVIS,
Plaintiff,

v.

HOWARD LOUIS DAVIS,
Defendant.

Docket No. 05D4025

I. RESIDENTIAL PARENTING SCHEDULE

A. RESIDENTIAL TIME WITH EACH PARENT

The Primary Residential Parent is Mother.

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

All visitation rights to Father are reserved pending his application before this Court and his providing this Court with a residential address and telephone number.

C. HOLIDAY SCHEDULE AND OTHER SCHOOL FREE DAYS

	MOTHER	FATHER
New Year's Day	_____every_____	_____
Martin Luther King Day	_____every_____	_____
Presidents' Day	_____every_____	_____
Easter Day	_____every_____	_____
Mother's Day	_____every_____	_____
Memorial Day	_____every_____	_____
July 4th	_____every_____	_____
Labor Day	_____every_____	_____
Thanksgiving Day & Friday	_____every_____	_____
Children's Birthdays	_____every_____	_____
Other School-Free Days	_____every_____	_____
Mother's Birthday	_____every_____	_____

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 N/A

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E. WINTER (CHRISTMAS) VACATION

The Mother have the child every Christmas Holiday unless and until Father petitions this Court for visitation.

F. SPRING VACATION

The Mother shall have the child every Spring Vacation unless and until Father petitions this Court for visitation.

G. SUMMER VACATION

The Mother shall have the child all summer unless and until Father petitions this Court for visitation.

H. TRANSPORTATION ARRANGEMENTS

N/A

I. SUPERVISION OF PARENTING TIME

N/A

II. DECISION-MAKING

A. DAY-TO-DAY DECISIONS

Mother shall make all decisions regarding the day-to-day care of the child unless and until Father petitions this Court for visitation.

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 $ 4,568.50
Mother's gross monthly income is $ 3,818.60

1. The final child support order is as follows:
   a. The Father shall pay to the Mother as regular child support the sum of $783.00 per month and shall pay this in two equal payments of 391.50 twice per month

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Child Support Worksheet is attached as an exhibit and is incorporated herein.

Mother is further awarded a judgment in the amount of $3,026.60 for past due child support and Father shall pay $150.00 twice per month until the judgment is paid in full.

3. Payments shall begin on the1st day of March, 2006.

This support shall be paid:

to the Central Child Support Receipting Unit, P. O. Box 305200, Nashville, Tennessee 37229, and sent to the other parent at:2805 Rural Hill Court, Antioch, Tennessee 37013. Father's employer, Dell Products, L.P., One Dell Way, Round Rock, TX shall deduct the sum of $541.50 from each of Father's pay checks and shall send this amount to the Central Child Support Receipting Unit at the address listed above.

B. FEDERAL INCOME TAX EXEMPTION

The mother is the parent receiving child support and shall claim the minor child.

The father will furnish IRS Form 8332 to the parent entitled to the exemption by February 15 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.
- 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

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.

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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 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.

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

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

The father *shall* insure his life in the minimum amount of $250,000.00 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, as trustee for the benefit of the children, to serve without bond or accounting.

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. 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:

☐ The Court DUE TO RESERVATION OF FATHER'S RIGHTS TO VISITATION PENDING HIS PETITION BEFORE THIS COURT.

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.

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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:

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(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 mother.
Failure to attend the parent education class within 60 days of this order is punishable by contempt.

It is so ORDERED this the 2nd day of March, 2006.

JUDGE CAROL SOLOMAN

APPROVED FOR ENTRY:

ROBYN LYNNE RYAN # 12782
Attorney for Mother
1808 West End Ave, Suite 1500
Nashville, Tennessee 37203

CERTIFICATE OF SERVICE

I do hereby certify that a true and exact copy of the foregoing *Parenting Plan,* postage pre-paid, to:

Mr. Howard Davis at P.O. Box 41344, Nashville, Tennessee 37204

On this the 24th day of February 2006.

Robyn Lynne Ryan

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State of Tennessee - Child Support Worksheet

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: VENITA DAVIS		X	
	Name of Father: HOWARD DAVIS	X		
	Name of non-parent Caretaker:			
	TCSES case #:			
	Docket #:			
	Court name:			

Name(s) of Child(ren)	Date of Birth	Days with Mother	Days with Father	Days with Caretaker
JONICA DAVIS	10/2/97	365	0	0
		0	0	0
		0	0	0
		0	0	0

Part II. Basic Support Obligation

✓ For clarity and consistency, use Column A for PRP information and Column B for ARP information.
✓ For Split Parenting, use Column A for Mother's information and Column B for Father's information.

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

			Column A	Column B	Column C
1		Monthly Gross Income	$ 3818.60	$ 4568.50	
	1a	Self-employment tax paid	- 0.00	- 0.00	
	1b	Credit for pre-existing support orders	- 0.00	- 0.00	
	1c	Credit for in-home children	- 0.00	- 0.00	
	1d	Credit for not-in-home children	- 0.00	- 0.00	
2		Adjusted Gross Income (AGI)	$ 3818.60	$ 4568.50	$ 8387.10
3		Percentage Share of Income (PI)	46 %	54 %	100 %
4		Basic Child Support Obligation (BCSO)			$ 1025.00

Part III. Parents' Share of Support Obligation

Standard Parenting	5	Each parent's share of the BCSO	$ 471.50	$ 553.50
Split Parenting	6a	Mother's obligation for children for whom father is the PRP	$ 0.00	
	6b	Father's obligation for children for whom mother is the PRP		$ 0.00

Part IV. Parenting Time Adjustment

	7a	Number of days per calendar year with children supported by this order with whom the ARP spends 121 or more days per calendar year	0	0
	7b	Parenting time adjustment percentage	0 %	0 %

8a	Number of days per calendar year with children supported by this order with whom the ARP spends 53 or fewer days per calendar year	0	0
8b	Parenting time adjustment percentage	0 %	35 %
9	Adjustment in ARP's support obligation for parenting time	$ 0.00	$ 193.73
10	Each parent's share of the adjusted BCSO	$ 471.50	$ 747.23

Part V. Additional Expenses

		Column A	Column B	Column C
11a	Children's portion of health insurance premium	$ 66.10	$ 0.00	
11b	Work-related childcare	$ 0.00	$ 0.00	
11c	Total additional expenses	$ 66.10	$ 0.00	$ 66.10
12	Each parent's share of additional expenses	$ 30.41	$ 35.69	
13	Adjusted Support Obligation (ASO)	$ 501.91	$ 782.92	
14	Enter amount of payroll deduction from lines 11a and/or 11b or direct payments from line 11a.	- 66.10	- 0.00	
15	Subtract line 14 from line 13. Enter remainder.	$ 435.81	$ 782.92	

Part VI. Presumptive Child Support / Modification of Current Support

		Obligation Column
16	Presumptive Child Support Order (PCSO) The ARP's amount from Line 15.* * For split parenting situations, enter the difference between the greater and smaller numbers from Line 15.	$ 783.00

Modification of Current Child Support Order

17a	Current child support order amount for the payor parent	$ 0.00
17b	Amount required for significant variance to exist	$ 0.00
17c	Actual variance between current and presumptive child support orders	$ 0.00

Part VII. Uninsured Medical Expenses, Deviations, Final Child Support Order

18	Recurring uninsured medical expenses	$ 0.00
19	Deviations (Specify):	$ 0.00

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

20	Final Child Support Order	$ 783.00

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State of Tennessee - Credit Worksheet

Part I. Identification

			PRP	ARP	SPLIT
Indicate the status of each parent or caretaker by placing an "X" in the appropriate column	Name of Mother:	VENITA DAVIS	X		
	Name of Father:	HOWARD DAVIS		X	
	Name of non-parent Caretaker:				
	TCSES case #:				
	Docket #:				
	Court name:				

Part II. Additional Children

			Column A	Column B
Parent Income Information	1	Monthly gross income of parent desiring to claim credit	$ 3818.60	$ 4568.50
	2a	Self-employment tax paid	$ 0.00	$ 0.00
	2b	Applicable gross income for credit worksheet	$ 3818.60	$ 4568.50

In-Home Children

3 Below, list qualified children living in the parent's home (if none, skip to line 7):

Name(s) of Child(ren) for PRP	Date of Birth	Name(s) of Child(ren) for ARP	Date of Birth

4	Number of qualified children living in the parent's home	# 0	# 0
5	Theoretical child support order (this parent's income on CS Schedule for number of children from line 4)	$ 0.00	$ 0.00
6	75% of theoretical child support order from line 5	$ 0.00	$ 0.00

Not-In-Home-Children

7 Below, list qualified children not living in the parent's home:

Name(s) of Child(ren) for PRP	Date of Birth	Name(s) of Child(ren) for ARP	Date of Birth

8	Number of qualified children not living in the parent's home	# 0	# 0
9	Average documented monetary support over last 12 months	$ 0.00	$ 0.00
10	Theoretical child support order (this parent's income on CS Schedule for number of children from line 8)	$ 0.00	$ 0.00

11a 75% of theoretical child support order from line 10	$ 0.00	$ 0.00
11b Allowable credit for not-in-home children	$ 0.00	$ 0.00

Part III. Pre-Existing Support Orders

	List court name, docket number, TCSES number, monthly ✓ obligation, name and date of birth for each child supported under the order. Do not include arrears payments.	Column A	Column B
1		$ 0.00	$ 0.00
2		$ 0.00	$ 0.00
3		$ 0.00	$ 0.00
4		$ 0.00	$ 0.00
	Total	$ 0.00	$ 0.00

This section is not part of the calculation for Part II above

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 02 day of MARCH , 2006 , in the Case Number 05D4025 between DAVIS, VETINA LASHONE Plaintiff, and DAVIS, HOWARD LOUIS 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 03 day of MARCH in the year two thousand nine and in the 232nd year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

