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IN THE EIGHTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

2005 APR 29 AM 8:57

B. Rawls

REGINA DENISE DILLARD,)
)
Plaintiff/Counter Defendant,)
)
vs.) Docket No. ~~04D-654~~ D.C.
)
DAVID WILSON DILLARD,)
)
Defendant/Counter Plaintiff.)

FINAL DECREE OF DIVORCE

This cause came to be heard on the 4th day of April, 2005, before the Honorable Carol Soloman, Judge of the Eighth Circuit Court of Davidson County, Tennessee, upon the pleadings of the parties; testimony of the parties heard in open court; the documentary evidence submitted during the trial of this cause and argument from each attorney of record, from all of which the Court finds that pursuant to T.C.A., § 36-4-129 (b), the proof indicates that each party has been guilty of inappropriate marital conduct and the Court will declare the parties divorced as more specifically ordered below.

The Court further finds that there should be an equitable distribution of the marital estate and after hearing testimony from the teenage child, to wit: Carmen Dillard (d/o/b: August 23, 1988), provisions must be made for the support and maintenance of the minor child and visitation between the child and Father as more specifically ordered below. The Court further finds that this is a marriage of approximately twenty (20) years and that the Wife receives a full disability from the Social Security Administration based upon psychological difficulties. Thus, the Wife is not employed and this case is a proper case for the setting of periodic alimony.

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It is, therefore, **ORDERED** that the parties, Regina Denise Dillard and David Wilson Dillard, are declared to be divorced with each party being restored to all the rights and privileges of unmarried persons.

It is, further, **ORDERED** that the Wife, Regina Denise Dillard, is awarded the marital residence located at 214 Chilton Street, Nashville, Tennessee 37211 to be hers absolutely, free and clear of any claims from the Husband; said real property being more particularly described as follows:

> "Land in Davidson County, Tennessee, being Lot No. 33 on the Plan of Nolen Heights, as of record in Plat Book 332, page 122, Register's Office for said County, to which plan reference is made for a more complete description.
>
> Being the same property conveyed to E. R. Buchi by deed from Luther W. Spray and wife, Sarah Louise Spray of record in Book 6737, page 732, Register's Office for Davidson County, Tennessee.
>
> Being the same property conveyed to David W. Dillard and wife, Regina D. Dillard by deed from E. R. Buchi, Married of record in Book 10079, page 666, Register's Office of Davidson County, Tennessee."

It is, further, **ORDERED** that the Wife shall refinance any outstanding mortgage which encumbers the above described real property within five (5) years of the entry of this Final Decree of Divorce. Prior to said refinancing, the Wife shall timely pay and keep current the monthly mortgage indebtedness beginning April 15, 2005.

It is, further, **ORDERED** that the Wife shall be awarded sole and exclusive possession of the 2003 IRS Refund Check in the approximate amount of one thousand seven hundred fifty-seven dollars ($1,757.00) to be hers absolutely, free and clear of any claims from the Husband.

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It is, further, **ORDERED** that the Husband shall be awarded sole and exclusive possession of his 1988 Chevrolet S-10 pick up truck which is not encumbered by lien, to be his absolutely, free and clear of any claims from the Wife.

It is, further, **ORDERED** that the Wife shall be granted sole and exclusive possession of the 1989 Chevrolet Astro Van and the 1996 Saturn automobile, to be hers absolutely, free and clear of any claims from the Husband.

It is, further, **ORDERED** that on Saturday, April 9, 2005, at 3:00 p.m. the Husband shall take possession of his Grandmother's dresser and the computer desk with printer stand; said exchange to take place at 214 Chilton Street, Nashville, Tennessee 37211.

It is, further, **ORDERED** that each party will be responsible to obtain their own automobile insurance coverage upon the vehicles awarded to them beginning April 4, 2005.

It is, further, **ORDERED** that the Husband shall be awarded sole and exclusive possession of the life insurance policy which insures his life and the Wife shall be awarded sole and exclusive possession of the life insurance policy that insures her life, free and clear of any claims from the other spouse. Beginning April 4, 2005, each individual will be responsible to pay their own monthly life insurance premiums without contribution from the other spouse.

It is, further, **ORDERED** that for the tax year 2004, the parties will file a joint Federal Income Tax Return and in the event there are any taxes due and owing, said taxes will be paid from the 401(k) funds currently in the possession of the Husband and any balance due and remaining thereafter, will be equally divided between the parties.

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It is, further, **ORDERED** that there are no joint marital debts; therefore, each party shall be obligated to timely pay and keep current any and all indebtedness they have incurred on their own behalf and they shall indemnify and hold the other party free and harmless from the payment of same.

It is, further, **ORDERED** that the Husband shall pay directly to the Wife periodic alimony in the amount of two hundred sixteen dollars and sixty-seven cents ($216.67) per month ($50.00 per week) until the minor child becomes emancipated. Upon the minor child becoming fully emancipated and the termination of the payment of ordinary child support, said periodic alimony shall increase to four hundred ninety-eight dollars and thirty-four cents ($498.34) per month ($115.00 per week) for two (2) years subsequent to the first payment of said amount, and then periodic alimony will be automatically reduced to four hundred thirty-three dollars and thirty-four cents ($100.00 per week) thereafter pending further orders from this Court.

It is, further, **ORDERED** that based upon the fact the Husband is currently paid every two (2) weeks (twenty-six pay periods per year), he will be granted leave of the Court to make the payment of periodic alimony every two (2) weeks in the amount of one hundred dollars ($100.00) per pay period during the minority of the child beginning Thursday, April 7, 2005; the sum of two hundred thirty dollars ($230.00) per pay period for two (2) years subsequent to the emancipation of the child and then in the amount of two hundred dollars ($200.00) per pay period pending further orders from the Court.

It is, further, **ORDERED** that the payment of periodic alimony is considered income and therefore taxable to the Wife and is a tax deduction for the Husband.

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It is, further, **ORDERED** that the payment of periodic alimony shall terminate upon the death or remarriage of the Wife or may be modified by subsequent Court order for good cause.

It is, further, **ORDERED** that any and all issues that touch and concern the minor child are addressed in the attached Permanent Parenting Plan; said Permanent Parenting Plan being herein approved and made the judgment of this Honorable Court and incorporated in and made part of this Final Decree of Divorce.

It is, further, **ORDERED** that each party will be obligated to pay his/her own attorney fees without contribution from the other spouse.

It is, further, **ORDERED** that the Husband, David Wilson Dillard, whose mailing address is 675 Harding Place, Apartment H-6, Nashville, Tennessee 37211 will be responsible to pay the court costs incurred in connection with this matter; said court costs being herein reduced to judgment for which execution may issue is necessary.

ENTERED this the 27th day of ~~April~~ May, 2005.

CAROL SOLOMAN, JUDGE

Law Office of:

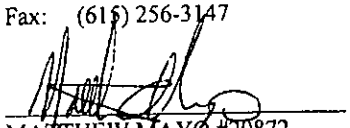
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APPROVED FOR ENTRY:



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IN THE EIGHTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

REGINA DENISE DILLARD,	)	**Docket No. 04D-654** 2005 APR 29 AM 8:57
	)	
Mother,	)	**PARENTING PLAN**
	)	
vs.	)	**____ Proposed Plan** B Rawls
	)	
DAVID WILSON DILLARD,	)	**_X_ Final Parenting Plan**
	)	
Father.	)	

PERMANENT PARENTING PLAN

This plan is _X_ Ordered by the court on the 4th day of April, 2005.
___ is a part of the Marital Dissolution Agreement,
___ modifies an existing Parenting Plan or prior Court Order, dated _____.

1. This plan involves the following children:

Carmen Dillard DOB: August 23, 1985

I. RESIDENTIAL SHARING SCHEDULE

The schedule below sets out which parent has responsibility for the child during the week, weekends, holidays and vacations.

A. DAY TO DAY SCHEDULE.

The Mother shall have responsibility for the care of the minor child.

The Father will have visitation with the minor child as the Father and daughter agree upon, but not less than lunch each Saturday.

B. TRANSPORTATION ARRANGEMENTS.

Transportation arrangements for the children, between parents shall be as follows:

The Father shall pick up and deliver the minor child to and from his visitation.

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C. OTHER:

The following special provisions apply to the schedules or residential considerations of the children:

Each parent shall be permanently **ENJOINED AND RESTRAINED** from discussing with or involving the minor child in any domestic disputes between the parents.

Each parent shall be permanently **ENJOINED AND RESTRAINED** from taking any actions directly calculated to alienate the minor child's affections from the other parent.

II. DECISION MAKING

A. DAY TO DAY DECISIONS
Each parent shall make decisions regarding the day-to-day care and control of the child while the child is residing with that parent. Regardless of the allocation of decision making in this parenting plan, either parent may make emergency decisions affecting the health or safety of the child.

B. CHILD NURTURE
Mother and Father will behave with respect to each other and the child so as to provide a loving, stable, consistent and nurturing relationship with the children even though they, themselves, are being divorced. Mother and Father agree they will not speak badly of each other or the members of the family of the other parent. They will encourage the child to continue to love the other parent and be comfortable in both new families.

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C. MAJOR DECISIONS

Major decisions regarding each child shall be made as follows:

Education decisions	_X_ mother	___ father	___ joint
Non-emergency health care	_X_ mother	___ father	___ joint
Religious upbringing	_X_ mother	___ father	___ joint
Extracurricular activities	_X_ mother	___ father	___ joint

III. FINANCIAL SUPPORT FOR CHILDREN

A. CHILD SUPPORT PER CHILD SUPPORT GUIDELINES OR DEVIATIONS

The Father is gainfully employed with O'Reilly Auto Parts and has an average gross monthly income of one thousand nine hundred ninety-seven dollars and forty-nine cents ($1,997.49). The Father shall pay ordinary child support in the amount of five hundred forty-five dollars ($545.00) per month; however, the Father will be granted leave of the Court to pay said amount every two (2) weeks in the amount of two hundred fifty-one dollars ($251.54) beginning with his next pay period, April 7, 2005, and due and payable on alternating Thursdays thereafter, pending further orders from this Honorable Court.

This support shall be paid

_X_ Directly to the other parent at 214 Chilton Street, Nashville, TN 37211.

___ To the Central Child Support Receipting Unit
P. O. Box 305200, Nashville, TN 37229,
and sent to the other parent at_____

___ By Wage Assignment Order [Attach Order]

The parties affirmatively acknowledge that Court approval must be obtained before child support can be reduced or modified, unless such payments are automatically reduced or terminated under the terms of the Parenting Plan

B. TAX DEDUCTION
The _X_ Father shall receive the tax deduction for the child for each year.

C. TAX RETURN NOTICE
The parent(s) paying child support shall send to the other parent by or before April 15 of every year [OR August 15, if an extension is sought], a copy of their respective W-2 form or a copy of the first page of their tax return.

D. HEALTH INSURANCE
The minor child will remain on TennCare via the Mother's application.

IV. DESIGNATION SOLELY FOR STATE AND FEDERAL STATUTES:

The child named in this parenting plan are scheduled to reside the majority of the time with the _X_ mother ___ father, as primary residential parent. This parent is so designated for purposes of any other state and federal statutes which require a designation or determination of parental responsibility. If the parents are joint decision makers as listed in Section II. for purposes of obtaining health insurance, they shall be considered joint custodians. THIS DESIGNATION SHALL NOT AFFECT EITHER PARENT'S RIGHTS AND RESPONSIBILITIES UNDER THIS PARENTING PLAN.

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V. DISAGREEMENTS ABOUT JOINT DECISIONS OR MODIFICATIONS OF PLAN

Should a disagreement arise about the Parenting Plan or the parties wish to modify the plan, the parties shall make a good faith effort to resolve the issue through the dispute resolution process, before returning to court.

Unless a limiting factor listed in T.C.A. 36-6-406 precludes a dispute resolution process prior to court action, or an emergency court action is necessary to protect the welfare of the child or a party, the parties agree to the following dispute resolution method:

Disputes between the parties, other than the child support disputes, shall be submitted to:

_X_ Mediation by Rule 31 Mediator
___ Arbitration
___ Settlement conference
___ Court process due to Order of Protection

The cost of this process shall be assessed to the parties by the Court based upon their incomes. The out-of-court process shall be commenced by notifying the other party and the Court by

___ written request _X_ 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 designated process to resolve disputes relating to making the plan work.
(c) A written record shall be prepared of any agreement reached in the mediation, arbitration or settlement conference and shall be provided to each party to be drafted into a consent order of modification.
(d) If the court finds that a parent willfully failed to appear at a scheduled dispute resolution process without good reason, the court, upon motion, may award attorney fees and financial sanctions to the prevailing parent.

VI. STANDARD PARENTING ORDERS

Pursuant to *Tennessee Code Annotated*, §36-6-101(a) both parents are entitled to the following rights:

1. To unimpeded telephone conversations with the child at least twice each week at reasonable times and for a reasonable duration;

2. To send mail to the child which the other parent shall not open and will not censor;

3. To receive notice and relevant information as soon as practical (but within 24 hours) in the event of hospitalization, major illness, or death of the child;

4. To receive directly from the school, upon written request, which includes a current mailing address and upon payment of reasonable costs of duplicating, copies of the child's report cards, attendance records, names of teachers, class schedules, standardized test scores, and any other records customarily made available to parents.

5. Unless otherwise provided by law, 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 such treatment or health care upon written request which contains a current mailing address and upon payment of reasonable costs of duplication; provided, that 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. To be free of unwarranted derogatory remarks made about such parent or such parent's family by the other parent to or in the presence of the child.

7. To be given at least forty-eight (48) hours notice, whenever possible, of all extra curricular activities, and the opportunity to participate or observe, including, but not limited to, the following:

   (i) School activities;
   (ii) Athletic activities;
   (iii) Church activities; and
   (iv) Other activities as to which parental participation or observation would be appropriate.

8. 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. Access and participation in education, including the right of access to the minor child or children for lunch and other activities, on the same basis that is provided to all parents, provided the participation or access is reasonable and does not interfere with day-to-day operations or with the child's educational performance.

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ORDER OF THE COURT

It is ORDERED, ADJUDGED AND DECREED that the Parenting Plan set forth above is adopted and approved as an order of this court.

ENTERED this the 29th day of April, 2005.

CAROL SOLOMAN, JUDGE

APPROVED FOR ENTRY:

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MATTHEW MAYO #20872
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Tel: 255-9595
Fax: 259-2666

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Address of the Mother:

Regina Denise Dillard
214 Chilton Street
Nashville, TN 37211

Date Attended Parenting Seminar: October 12, 2004

Address of the Father:

David Wilson Dillard
675 Harding Place
Apartment H-6
Nashville, TN 37211

Date Attended Parenting Seminar: May 8, 2004

WELCOME! STEP 1 STEP 2 STEP 3 STEP 4 STEP 5

STEP 6 STEP 7 STEP 8 STEP 9 STEP 10 - FINISH RESET

2005 APR 29 AM 8:57

Printer Friendly Version *** To return, click on the worksheet's title.

B Rambo B.C.

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:	Regina Denise Dillard	X		
	Name of Father:	David Wilson Dillard		X	
	Name of non-parent Caretaker:				
	TCSES case #:				
	Docket #:	04D-654			
	Court name:	Eighth Circuit Court of Davidson			

Name(s) of Child(ren)	Date of Birth	Days with Mother	Days with Father	Days with Caretaker
Carmen Dillard	8/23/85	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.

			Column A	Column B	Column C
	1	Monthly Gross Income	$ 724.00	$ 1997.49	
	1a	Self-employment tax paid	0.00	0.00	
Use Credit Worksheet to calculate line items 1a - 1d	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)	$ 724.00	$ 1997.49	$ 2721.49
	3	Percentage Share of Income (PI)	27 %	73 %	100 %
	4	Basic Child Support Obligation (BCSO)			$ 553.00

Part III. Parents' Share of Support Obligation

Standard Parenting	5	Each parent's share of the BCSO	$ 149.31	$ 403.69
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	$ 141.29	
10	Each parent's share of the adjusted BCSO	$ 149.31	$ 544.98	

Part V. Additional Expenses		Column A	Column B	Column C
11a	Children's portion of health insurance premium	$ 0.00	$ 0.00	
11b	Work-related childcare	$ 0.00	$ 0.00	
11c	Total additional expenses	$ 0.00	$ 0.00	$ 0.00
12	Each parent's share of additional expenses	$ 0.00	$ 0.00	
13	Adjusted Support Obligation (ASO)	$ 149.31	$ 544.98	
14	Enter amount of payroll deduction from lines 11a and/or 11b or direct payments from line 11a.	. 0.00	. 0.00	
15	Subtract line 14 from line 13. Enter remainder.	$ 149.31	$ 544.98	

Part VI. Presumptive Child Support / Modification of Current Support

			Obligation Column
	16	Presumptive Child Support Order (PCSO)	$ 545.00

The ARP's amount from Line 15.*
* For split parenting situations, enter the difference between the greater and smaller numbers from Line 15.

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	$ 545.00

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:	Regina Denise Dillard	X		
	Name of Father:	David Wilson Dillard		X	
	Name of non-parent Caretaker:				
	TCSES case #:				
	Docket #:	04D-654			
	Court name:	Eighth Circuit Court of Davidsc			

Part II. Additional Children

			Column A	Column B
Parent Income Information	1	Monthly gross income of parent desiring to claim credit	$ 724.00	$ 1997.49
	2a	Self-employment tax paid	$ 0.00	$ 0.00
	2b	Applicable gross income for credit worksheet	$ 724.00	$ 1997.49

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.

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

	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

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 29 day of APRIL , 2005 , in the Case Number 04D654 between DILLARD, REGINA DENISE STOCKARD Plaintiff, and DILLARD, DAVID 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 26 day of AUGUST in the year two thousand nine and in the 233rd year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

