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IN THE ~~EIGHTH~~ FOURTH CIRCUIT COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, COUNTY OF DAVIDSON

FILED
2010 JUN 18 PM 3:19
RICHARD R. ROOKER, CLERK
D.C.

KRIS WINKLER MCCABE,	)	
Plaintiff,	)	
	)	
vs.	)	**No. 09D-2926**
	)	
JOSEPH KERRY MCCABE,	)	
Defendant.	)	

FINAL DECREE

This cause came to be heard on March 30th, 2010, before the Honorable Judge Philip Smith, upon the Wife's Complaint for Absolute Divorce from Husband, the testimony of witnesses in open court and the record as a whole, from all of which the Court is of the opinion that Mr. McCabe has engaged in physical abuse perpetrated upon Ms. McCabe. The physical abuse was so severe that it has caused her to seek medical treatment in the past. He failed to adequately provide financially to the marriage, and he has engaged in alcohol abuse during the marriage, which has remained untreated. Having made those findings, the court finds that the Wife was entitled to an absolute divorce from the Husband on the ground of inappropriate marital conduct. It is, therefore,

ORDERED, ADJUDGED and DECREED that the Wife, Kris Winkler McCabe, is awarded an absolute divorce from the Husband, Joseph Kerry McCabe, on the grounds of inappropriate marital conduct and restored to the rights of unmarried person; and it is further,

ORDERED, ADJUDGED and DECREED that the Wife shall retain the marital property located 113 Firelight Ct., Antioch, TN 37013. Any interest the Husband now has in said property is hereby divested from him and vested in the Wife, Kris Winkler McCabe. Ms.

BILL GARRETT, Davidson County
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McCabe will receive all right, title, and interest in the real property, with a legal description of:

> Being Lot No. 148 on the Plan of Hickory Woods Estates, Section C, of record in Plat Book 6900, pages 884-887, Register's Office for Davidson County, Tennessee, reference to which is hereby made for a more complete and accurate legal description.
>
> Being a portion of the same property conveyed to Butler Construction, LLC by Quitclaim Deed from Jerry Butler Construction, Inc. of record at Book 11065, page 145, Register's Office for Davidson County, Tennessee.
>
> Subject to all matters of record in Plat Book 6900, pages 884-887, Register's Office for Davidson County, Tennessee.
>
> Subject to any and all easements and/or restrictions of record in the Register's Office for Davidson County, Tennessee.
>
> Subject to amended and re-stated restrictive covenants of record in Book 9678, Page 187, Register's Office for Davidson County, Tennessee.
>
> Subject to the By-Laws of the Hickory Woods Homeowners Association of record in Book 7932, page 648, as corrected in Book 9616, page 470, Book 9616, page 477, Book 9678, page 213, and Book 9764, page 44, Register's Office for Davidson County, Tennessee.

Mr. McCabe is divested of all right, title, and interest. Ms. McCabe will be responsible for all indebtedness associated with the real property, holding him harmless thereon.

ORDERED, ADJUDGED and DECREED that the parties' personal items such as clothing and jewelry having been divided to the parties' satisfaction and any interest in the same is divested from each and vested in the party in possession of said items. All clothing and personal items of the husband have been put in his automobile; in terms of any additional property located in the marital home place, any interest the Husband now has in said property is hereby divested from him and vested in the Wife, Kris Winkler McCabe, free and clear of any

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claim from Mr. McCabe; and it is further,

ORDERED, ADJUDGED and DECREED that the Mother, Kris Winkler McCabe, is awarded full custody of the minor child, Erin Kashmir McCabe d/o/b 4/29/1999. *See* attached Parenting Plan which is incorporated in this agreement by reference and shall be made a part of this Final Decree in Divorce; and it is further,

ORDERED, ADJUDGED and DECREED that taxes for 2009 be filed jointly by husband and wife and the refund therefore be used to, first, pay 2009 Property Taxes on the property located at 113 Firelight Ct., Antioch, TN 37013 and, secondly, to pay for braces and glasses for the child, Erin Kashmir McCabe; and it is further,

ORDERED, ADJUDGED and DECREED that the married couple to date retains no interest in the timeshare located at Massanutten Resort, 1822 Resort Drive, McGaheysville, VA 22840, but if there remains any interest, any interest the Husband now has in said property is hereby divested from him and vested in the Wife, Kris Winkler McCabe; and it is further,

ORDERED, ADJUDGED and DECREED that all household furniture and fixtures and other household items, including any pets, shall be vested in Kris Winkler McCabe, other than a chest of drawers that is a family heirloom which shall be vested in the husband, Joseph Kerry McCabe. Any interest the Husband now has in said property, other than that stated above, is hereby divested from him and vested in the Wife, Kris Winkler McCabe; and it is further,

ORDERED, ADJUDGED and DECREED that the Wife shall receive as her sole and separate property, free and clear of all claims of the Husband, the 2000 Ford Windstar Van and will assume any and all indebtedness on said automobile and shall indemnify and hold the Husband harmless for the same; and it is further,

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ORDERED, ADJUDGED and DECREED that each party will assume the debts incurred under their own name; and it is further,

ORDERED, ADJUDGED and DECREED that the Defendant reimburse the Plaintiff for her attorney fees in the amount of $2,100.00 plus court reporter costs of $171.20; and it is further,

ORDERED, ADJUDGED and DECREED that the Husband shall receive as his sole and separate property, free and clear of all claims of the Wife, the 2001 Kia Spectra and will assume any and all indebtedness on said automobile and shall indemnify and hold the Wife harmless for the same.

Pursuant to T.C.A. §36-4-134, this decree does not necessarily affect the ability of a creditor to proceed against a party or a party's property, even though the party is not responsible under the terms of the decree for an account, any debt associated with an account or any debt. It may be in a party's best interest to cancel, close or freeze any jointly held accounts.

Costs in this case are taxed to the Defendant for which execution may issue.

Entered this the 18th day of June, 2010.

PHILIP SMITH, Judge

APPROVED FOR ENTRY:

Susan R. Mader, BPR # 28396
Attorney for Plaintiff
201 4th Avenue North, Suite 1800
Nashville, TN 37219
(615) 256-1577

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CERTIFICATE

I certify that I have placed a true and exact copy of the foregoing document in the United States Mails, postage prepaid, addressed to:

Joseph Kerry McCabe
c/o RCCWC
1720 Church St., B-33
Murfreesboro, TN 37130

This 4th day of June, 2010.

Susan R. Mader

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 18 day of JUNE , 2010 , in the Case Number 09D2926 between MCCABE, KRIS WINKLER Plaintiff, and MCCABE, JOSEPH KERRY 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 30 day of JULY in the year two thousand ten and in the 234th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

