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FILED

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE 2009 SEP 30 PM 3:29

RICHARD R. ROOS, CLERK

HENRY BOOKER,

Plaintiff,

v.

PHYLLIS L. BOOKER,

Defendant.

DOCKET NO. 09D-70
Notice of Entry Requested

FINAL DECREE OF DIVORCE

This cause came to be heard on the 15th day of September, 2009, before the Honorable Philip E. Smith, Judge of the Fourth Circuit Court for Davidson County, Tennessee upon the Complaint for Divorce filed by Husband and the Answer and Counter Complaint thereto filed by Wife. The Court finds based on the statements of counsel, the testimony of the parties, the stipulations of the parties and the record as a whole, that the parties should be declared divorced pursuant to Tenn. Code Ann. §36-4-129.

The Court further finds that there are no minor children born of this marriage.

The Court further finds that the parties own real property located at 4224 Hallmark Road, Nashville, Tennessee, more fully described as follows:

> Being Lot No. 38 on the plan of Drakes Run, Section Two, of record in Book 11700 page 69 Register's Office for Davidson County, Tennessee to which reference is hereby made for a more complete description.
>
> Being part of the same property conveyed to SHH LLC, a Tennessee limited liability corporation, by instrument executed July 16, 1998, which is of record in Book 11026 page 474 Register's Office for Davidson County, Tennessee.

BILL GARRETT, Davidson County
Trans:T20100055349 DEEDDIV
Recvd: 09/03/10 10:28 7 pgs
Fees:37.00 Taxes:0.00
20100903-0070205

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Wife shall be divested of any interest she may have in said real property as a result of this marriage and such interest shall be vested solely in Husband. The Husband shall pay the mortgage indebtedness which is secured by the real property and all obligations related thereto. The Husband shall hold the Wife harmless thereon and indemnify her for any liability. Husband shall refinance the property before August 22, 2010, and pay to Wife $6,000.00 as her part of the equity. If Husband cannot refinance during this period of time then he shall pay Wife at the rate of $500.00 per month for twelve (12) consecutive months for a total of $6,000.00. Wife will have a lien for $6,000.00 against the real property until paid in full.

The Court further finds that Husband shall pay to Wife, as transitional alimony, the amount of $500.00 per month, taxable to Wife and tax-deductible to Husband, for eleven (11) consecutive months beginning October 22, 2009, and ending August 22, 2010, or until her death or remarriage, whichever occurs first, or until his death.

The Court further finds that Husband shall pay to Wife the amount of $311.73 per month upon his retirement from the Metropolitan Nashville Fire Department as her portion of his pension.

The Court further finds that each party shall be awarded the personal property currently in their possession and that neither party shall make a claim against the personal property of the other.

The Court further finds that each party shall be responsible for any debt incurred in his or her own name and shall hold the other harmless for any liability thereon.

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The Court further finds that each party shall be responsible for their own respective attorney's fees and that Husband shall be responsible for any court costs resulting from this action.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the parties are declared divorced, based on the stipulation of the parties, pursuant to Tenn. Code Ann. §36-4-129.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that the real property owned by the parties and located at 4224 Hallmark Road, Nashville, Tennessee, and more fully described as:

> Being Lot No. 38 on the plan of Drakes Run, Section Two, of record in Book 11700 page 69 Register's Office for Davidson County, Tennessee to which reference is hereby made for a more complete description.
>
> Being part of the same property conveyed to SHH LLC, a Tennessee limited liability corporation, by instrument executed July 16, 1998, which is of record in Book 11026 page 474 Register's Office for Davidson County, Tennessee.

shall be awarded to Husband. Wife shall be divested of any interest she may have in said real property as a result of this marriage and such interest shall be vested solely in Husband. The Husband shall pay the mortgage indebtedness which is secured by the real property and all obligations related thereto. The Husband shall hold the Wife harmless thereon and indemnify her for any liability. The Husband shall refinance the property before August 22, 2010, and pay to Wife $6,000.00 as her part of the equity. If Husband cannot refinance during this period of time then he shall pay Wife at the rate of $500.00 per month for twelve (12) consecutive months for a total of $6,000.00. Wife will have a lien for $6,000.00 against the real property until paid in full.

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IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that Husband shall pay to Wife, as transitional alimony, the amount of $500.00 per month, taxable to Wife and tax-deductible to Husband, for eleven (11) consecutive months beginning October 22, 2009, and ending August 22, 2010, or until her death or remarriage, whichever occurs first, or until his death.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that Husband shall pay to Wife the amount of $311.73 per month upon his retirement from the Metropolitan Nashville Fire Department as her portion of his pension.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that each party shall be awarded the personal property currently in their possession and that neither party shall make a claim against the personal property of the other.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that each party shall be responsible for any debt incurred in his or her own name and shall hold the other harmless for any liability thereon.

IT IS, FURTHER, ORDERED, ADJUDGED AND DECREED that each party shall be responsible for their own respective attorney's fees and that Husband shall be responsible for any court costs resulting from this action.

ENTERED this 30th day of September, 2009.

PHILIP E. SMITH, JUDGE

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APPROVED FOR ENTRY:

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Attorney for Phyllis L. Booker

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CERTIFICATE OF SERVICE

DOCKET NO. 09D70

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 6TH day of OCTOBER, 2009.

RICHARD R. ROOKER, Circuit Court Clerk

BY: _____

Deputy Clerk

BILLY J. MARLOWE, ATTORNEY
PARKWAY TOWERS, SUITE 1613
404 JAMES ROBERTSON PKWY
NASHVILLE, TN 37219

NATHANIEL H. KOENIG, ATTORNEY
212 3RD AVE. NORTH, SUITE 300
NASHVILLE, TN 37201

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 SEPTEMBER , 2009 , in the Case Number 09D70 between BOOKER, HENRY JR Plaintiff, and BOOKER, PHYLLIS L 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 02 day of SEPTEMBER in the year two thousand ten and in the 234th year of American Independence.

SEAL

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk