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

FILED
2009 AUG -6 AM 9:45
RICHARD R. ROOKER, CLERK
D.C.

TERRY JAY VANDIVORT, *Plaintiff/Husband,*	)	
v.	)	**DOCKET 08D-2943**
DELORIS DARLENE VANDIVORT, *Defendant/Wife.*	)	

FINAL DECREE

This cause came to be heard on Monday, July 27, 2009, before the Honorable Judge Carol Soloman, on the Wife's Counter-Complaint for Divorce. After hearing the stipulation of the parties as to grounds, the testimony of the Defendant/Wife, and the arguments of counsel, the Court found:

1. The Wife should be awarded a divorce from the Husband on the stipulated ground of his Inappropriate Marital Conduct;
2. The Husband has dissipated the parties' marital estate by his failure to timely complete the commenced renovations at 4704 Wyoming Avenue, Nashville, Tennessee 37209; and by his waste of at least $20,000 in marital assets on pornography and a paramour;
3. The Husband is not under-employed, but has the ability to earn much more than zero, and lost his job through his own fault;
4. The Wife is not under-employed, and although she has made more money in the past, she is now making what she can;
5. If Husband is awarded any of the marital debt it is likely Wife will end up paying them anyway;

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6. With the exception of the Husband's American Express Delta Gold account, all remaining debts are still joint debts, with the understanding that Wife will be paying those debts;

7. Attorney fees should be awarded to the Wife, but only as to the difficulties of this case, and not for the entire case; and

8. Further incarceration of the Husband for civil contempt would serve no useful purpose.

The Court then divided the marital estate between the parties, and awarded Wife alimony *in solido* and *in futuro*. It is, therefore

ORDERED, ADJUDGED, and DECREED that the Wife is awarded an absolute divorce from the Husband on the grounds of his inappropriate marital conduct, based upon the stipulation of the parties; and it is further

ORDERED, ADJUDGED, and DECREED that the Wife is awarded the real property known as 4704 Wyoming Avenue, Nashville, Tennessee 37209, and that all right, title, and interest in and to such real property is hereby divested from Husband and vested absolutely in Wife, and that upon entry of this Final Decree Wife shall be solely responsible to pay the Regions Bank mortgage and the Citibank Home Equity Line of Credit debt and all taxes and expenses relating to said property and shall hold Husband harmless from any further liability thereon; and it is further

ORDERED, ADJUDGED, and DECREED that the Husband is awarded the real property known as 3696 Bowker Road, Charlotte, Tennessee 37036; that all right, title, and interest in and to such real property is hereby divested from Wife and vested absolutely in Husband; and that upon entry of this Final Decree Husband shall be solely responsible to pay the mortgage debt and second mortgage debt and all taxes and expenses relating to said property and shall hold Wife harmless from

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any further liability thereon; and it is further

ORDERED, ADJUDGED, and DECREED that the Wife is awarded the timeshare property known as Blue Green Property Resort Points, and that all right, title, and interest in and to such timeshare property is hereby divested from Husband and vested absolutely in Wife; and that upon entry of this Final Decree Wife shall be solely responsible to pay the indebtedness to Bank National Association, and any and all other debts, taxes, and/or expenses relating to said property and shall hold Husband harmless from any further liability thereon; and it is further

ORDERED, ADJUDGED, and DECREED that beginning the first day of the month following the entry of this Final Decree of Divorce and continuing thereafter on the 1st day of each month, for a total period of forty-eight months, the Husband shall pay to the Wife One Thousand dollars ($1,000) monthly as alimony *in solido* that shall be: 1) non-dischargeable in bankruptcy as it is alimony necessary for the support and maintenance of Wife; 2) non-modifiable; and 3) not tax deductible to the Husband, nor taxable as income to the Wife; and it is further

ORDERED, ADJUDGED, and DECREED that beginning the fifteenth (15th) day of the month following the entry of this Final Decree of Divorce, and continuing thereafter on the 15th day of each month until the Wife's death or remarriage, the Husband shall pay to the Wife Two Hundred dollars ($200) monthly as alimony *in futuro*, and that said alimony *in futuro* shall be: 1) non-dischargeable in bankruptcy as it is alimony necessary for the support and maintenance of Wife; 2) tax deductible to the Husband; and 3) taxable as income to the Wife; and it is further

ORDERED, ADJUDGED, and DECREED that: 1) Wife is awarded the 1996 Chevrolet Cavalier and 2002 Ford Focus automobiles operated by the parties' children; 2) all right, title, and interest in and to said vehicles shall be and is hereby divested from Husband and vested absolutely in Wife; and 3) Wife shall be solely responsible to pay any and all indebtedness and/or liens associated

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with said vehicles and shall hold Husband harmless from any liability thereon; and it is further

ORDERED, ADJUDGED, and DECREED that: 1) Husband is awarded the 1993 Toyota Truck operated by him; 2) all right, title, and interest in and to said vehicle shall be and is hereby divested from Wife and vested absolutely in Husband; and 3) Husband shall be solely responsible to pay any and all indebtedness and/or liens associated with said vehicle and shall hold Wife harmless from any liability thereon; and it is further

ORDERED, ADJUDGED, and DECREED that within six months of the date of entry of this Final Decree of Divorce, the Husband shall purchase and title to the Wife, for an amount not to exceed Two Thousand dollars ($2,000) a used car or truck capable of providing Wife with reliable basic transportation; and it is further

ORDERED, ADJUDGED, and DECREED that if Husband's economic situation has not improved to the point where he can purchase such a used car or truck, the Husband may petition the Court for appropriate relief; and it is further

ORDERED, ADJUDGED, and DECREED that the parties are each awarded their bank accounts, and that all cash on hand, funds on deposit, and cash in demand deposit account(s) styled in the individual name of either party shall be the sole and separate property of the party in whose name each such account is styled, free and clear of any claim of the other party; and it is further

ORDERED, ADJUDGED, and DECREED that the Wife is awarded her Board of Retirement and St. Thomas Retirement Pension Benefits, and that all right, title, and interest in and to such retirement accounts, benefits, and/or plans is hereby divested from Husband and vested absolutely in Wife; and it is further

ORDERED, ADJUDGED, and DECREED that the Wife is awarded Fifty Percent (50%) of Husband's Trinity Marine 401(k) Plan as of the date of entry of this Final Decree of Divorce, and

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that a Qualified Domestic Relations Order, promptly prepared by Husband's counsel, shall be entered segregating the Wife's Fifty Percent (50%) of this retirement account into a separate account in her sole name; and it is further

ORDERED, ADJUDGED, and DECREED that the Wife is awarded Fifty Percent (50%) of Husband's United Parcel Service (UPS) retirement savings plan as of the date of entry of this Final Decree of Divorce, and that a Qualified Domestic Relations Order, promptly prepared by Husband's counsel, shall be entered segregating the Wife's Fifty Percent (50%) of this retirement account into a separate account in her sole name; and it is further

ORDERED, ADJUDGED, and DECREED that the Wife is awarded Fifty Percent (50%) of Husband's United Parcel Service stock, and Husband shall convey said stock to Wife within thirty (30) days of the entry of this Final Decree; and it is further

ORDERED, ADJUDGED, and DECREED that all right, title, and interest of Husband in and to any household furnishings and personal property in the possession of Wife shall be and is hereby divested from Husband, and Wife is awarded those items in her possession, including all personal property she has possessed and/or purchased since the parties' separation; and it is further

ORDERED, ADJUDGED, and DECREED that all right, title, and interest of Wife in and to any household furnishings and personal property in the possession of Husband shall be and is hereby divested from Wife, and Husband is awarded those items in his possession, including all personal property he has possessed and/or purchased since the parties' separation; and it is further

ORDERED, ADJUDGED, and DECREED that Husband is awarded, and shall be responsible for paying, the debt to American Express for his American Express Delta Gold Card account, and shall hold Wife harmless from any liability thereon; and it is further

ORDERED, ADJUDGED, and DECREED that Wife is awarded, and shall be responsible

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for paying, the debt consolidation loan known as the St. Thomas Credit Union VISA account ending in 5223, and shall hold Husband harmless from any liability thereon; and it is further

ORDERED, ADJUDGED, and DECREED that Wife is awarded, and shall be responsible for paying, the Chase VISA card account ending in 7059, and shall hold Husband harmless from any liability thereon; and it is further

ORDERED, ADJUDGED, and DECREED that Wife is awarded, and shall be responsible for paying, the Discover card account ending in 5236, and shall hold Husband harmless from any liability thereon; and it is further

ORDERED, ADJUDGED, and DECREED that Wife is awarded, and shall be responsible for paying, the St. Thomas Credit Union education loan ending in 4-024, and shall hold Husband harmless from any liability thereon; and it is further

ORDERED, ADJUDGED, and DECREED that Wife is awarded, and shall be responsible for paying, the GE Money Bank Care Credit account ending0254, and shall hold Husband harmless from any liability thereon; and it is further

ORDERED, ADJUDGED, and DECREED that Wife is awarded, and shall be responsible for paying, the GM Card account ending in 2705, and shall hold Husband harmless from any liability thereon; and it is further

ORDERED, ADJUDGED, and DECREED that Wife is awarded, and shall be responsible for paying, the EMC Radiology, Radiology Alliance, Tennessee Women's Care, and St. Thomas Hospital bills related to her recent illness, and shall hold Husband harmless from any liability thereon; and it is further

ORDERED, ADJUDGED, and DECREED that Wife is awarded a judgment against the Husband for attorney fees and costs in the amount of Two Thousand Eight Hundred Two dollars

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($2,802.00), for which execution may issue, in connection with Husband's obstruction of the discovery process and spoliation of evidence in this matter; and it is further

ORDERED, ADJUDGED, and DECREED that the provision of the Court's Order of May 11, 2009, that found Husband in civil contempt in this matter is hereby set aside, and Husband is released from any further incarceration or necessity to purge himself of contempt under said Order; and it is further

ORDERED, ADJUDGED, and DECREED that Husband shall pay any remaining court costs in this matter, for which execution may issue, if necessary.

DATED this 6th day of August, 2009.

SUBSTITUTE JUDGE JOHN MANSON

APPROVED FOR ENTRY:

LAWRENCE J. KAMM, No. 025950
ROGERS & ASSOCIATES
Attorneys for Wife
The Wind in the Willows Mansion
2205 State Street
Nashville, Tennessee 37203
(615) 320-0600 (Telephone)
(615) 320-9933 (Facsimile)

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CERTIFICATE OF SERVICE

The undersigned certifies that on the 4th day of August 2009, a true and correct copy of the foregoing **Final Decree** has been forwarded to the person(s) listed below:

Mr. James L. Widrig
Attorney-At-Law
501 Union Street, Suite 503
Nashville, Tennessee 37219

by the method identified as follows:

✓ U. S. Mail, Postage Prepaid
____ Hand Delivered
____ Overnight Delivery Service
____ Certified Mail, Return Receipt Requested
____ Facsimile

LAWRENCE J. KAMM

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 06 day of AUGUST , 2009 , in the Case Number 08D2943 between VANDIVORT, TERRY JAY Plaintiff, and VANDIVORT, DELORIS DARLENE 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 20 day of JANUARY in the year two thousand twelve and in the 235th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

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