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IN THE EIGHTH CIRCUIT COURT FOR Davidson COUNTY, TENNESSEE

2009 DEC 18 PM 4:31

RICHARD R. ROOKER, CLERK

RITA D. ROGERS, **Plaintiff/Counter-Defendant,**	)	
vs.	)	**Docket No. 08D-1456**
JEFFREY T. ROGERS, **Defendant/Counter-Plaintiff.**	)	

D.C.

FINAL DECREE

This cause came on to be heard the 16th day of November and the 18th day of December, 2009, before the Honorable Carol Soloman, Judge, upon the Complaint for Divorce filed by **RITA D. ROGERS** (hereinafter "Wife") and the Answer and Counterclaim thereto filed by **JEFFREY T. ROGERS** (hereinafter "Husband"). Upon proof heard in open court, statements of counsel, testimony of the parties and the entire record as a whole, the Court finds and Orders as set forth below.

1. **GROUNDS FOR DIVORCE**. The Court finds that both Husband and Wife have proven by a preponderance of the evidence that each is entitled to an absolute divorce from the other on the grounds of inappropriate marital conduct (T.C.A. § 36-4-101(11)) and, therefore, the parties should be declared to be divorced pursuant to T.C.A. 36-4-129(b).

2. **PARENTING PLAN.** The Court finds that the Parenting Plan submitted by the Parenting Coordinator, Jan Walden, has been approved and recommended by Father and, with a few exceptions has been approved by Mother. Mother's primary objections to the Parenting Plan submitted by the Parenting Coordinator pertain to the day to day schedule providing for Father to return the children to school on the Mondays following his every-other weekend parenting time and following his every-other Thursday (or mid-week) overnight. The Court finds that a minor modification regarding Good Friday parenting time, has approved by the parties and made by the Court.

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3. **DIVISION OF MARITAL PROPERTY** – The Court finds that the parties have agreed to the division of the marital property set forth below.

4. **ALIMONY** – the Court finds that the parties disagree regarding whether or not wife should be awarded alimony. Wife asserts that she has a need for financial assistance and that Husband has the ability to pay, and that other factors she presented on the record indicate that she should be awarded alimony. Husband asserts that under the division set forth below, he has assumed and will continue to pay the significant marital debt through his chapter 13 bankruptcy, that the division of marital property below provides for most of the equity in the marital assets to be awarded to Wife and for other reasons identified in the record, Alimony is not appropriate in this cause. The Court finds that the issue of alimony should be reserved for further hearing.

IT IS THEREFORE ORDERED that **JEFFREY T. ROGERS** and **RITA D. ROGERS** shall be and are hereby declared to be divorced, pursuant to T.C.A. 36-4-129(b), and the bonds of matrimony heretofore subsisting between the parties be and the same are hereby forever and perpetually dissolved and the parties are restored to all the rights and privileges of unmarried persons.

IT IS FURTHER ORDERED that the parenting plan submitted by the parenting coordinator, as modified by the Court, is hereby adopted and made the order of the Court.

IT IS FURTHER ORDERED that Jan Walden shall remain as the Parenting Coordinator in this cause. Ms. Walden shall file a Motion to address payment of her fees incurred to date, unless the parties are able to agree.

IT IS FURTHER ORDERED as follows:

1. Real Property. Husband shall be awarded the marital residence located at 4721 Potomac Lane, Brentwood, TN 37027, free and clear from any claim of Wife. Husband shall continue to pay the debt associated with the said residence through his chapter 13 bankruptcy plan.

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After husband is discharged from his chapter 13 bankruptcy plan he shall sell or refinance the residence. All window treatments, kitchen appliances and household fixtures shall remain with the marital residence and are hereby awarded to Husband. Wife shall vacate the marital residence no later than February 1, 2010. Wife shall not cause or allow any further damage to the residence while occupying or moving from the residence. Wife shall be responsible for all utilities and other expenses associated with the residence, until such time as she vacates the premises. Wife shall notify Husband at least two days in advance prior to turning off the electricity or gas to the residence.

Therefore, **IT IS HEREBY ORDERED** that Wife, Rita D. Rogers is hereby divested of any and all interest in the said marital residence located at located at 4721 Potomac Lane, Brentwood, TN 37027, and the entire interest in the said marital residence is hereby vested in Husband, Jeffrey T. Rogers. The said property is more particularly described as follows:

> Being lot No. 208 on the Plan of Fredericksburg, Section Four, as of record in Plat Book 7900, page 749 and book 7900, page 509, Register's Office for Davidson County, Tennessee, to which said plan reference is hereby made for a more complete and accurate legal description thereof.
>
> Being the same property conveyed to Jeffrey Thomas Rogers and Rita D. Rogers by deed from Mortgage Electronic Registration Systems, Inc. As shown of record in Instrument Number _____, Register's Office for Davidson County, Tennessee.
>
> Map and parcel numbers:
>
> This is improve property known as 4721 Potomac Lane, Brentwood, TN 37027.

2. Personal Property. Husband is awarded his personal belongings and all other furniture and personal items currently in his possession, free and clear from any claim of Wife.

Wife is awarded all household furnishings located at the marital residence, other than those that go with the residence as indicated above, and all her personal belongings and clothing, and other items of personal property currently in her possession.

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3. Vehicles. Husband shall be awarded the 2001 Pontiac Montana, free and clear from any claim of Wife, and he shall pay all debt on the said vehicle and shall indemnify and hold Wife harmless thereon.

Wife shall be awarded the 1998 Chevrolet Astro van, which is currently free of debt, free and clear from any claim of Husband.

4. Bank Accounts. Each party shall retain any and be awarded all bank accounts, annuities, and any other financial account in his or her own name, free and clear from any claim of the other party.

5. Debts. Husband shall be responsible for paying all debt currently being paid through his Chapter 13 bankruptcy plan. Each party shall be responsible for any and all additional indebtedness incurred in his or her own name and each shall indemnify and hold the other party harmless on any such indebtedness.

6. Retirement. Wife shall be awarded the entirety of the Edward Jones account, valued at approximately $45,000.00, Free and clear from any claim of Husband. Husband shall immediately sign any and all documents necessary to effectuate this transfer. The parties shall each be awarded any other pension or retirement plans in his or her own name, free and clear from any claim of the other party.

7. Alimony. The issue of alimony is reserved for further hearing.

8. Court Costs. Each party shall pay one half of any remaining court costs incurred in this matter.

9. Attorney Fees. Each party shall pay their own attorney's fees incurred in this matter.

ENTER this 18th day of December, 2009.

Carol Soloman

Carol Soloman, Judge

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APPROVED FOR ENTRY:

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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 18 day of DECEMBER , 2009 , in the Case Number 08D1456 between ROGERS, RITA D. Plaintiff, and ROGERS, JEFFREY T. 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 22 day of MARCH in the year two thousand ten and in the 233rd year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

