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

FILED
2012 AUG -8 AM 11:14
RICHARD R. ROOKER, CLERK
D.C.

DALE EDWARD SMITH,

Plaintiff/Husband,

VS.

KIMBERLY DAWN SMITH,

Defendant/Wife.

NO: 12D-1147

BILL GARRETT, Davidson County
Trans:T20120061953 DEEDDIV
Recvd: 08/20/12 11:40 5 pgs
Fees:27.00 Taxes:0.00
20120820-0074473

## FINAL JUDGMENT OF DIVORCE

This cause came on for trial on the 31st day of July 2012, before the Honorable Phillip Robinson, Judge, upon the Complaint for Absolute Divorce filed by the Plaintiff, DALE EDWARD SMITH. Based on the sworn testimony of the Plaintiff, the testimony of his two witnesses; statements of counsel; and the entire record herein, the Court makes the following findings of fact and conclusions of law which are as follows.

1. The Plaintiff/Husband filed his Complaint for Divorce on April 11, 2012. Section I, paragraph (i) of said Complaint is amended to reflect that the full name of the Husband is Dale Edward Smith.

2. The Defendant/Wife was personally served on April 11, 2012. Since that time, she had failed to participate in this lawsuit by filing an Answer. Accordingly, a default judgment was granted against her on July 20, 2012.

3. There are no children born of this marriage and none are expected.

4. The Plaintiff/Husband, DALE EDWARD SMITH, is hereby awarded an absolute divorce from the Defendant/Wife, KIMBERLY DAWN SMITH, pursuant to Tenn. Code Ann. § 36-4-101(11), the ground of Inappropriate Marital Conduct, thereby restoring the Plaintiff/Husband to all the rights and privileges of an unmarried person.

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5. All right, title and interest in and to the house and lot located at 615 Nawakwa Trail, Madison, TN 37115, shall be divested out of the Defendant/Wife, KIMBERLY DAWN SMITH, and the same right, title and interest in and to said house and lot shall be vested in the Plaintiff/Husband, DALE EDWARD SMITH, in fee simple absolute. This house and lot is at Map 063-01-1 and Parcel 034.00 and is more particularly described as follows:

> LAND in Davidson County, Tennessee, being part of Lot 1, Nawakwa Hills Annex of record in Plat Book 843, Page 64, Register's Office for said County described as follows:
>
> BEGINNING at a point in the south margin of Nawakwa Trail, 735.13 feet from a concrete monument in the south margin of Nawakwa Trail as now located, the said monument being located at the beginning of a curve at the intersection of Nawakwa Trail and Neelys Bend Road; thence North 66 deg. 13 min. East 105 feet to a point; thence extending back between two parallel lines, 198.73 feet to a dead line in the rear on which it measures 105.0 feet.
>
> BEING the same property conveyed to Dale Smith and wife, Kimberly Dawn Smith, by Dale Smith, by Warranty Deed of record at Book 20111110, Page 0088224, Register's Office for Davidson County, Tennessee; the said Dale Smith and Dale Edward Smith being one and the same.
>
> This is the same description as in previous deed of record.
>
> This conveyance is subject to any and all existing easements and restrictions of record.
>
> This is improved property known as 615 Nawakwa Trail, Madison, TN 37115.

The Plaintiff/Husband shall be responsible for all debts associated with this real property and shall indemnify and hold the Defendant/Wife harmless from the repayment thereof.

6. The Plaintiff/Husband shall be responsible for all debts he has incurred in his name only since the date of the separation of the parties, which was April 1, 2012, and shall indemnify and hold the Defendant/Wife harmless thereon. Likewise, the Defendant/Wife shall be responsible for all debts she has incurred in her name only since the date of separation of the parties and shall indemnify and hold the Plaintiff/Husband harmless thereon.

7. The Plaintiff/Husband is awarded all of his personal property acquired before the marriage; it being deemed his sole and separate property. Further, all right, title and interest in and to the furniture and furnishings in the residence known as 615 Nawakwa Trail, Madison, TN

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37115, the 1996 Ford Pick-up, and all other personal items in the Plaintiff/Husband's possession, shall be divested out of the Defendant/Wife and all right, title and interest in and to the same shall be vested in the Plaintiff/Husband as his sole and separate property. The Plaintiff/Husband shall assume full responsibility for the payment of any indebtedness due on these items and shall hold the Defendant/Wife harmless on the same.

8. All other personal property not specifically described or addressed herein shall be divested out of the Defendant/Wife and all right, title and interest in and to the same shall be vested in the Plaintiff/Husband as his sole and separate property.

9. The Defendant/Wife is permanently enjoined and restrained from abusing, molesting, assaulting, threatening, harassing, interfering with, or imposing any restraint upon, the Plaintiff/Husband.

10. Neither party shall be entitled to a share of the other party's retirement accounts, pension funds, and 401K accounts, if any.

11. Neither party shall be entitled to any alimony both present and future.

12. Both parties shall obtain and maintain his/her own health and dental insurance coverage.

13. Both parties shall take notice of the provisions contained in Tenn. Code Ann. § 36-4-134 which states that this Final Decree of Divorce 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. Accordingly, it may be in a party's best interest to cancel, close or freeze any jointly held accounts.

14. Laura Tek, the Plaintiff's attorney, shall be awarded an attorney's fee in the amount of One Thousand, Five Hundred Dollars, ($1,500.00). This amount of attorney's fees shall be a judgment against the Defendant/Wife, KIMBERLY DAWN SMITH for which execution shall issue, if necessary.

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15. All Court costs in this cause shall be taxed to the Defendant/Wife, KIMBERLY DAWN SMITH, for which execution may issue, if necessary.

16. The current residence address of the Plaintiff/Husband is 615 Nawakwa Trail, Madison, TN 37115. The current residence address of the Defendant/Wife is unknown but her last known address is 615 Nawakwa Trail, Madison, TN 37115.

**ENTERED** this 8 day of August 2012.

HON. PHILLIP ROBINSON, JUDGE

**APPROVED FOR ENTRY:**

LAURA TEK, # 016523
Rivergate Park Office Building
1994 Gallatin Pike North, Suite 309
Madison, Tennessee 37115
615/851-2100
*Counsel for Plaintiff/Husband*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Final Judgment of Divorce was sent by first class U.S. Mail, postage prepaid, to Kimberly Dawn Smith, at her last known address:

615 Nawakwa Trail
Madison TN 37115-5512

on this 2nd day of August 2012.

LAURA TEK

**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 THIRD Circuit Court for Davidson County, Tennessee, on the 08 day of AUGUST , 2012 , in the Case Number 12D1147 between SMITH, DALE EDWARD Plaintiff, and SMITH, KIMBERLY DAWN 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 10 day of AUGUST in the year two thousand twelve and in the 236th year of American Independence.

**RICHARD R. ROOKER,** Clerk,

By a. McLeod
Deputy Clerk

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