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IN THE EIGHTH COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE

FILED
2009 MAR -9 AM 11:27
RICHARD R. ROOKER, CLERK
D.C.

JUNE PATRICIA SITLER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**No. 06D-2071**
	)	
STANLEY PAUL SITLER,	)	**NOTICE OF ENTRY**
	)	**REQUESTED**
Defendant.	)	

FINAL DECREE OF DIVORCE

This matter having come before the Court on the 2nd day of February, 2009 before the Honorable Carol Soloman, upon Plaintiff's Complaint for Divorce, Defendant's Answer and Counter-Complaint thereto, Plaintiff's Answer to Counter-Complaint, Stipulation of Husband as to grounds for divorce, testimony of witnesses, exhibits, statements of counsel, and the entire record, from all of which the Court finds and orders as follows:

It is **THEREFORE ORDERED, ADJUDGED and DECREED** that Wife is granted a divorce on the grounds of inappropriate marital conduct and the parties are hereby restored to all the rights and privileges of unmarried persons

The Court finds that the parties' daughter has special needs requiring support for her life; that both parties are good parents but that Father doesn't take equal responsibility for the child; that Mother paid for the child's camp and Father is concerned for her outside activities but hasn't assisted financially with such activities; that Mother provides childcare for Father during his parenting time; that Father has not been sharing equal time; that Mother's additional time with the minor child in child care and activities is considered such that for child support purposes Mother has two hundred sixty-five (265) days and Father has one hundred (100) days; that due to

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the economy, Father has had a loss in income and his income for child support purposes should be set at Thirty-Six Thousand ($36,000) Dollars; that Mother should be the primary residential parent; that the minor child should be in speech therapy, Mother should pay the Five Dollar ($5.00) co-pay cost of such and Father should pay the balance of cost of such; that each parent should notify the other parent immediately with any medical emergency; that each parent should notify the other parent of any extracurricular activities; that Mother should discuss with Father the major decisions for the minor child and if they don't agree, then either party may come back to Court; that the minor child is currently covered by CoverTN and should remain as is; that uncovered medical and dental expenses should be split as per the *pro rata* division of income per the child support worksheet; that for so long as Mother receives no benefit from the tax deduction, Father may claim it; and that Father shall provide One Hundred Thousand ($100,000) Dollars in life insurance on his life with Mother named as Trustee for the benefit of the child.

It is **THEREFORE ORDERED, ADJUDGED and DECREED** that the care, custody and support of the minor child shall be as stated on the Permanent Parenting Plan, attached hereto and incorporated by reference herein;

The Court finds that this is a long term marriage, that Husband has stipulated grounds for divorce of inappropriate marital conduct; that Wife has been unemployed, that Wife is entitled to alimony *in futuro;* that Husband's income is three (3x) times Wife's income; that based on her needs, Wife is entitled to Six Hundred ($600.00) Dollars per month as alimony *in futuro* but due to the current economy, such amount is not available; that the parties shall exchange annual W2s, 1099s, and tax returns, and if Husband's income increases, then Wife's alimony *in futuro* may be increased.

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It is **THEREFORE ORDERED, ADJUDGED and DECREED** that Husband shall pay Wife Two Hundred ($200.00) Dollars per month as alimony *in futuro* beginning February 1, 2009 and continuing until Wife's death or remarriage;

It is **FURTHER ORDERED, ADJUDGED and DECREED** that all right, title and interest Husband may have in the real property located at 5124 Stallworth Drive, Nashville, Tennessee 37220 is divested from Husband and vested in Wife;

The Court finds that the parties have no joint debts nor joint bank accounts but Mother paid a medical bill for the parties's son, Trevor, and that the parties have already divided the personalty. It is **THEREFORE ORDERED, ADJUDGED and DECREED** that each party shall be responsible for paying any debts in his or her individual name, and shall indemnify and hold harmless the other party from any liability thereon. It is **FURTHER ORDERED, ADJUDGED and DECREED** that Father shall reimburse Mother Two Hundred ($200.00) Dollars for the medical expenses paid for their son. It is **FURTHER ORDERED, ADJUDGED and DECREED** that each party shall retain all rights to any bank accounts in his/her name, free and clear of any claim of the other party. It is **FURTHER ORDERED, ADJUDGED and DECREED** that each party shall retain all personalty in his/her possession, free and clear of any claim of the other party.

It is **FURTHER ORDERED, ADJUDGED and DECREED** that each party shall retain any retirement accounts in his/her individual name, free and clear of any claim of the other party;

The Court finds that Wife's request for attorney fees is reasonable; that the amounts charged are reasonable; that Wife has a need for assistance with attorney fees and that

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Husband has the ability to pay attorney fees. It is **THEREFORE ORDERED, ADJUDGED and DECREED** that Wife shall have judgment and Husband shall pay Wife as alimony *in solido* Wife's attorney fees in the amount of Eleven Thousand ($11,000.00) Dollars.

It is finally **ORDERED, ADJUDGED and DECREED** that Husband shall pay the court costs, for which execution may lie if necessary.

So **ORDERED** this the 9th day of March, 2009.

Carol Soloman, Circuit Court Judge

APPROVED FOR ENTRY:

BYRD & SPITZ

Rebecca E. Byrd, BPR # 15394
Attorneys for Plaintiff
317 Main St., Suite 204
Franklin, Tennessee 37064
(615) 595-2991

CERTIFICATE OF SERVICE

I hereby certify that on the 6 day of March, 2009, a true and correct copy of the foregoing has been forwarded to:

Nathaniel H. Koenig
212 Third Avenue North, Ste. 300
Nashville, TN 37201

by method identified as follows:

X U.S. Mail, Postage Prepaid
X Facsimile

Rebecca E. Byrd

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STATE OF TENNESSEE	EIGHTH CIRCUIT COURT	DAVIDSON COUNTY
PERMANENT PARENTING PLAN ORDER PROPOSED AGREED X ORDERED BY THE COURT		FILE NO. 06D2071
PLAINTIFF *(Name: First, Middle, Last)* **JUNE PATRICIA SITLER** × Mother Father	**DEFENDANT** *(Name: First, Middle, Last)* **STANLEY PAUL SITLER** Mother × Father	

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RICHARD R. ROOKER, CLERK
D.C.

The mother and father will behave with each other and each child so as to provide a loving, stable, consistent and nurturing relationship with the child even though they are divorced. They will not speak badly of each other or the members of the family of the other parent. They will encourage each child to continue to love the other parent and be comfortable in both families.

This plan × is a new plan.
modifies an existing Parenting Plan dated _____.
modifies an existing Order dated _____.

Child's Name	Date of Birth
GRACE ELEANOR SITLER	06/26/1998

I. RESIDENTIAL PARENTING SCHEDULE

A. RESIDENTIAL TIME WITH EACH PARENT

The Primary Residential Parent is Mother.

Under the schedule set forth below, each parent will spend the following number of days with the child:

Mother 265 days Father 100 days

B. DAY-TO-DAY SCHEDULE

The mother shall have responsibility for the care of the child except at the following times when the other parent shall have responsibility:

From 4:30 p.m. Wednesday until return to Mother on Friday at 7:00 a.m.

X every week every other week other: _____.

From Friday at 4:30 p.m. until return to Mother on Monday at 7:00 a.m.

every week X every other week

This parenting schedule begins the date of the Court's Order.

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C. HOLIDAY SCHEDULE AND OTHER SCHOOL FREE DAYS

Indicate if child or children will be with parent in ODD or EVEN numbered years or EVERY year:

	MOTHER	FATHER
New Year's Day	See Winter Vacation Schedule	See Winter Vacation Schedule
Martin Luther King Day	Mother	
Presidents' Day	Mother	
Easter Day (unless otherwise coinciding with Spring Vacation)	Odd	Even
Mother's Day	Every	
Memorial Day (if no school)	Even	Odd
Father's Day		Every
July 4th	Odd	Even
Labor Day	Odd	Even
Halloween	Follow day-to-day schedule	Follow day-to-day schedule
Thanksgiving Day & Friday*		
Child's Birthdays	Follow day-to-day schedule	Follow day-to-day schedule
Mother's Birthday	Every	
Father's Birthday		Every

A holiday shall begin at 6:00 p.m. on the night preceding the holiday and end at 6:00 p.m. the night of the holiday, unless otherwise noted here.

* The child's Thanksgiving vacation shall be equally divided between the parents. In odd-numbered years, the father shall have the child on Thanksgiving Day and Friday, and the mother shall have the child on Saturday and Sunday of Thanksgiving vacation. In even-numbered years, the mother shall have the child on Thanksgiving Day and Friday, and the father shall have the child on Saturday and Sunday of Thanksgiving vacation.

D. FALL VACATION (*If applicable*)

The day to day schedule shall apply.

E. WINTER (CHRISTMAS) VACATION

The mother will have the child for the first period from the day and time school is dismissed until December 25th at 12:00 p.m. in odd-numbered years. The father will have the child for the second period from December 25th at 12:00 p.m. until January 1st at 6:00 p.m. in odd-numbered years. Then Mother shall have the child until she returns to school. This schedule shall reverse in even-numbered years.

F. SPRING VACATION (*If applicable*)

The day-to-day schedule shall apply.

G. SUMMER VACATION

The day-to-day schedule shall apply except as follows: Each parent shall have two (2) non-consecutive weeks of uninterrupted visitation with the minor child every year. Each party shall notify the other party of his or her intended two (2) weeks by May 1st of each year. If the parties cannot agree on the two-week periods, then Mother shall have her choice for a

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two-week period in even-numbered years, and Father shall have his choice for a two-week period in odd-numbered years.

H. TRANSPORTATION ARRANGEMENTS

The place of meeting for the exchange of the child shall be: Father shall pick up the child for his parenting time at either school, if applicable, or Mother's home. Mother shall pick up the child for her parenting time at either school, if applicable, or Father's home. The parent picking up the child for his or her parenting time shall be responsible for transportation.

If a parent does not possess a valid driver's license, he or she must make reasonable transportation arrangements to protect the child or children while in the care of that parent.

I. SUPERVISION OF PARENTING TIME *(If applicable)*

N/A

J. OTHER

The following special provisions apply:

Mother shall take the child to school and pick up from school each day. Father shall deliver the child to Mother at 7:00 a.m. on the days he has the child and pick up the child from Mother at 4:30 p.m. on the days he has the child overnight.

Each party shall immediately notify the other party of any medical emergencies. The parties shall notify the other of any extracurricular activities involving the minor child to allow the other parent to participate.

II. DECISION-MAKING

A. DAY-TO-DAY DECISIONS

Each parent shall make decisions regarding the day-to-day care of a child while the child is residing with that parent, including any emergency decisions affecting the health or safety of a child.

B. MAJOR DECISIONS

Major decisions regarding each child shall be made as follows:

Educational decisions	mother	father	X joint
Non-emergency health care	mother	father	X joint
Religious upbringing	mother	father	X joint
Extracurricular activities	mother	father	X joint

The child shall be enrolled in speech therapy. Mother shall pay the Five Dollar ($5.00) Dollar co-pay cost, if any, and Father shall be responsible for the balance of the cost.

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III. FINANCIAL SUPPORT

A. CHILD SUPPORT

Father's gross monthly income is $3,000.00
Mother's gross monthly income is $1,200.00.

1. The final child support order is as follows:
   a. The mother X father shall pay to the other parent as regular child support the sum of $525.00 weekly **X** monthly twice per month every two weeks. **The Child Support Worksheet shall be attached to this Order as an Exhibit.***

2. Retroactive Support: N/A

3. Payments shall begin on February 1, 2009.

This support shall be paid directly to the other parent.

The parents acknowledge that court approval must be obtained before child support can be reduced or modified.

*Child Support Worksheet can be found on DHS website at http://www.state.tn.us/humanserv/is/incomeshares.htm or at your local child support offices.

B. FEDERAL INCOME TAX EXEMPTION*

The X mother father is the parent receiving child support.

The Mother shall claim the following children: Grace Eleanor Sitler.
Should Mother receive no benefit from the federal income tax exemption, then Father shall be allowed to claim the minor child as a dependent.

C. PROOF OF INCOME AND WORK-RELATED CHILD CARE EXPENSES

Each parent shall send proof of income to the other parent for the prior calendar year as follows:

- IRS Forms W-2 and 1099 shall be sent to the other parent on or before February 15.
- A copy of his or her federal income tax return shall be sent to the other parent on or before April 15 or any later date when it is due because of an extension of time for filing.
- The completed form required by the Department of Human Services shall be sent to the Department on or before the date the federal income tax return is due by the parent paying child support. *This requirement applies only if a parent is receiving benefits from the Department for a child.*

The parent paying work-related child care expenses shall send proof of expenses to the other parent for the prior calendar year and an estimate for the next calendar year, on or before February 15.

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* NOTE: The child support schedule assumptions in the guidelines (1240-2-4-.03 (6)(b)) assume that the parent receiving the child support will get the tax exemptions for the child.

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D. HEALTH AND DENTAL INSURANCE

Reasonable health insurance on the child or children will be:

X maintained by the mother (On CoverTN)
maintained by the father
maintained by both

Proof of continuing coverage shall be furnished to the other parent annually or as coverage changes. The parent maintaining coverage shall authorize the other parent to consult with the insurance carrier regarding the coverage in effect.

Uncovered reasonable and necessary medical expenses, which may include but is not limited to, deductibles or co-payments, eyeglasses, contact lens, routine annual physicals, counseling, prescriptions, dental and orthodontic will be paid pro rata in accordance with their incomes as shown on the attached Child Support Worksheet. After insurance has paid its portion, the parent receiving the bill will send it to the other parent within ten days. The other parent will pay his or her share within 30 days of receipt of the bill.

If available through work, the mother father shall maintain dental, orthodontic, and optical insurance on the minor child or children. Uncovered dental, orthodontics, or vision will be paid pro rata in accordance with their incomes as shown on the attached Child Support Worksheet.

E. LIFE INSURANCE

If agreed upon by the parties, the mother x father both shall insure his own life in the minimum amount of $100,000.00 by whole life or term insurance. Until the child support obligation has been completed, each policy shall name the child as sole irrevocable primary beneficiary, with the other parent as trustee for the benefit of the child, to serve without bond or accounting.

IV. PRIMARY RESIDENTIAL PARENT (CUSTODIAN) FOR OTHER LEGAL PURPOSES

The child is scheduled to reside the majority of the time with the mother. This parent is designated as the primary residential parent also known as the custodian, **SOLELY** for purposes of any other applicable state and federal laws. If the parents are listed in Section II as joint decision-makers, then, for purposes of obtaining health or other insurance, they shall be considered to be joint custodians. THIS DESIGNATION DOES NOT AFFECT EITHER PARENT'S RIGHTS OR RESPONSIBILITIES UNDER THIS PARENTING PLAN.

V. DISAGREEMENTS OR MODIFICATION OF PLAN

Should the parents disagree about this Parenting Plan or wish to modify it, they must make a good faith effort to resolve the issue by the process selected below before returning to Court. *Except for financial support issues including child support, health and dental insurance, uncovered medical and dental expenses, and life insurance*, disputes must be submitted to:

x Mediation by a neutral party chosen by the parents or the Court.
Arbitration by a neutral party selected by parents or the Court.
The Court DUE TO ORDER OF PROTECTION OR RESTRICTIONS.

The costs of this process may be determined by the alternative dispute process or may be assessed by the Court based upon the incomes of the parents. It must be commenced by notifying the other parent and the Court by written request.

In the dispute resolution process:

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A. Preference shall be given to carrying out this Parenting Plan.
B. The parents shall use the process to resolve disputes relating to implementation of the Plan.
C. A written record shall be prepared of any agreement reached, and it shall be provided to each parent.
D. If the Court finds that a parent willfully failed to appear without good reason, the Court, upon motion, may award attorney fees and financial sanctions to the prevailing parent.

VI. RIGHTS OF PARENTS

Under T.C.A. § 36-6-101 of Tennessee law, both parents are entitled to the following rights:

(1) The right to unimpeded telephone conversations with the child at least twice a week at reasonable times and for reasonable durations;
(2) The right to send mail to the child which the other parent shall not open or censor;
(3) The right to receive notice and relevant information as soon as practicable but within twenty-four (24) hours of any event of hospitalization, major illness or death of the child;
(4) The right to receive directly from the child's school any school records customarily made available to parents. (The school may require a written request which includes a current mailing address and upon payment of reasonable costs of duplicating.) These include copies of the child's report cards, attendance records, names of teachers, class schedules, and standardized test scores;
(5) Unless otherwise provided by law, the right to receive copies of the child's medical health or other treatment records directly from the physician or health care provider who provided treatment or health care. (The keeper of the records may require a written request which contains a current mailing address and the payment of reasonable costs of duplication.) No person who receives the mailing address of a parent as a result of this requirement shall provide such address to the other parent or a third person;
(6) The right to be free of unwarranted derogatory remarks made about the parent or his or her family by the other parent to the child or in the presence of the child;
(7) The right to be given at least forty-eight (48) hours notice, whenever possible, of all extra-curricular activities, and the opportunity to participate or observe them. These include the following: school activities, athletic activities, church activities and other activities where parental participation or observation would be appropriate;
(8) The right to receive from the other parent, in the event the other parent leaves the state with the minor child or children for more than two (2) days, an itinerary including telephone numbers for use in the event of an emergency;
(9) The right to access and participation in education on the same basis that is provided to all parents. This includes the right of access to the child for lunch and other activities. However participation or access must be reasonable and not interfere with day-to-day operations or with the child's educational performance.

VII. NOTICE REGARDING PARENTAL RELOCATION

The Tennessee statute (T.C.A. § 36-6-108) which governs the notice to be given in connection with the relocation of a parent reads in pertinent part as follows:

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If a parent who is spending intervals of time with a child desires to relocate outside the state or more than one hundred (100) miles from the other parent within the state, the relocating parent shall send a notice to the other parent at the other parent's last known address by registered or certified mail. Unless excused by the court for exigent circumstances, the notice shall be mailed not later than sixty (60) days prior to the move. The notice shall contain the following:

(1) Statement of intent to move;
(2) Location of proposed new residence;
(3) Reasons for proposed relocation; and
(4) Statement that the other parent may file a petition in opposition to the move within thirty (30) days of receipt of the notice.

VIII. PARENT EDUCATION CLASS

This requirement has been fulfilled by x both parents mother father neither. Failure to attend the parent education class within 60 days of this order is punishable by contempt.

APPROVED FOR ENTRY:

Rebecca E. Byrd
Attorney for Mother
317 Main Street, Suite 204
Address
Franklin, TN 37064
Address
(615) 595-2991, BPR # 15394
Phone and BPR Number

Note: The judge or chancellor may sign below or, instead, sign a Final Decree or a separate Order incorporating this plan.

COURT COSTS (If applicable)

Court costs, if any, are taxed as follows: to Father

It is so ORDERED this the 9th day of March, 08.

Carol Soloman, Circuit Court Judge

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Effective as of 7/22/2008

State of Tennessee - Department of Human Services

Child Support Worksheet

3/6/2009 - 11:21 AM

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CLERK
D.C.

Part I. Identification

Indicate the status of each parent or caretaker by placing an "X" in the appropriate column

		PRP	RP	SPLIT
Name of Mother:	JUNE PATRICIA SITLER	X		
Name of Father:	STANLEY PAUL SITLER		X	
Name of non-parent Caretaker:				
TCSES case #:				
Docket #:	06D2071			
Court name:	DAVIDSON COUNTY EIGHTH CIRCUIT			

Name(s) of Child(ren)	Date of Birth	Days with Mother	Days with Father	Days with Caretaker
GRACE ELEANOR SITLER	6/26/1998	265	100	

Part II. Adjusted Gross Income

Use Credit Worksheet to calculate line items 1d - 1e

			Mother \ Column A	Father \ Column B	Nonparent Caretaker \ Column C
1	Monthly Gross Income		$ 1,200.00	$ 3,000.00	
1a	Federal benefit for child		+	+	
1b	Self-employment tax paid		+	+	
1c	Subtotal		1,200.00	3,000.00	
1d	Credit for in-home children		- 0.00	- 0.00	
1e	Credit for not-in-home children		- 0.00	- 0.00	
2	Adjusted Gross Income (AGI)		$ 1,200.00	$ 3,000.00	
2a	Combined Adjusted Gross Income	$4,200.00			
3	Percentage Share of Income (PI)		29%	71%	

Part III. Parents' Share of BCSO

		Mother \ Column A	Father \ Column B	Nonparent Caretaker \ Column C
4	BCSO allotted to primary parent's household	$ 769.00	$ 0.00	$ 0.00
4a	Share of BCSO owed to primary parent	$ 0.00	$ 545.99	
5	Each parent's average parenting time	N/A	100	
6	Parenting time adjustment	$ N/A	$ -21.38	
7	Adjusted BCSO	$ 0.00	$ 524.61	

Part IV. Additional Expenses

		Mother \ Column A	Father \ Column B	Nonparent Caretaker \ Column C
8a	Children's portion of health insurance premium	$ 0.00	$	$
8b	Recurring uninsured medical expenses	$	$	$
8c	Work-related childcare	$	$	$
9	Total additional expenses	$ 0.00	$ 0.00	$ 0.00
10	Share of additional expenses owed	$ 0.00	$ 0.00	
11	Adjusted Support Obligation (ASO)	$ 0.00	$ 524.61	

Part V. Presumptive Child Support Order

		OBLIGATION	
12	Presumptive Child Support Order (PCSO)	$ 0.00	$ 525.00

* Enter the difference between the greater and smaller numbers from Line 11 except in non-parent caretaker situations

Low Income? N (N=15% Y=7.5%)
Current Order Flat %? N (N / Y)

Modification of Current Child Support Order

13a	Current child support order amount for the obligor parent	$	$
13b	Amount required for significant variance to exist	$ 0.00	$ 0.00
13c	Actual variance between current and presumptive child support orders	$ 0.00	$ 0.00

Part VI. Deviations and FCSO

14	Deviations (Specify):	$	$
15	Final Child Support Order (FCSO)	$ 0.00	$ 525.00
16	FCSO adjusted for Federal benefit. Line 1a. Obligor's column.	$ 0.00	$ 525.00

Deviations must be substantiated by written findings in the Child Support Order

Comments, Calculations, or Rebuttals to Schedule

Preparer's Use Only

Name: REBECCA E BYRD Date: 3/6/2009
Title:

Copy

CERTIFICATE OF SERVICE

DOCKET NO. 06D2071

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 10TH day of MARCH, 2009.

RICHARD R. ROOKER, Circuit Court Clerk

BY: _____

Deputy Clerk

REBECCA E. BYRD, ATTORNEY
BYRD & SPITZ
317 MAIN ST., SUITE 204
FRANKLIN, TN 37064

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 EIGHTH Circuit Court for Davidson County, Tennessee, on the 09 day of MARCH , 2009 , in the Case Number 06D2071 between SITLER, JUNE PATRICIA Plaintiff, and SITLER, STANLEY PAUL 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 FEBRUARY in the year two thousand thirteen and in the 236th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____
Deputy Clerk

SEAL

