Copy

IN THE FOURTH CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

EVIE (REECE) HOWARD,
1506 VILLA PLACE
NASHVILLE, TENNESSEE 37212

Plaintiff/Counter Defendant/Wife

vs.

SAMUEL LEE HOWARD,
3605 SEASONS DRIVE
ANTIOCH, TENNESSEE 37013

Defendant/Counter Plaintiff/Husband.

DOCKET NO: 95D-3016

BILL GARRETT, Davidson County
Trans:T20140022450 DEEDDIV
Recvd: 04/03/14 10:24 8 pgs
Fees:42.00 Taxes:0.00
20140403-0027689

FINAL DECREE OF DIVORCE

This cause came to be heard on the 26th day of June, 1996, before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court of Davidson County, Tennessee, upon the Wife's Complaint for Absolute Divorce; the Husband's Answer and Counter Complaint for Absolute Divorce; testimony from the parties heard in open Court; argument from counsel for the Wife and argument from counsel for the Defendant and the record in its entirety from all of which the Court finds that each attorney of record has stipulated to the granting of a divorce as contemplated by Tennessee Code Annotated, §36-4-129(b). The Court further finds that the parties have stipulated as to custody of the minor children, child support and visitation as more specifically Ordered below.

The Court further finds the Wife to be in wilful contempt of the first (1st) *Pendente Lite* Order resulting in her indebtedness to the Husband in the amount of One Thousand Seven Hundred Fifty-Eight Dollars and Thirty-Seven Cents ($1,758.37). This Court has taken into consideration said indebtedness in the below specified equitable distribution of the marital estate, including its assets and liabilities. The Court further finds that the Wife's claim for contribution/reimburse from the Husband for damages to her vehicle due to an automobile accident when the car was uninsured to be without merit and the same is therefore dismissed. The Court does find that each party may legally obligated regarding third party claims, if any.

The Court further finds that it would be in the best interest of the minor children for the Wife to be awarded sole and exclusive possession of the marital residence under terms and conditions as more specifically ordered below.

The Court further finds that each party has sufficient assets to pay their own attorney's fees and that the Court Cost should be divided equally between the parties.

Copy

It is, therefore, **ORDERED** that pursuant to Tennessee Code Annotated, §36-4-129, the parties are declared divorced and each party shall be restored to all the rights and privileges of an unmarried person.

It is, further, **ORDERED** that the Wife shall be granted the sole care, custody and control of the parties' two (2) minor children, to-wit: Samuel Howard (DOB: October 26, 1983) and Elizabeth Howard (DOB: March 15, 1985).

It is, further, **ORDERED** that to aid in the support and maintenance of the minor children the Husband shall pay by wage assignment the sum of Six Hundred Eight Dollars ($608.00) per month ordinary child support beginning July 5, 1996. It is, further, **ORDERED** that the Husband shall be granted leave of the Court to pay said monthly ordinary child support on a weekly basis by wage assignment. Therefore, it is **ORDERED** that upon entry of this Final Decree of Divorce the Clerk of the Circuit Court of Davidson County, Tennessee, shall forward by certified mail a copy of this Final Decree to the employer at:

MS. CHRISTY STOCKER

c/o Logix

3880 Salem Lake Drive

Long Grove, Illinois 60047

It is, further, **ORDERED** that upon receipt of the Final Decree of Divorce, the employer, Logix shall withhold from the wages and salaries of the Husband, Samuel Lee Howard, Social Security No. [redacted] the sum of One Hundred Forty Dollars and Thirty-One Cents ($140.31) ordinary child support plus the lawful commission of the Clerk of the Circuit Court of Davidson County, Tennessee, to-wit: Seven Dollars and Two Cents ($7.02) for an aggregate weekly withholding in the amount of One Hundred Forty-Seven Dollars and Thirty-Three Cents ($147.33) and forward said sum to:

CLERK OF THE CIRCUIT COURT OF DAVIDSON COUNTY

ATTN: Child Support

501 Metropolitan Courthouse

Nashville, Tennessee 37201

It is, further, **ORDERED** that upon receipt of said monies, the Clerk of the Circuit

Copy

Court of Davidson County, Tennessee, shall be entitled to withhold its lawful commission and forward the balance to the Wife, at:

EVIE HOWARD

3605 Seasons Drive

Antioch, Tennessee 37013

It is, further, **ORDERED** that the Husband shall be responsible to timely pay and keep current the above ordered child support beginning July 5, 1996, until such time as this wage assignment goes into effect or at any time he changes employment or is unemployed, pending further orders from this Court.

This Honorable Court affirmatively finds that the above stated child support is in full compliance with the Tennessee Child Support Guidelines and that each party affirmative acknowledges upon advice from their respective attorney that no action by either will be effective to reduce child support after the due date of each payment and each party understands that Court approval must be obtained before child support can be reduced unless such payments are automatically reduced or terminated pursuant to the below terms of this Final Decree of Divorce.

It is, further, **ORDERED** that the Husband shall provide and maintain health, hospitalization and medical insurance coverage for the minor children. It is, further, **ORDERED** that any necessary health, hospitalization, medical, dental, optical, eyeglasses, orthodontic, eye examinations or insurance deductible not covered by said health insurance shall be divided equally between the parties. For the purposes of carrying out this paragraph the party incurring the indebtedness not covered by health insurance shall forward to the other parent a copy of the bill within thirty (30) days of his/her receipt of same and the receiving parent shall then have thirty (30) days to pay his/her share. It is, further, **ORDERED** that failure to timely forward treatment bills to the other parent will waive the right of reimbursement.

It is, further, **ORDERED** that the Husband shall be granted visitation with the minor child on alternating weekends from Friday at 6:00 P.M. through Sunday at 6:00 P.M. beginning Friday, July 5, 1996. He shall further be granted each and every Wednesday evening from 5:30 P.M. through 8:30 P.M. The Husband shall have the children every

Father's Day and the Mother shall have the children every Mother's Day regardless of weekend visitation; this possession to commence at 6:00 P.M. Saturday through 6:00 P.M. Sunday. The parties shall alternative federally recognized holidays, to-wit: New Year's Day, Easter, Fourth of July, Labor Day and Thanksgiving with the holiday visitation to commence at 6:00 P.M. on the eve of the holiday through 6:00 P.M. of the holiday; the Husband to commence his first holiday visitation, Labor Day, 1996. The Husband shall be granted Christmas visitation at 6:00 P.M. on the last day of school through 9:00 P.M. Christmas Eve, 1996 and then from 9:00 Christmas Eve through one (1) week subsequent to Christmas in 1997, and this method of Christmas visitation shall continue to alternate each year thereafter. It is, further, **ORDERED** that the Husband shall be granted the month of June for summertime visitation and in the event he actually retains possession of both children during the month of June, he shall be entitled to reduce his child support by one-half (1/2) for that month. The Husband shall further be granted a reasonable amount of time with the children on his birthday and the Mother shall be granted possession of the children for a reasonable amount of time on her birthday. Each party shall be granted a reasonable amount of time with the children on each child's birthday.

It is, further, **ORDERED** that except as herein below Order, the Husband shall be divested of his interest in the marital residence located at 3605 Seasons Drive, City of Antioch, County of Davidson, State of Tennessee 37013; said real property being more particularly described as follows:

> Being Lot No. 655 on the Plan of Somerset, Phase 5-A, of record in Book 7900, page 399, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and detailed description.
>
> Being the same property conveyed to Samuel L. Howard, Sr. and wife, Evie L. Howard from Phillips Builders, Inc. by Deed of record in Book 9270, page 537, Register's Office of Davidson County, Tennessee.

And his interest, if any, shall be revested in the name of the Wife only, to be hers absolutely free and clear of any claims from the Husband so long as remains in compliance with the Court Order regarding her exclusive possession of the marital residence. To this extent this Honorable Court finds that the Wife is currently engaged in a five (5) year Chapter 13 Bankruptcy Plan and that the first mortgage encumbering the marital residence is being paid through said bankruptcy plan. It is, further, **ORDERED** that so long as she timely pays

and keeps current the Chapter 13 Bankruptcy Plan she will be entitled to sole and exclusive possession of the marital residence and upon completion of the bankruptcy plan the Wife shall refinance the marital residence therein releasing the Husband's obligations under the Deed of Trust. In the event the Wife is unable or unwilling to refinance the marital residence at the conclusion of the Chapter 13 Bankruptcy Plan the house will be sold and any equity derived from the sale shall be the sole and exclusive possession of the Wife. It is, further, **ORDERED** that if the Wife fails to complete the current bankruptcy plan, or if she allows the house payment to become two (2) payments overdue, the Husband shall be granted leave of the Court to purchase the marital residence from her at its current fair market value or the house will be sold, and if there is any equity derived from the fair market value said equity shall be the sole and exclusive possession of the Wife.

It is, further, **ORDERED** that the Wife shall be entitled to take exclusive possession of the marital residence at Noon (12:00 A.M.), July 7, 1996.

It is, further, **ORDERED** that the Husband shall timely pay all utilities incurred at the martial residence through Noon (12:00 A.M.), July 7, 1996.

It is, further, **ORDERED** that the Wife's claim against the Husband for damages sustained in her automobile accident shall be and hereby is dismissed.

It is, further, **ORDERED** that the Wife shall be granted sole and exclusive possession of her Acura which is encumbered by a lien and the Wife shall timely pay and keep current said indebtedness and indemnify and hold the Husband harmless from the payment of same.

It is, further, **ORDERED** that the Husband shall be granted sole and exclusive possession of the Honda Accord and Isuzu pickup truck and he shall indemnify and hold the Wife harmless with any debts associated with his use, possession and/or ownership of same.

It is, further, **ORDERED** that the Husband shall be awarded sole and exclusive possession of the kitchen table, stereo and his pre-marital bedroom suite and his personal clothing and effects. Any and all other household furniture, furnishings or personal property shall be awarded to the Wife, free and clear of any claims from the Husband.

It is, further, **ORDERED** that the Husband shall timely pay and keep current any and all indebtedness incurred in his name including, but not limited to, the indebtedness owed to Sears and Castner Knott and he shall indemnify and hold the Wife harmless from the payment

of same. It is, further, **ORDERED** that the Wife shall pay via her Chapter 13 Bankruptcy or otherwise, any and all other indebtedness incurred during the course of the marriage; this Honorable Court making an affirmative finding that her indebtedness to the Husband as a result of her contempt of the first *Pendente Lite* Order has been taken into consideration regarding the division of these marital debts. Therefore, it is further, **ORDERED** that the Wife shall be held in contempt of the terms of the first *Pendente Lite* Order, however, no punishment shall be assessed other than as aforestated and that he Husband's claim for reimbursement for house payments shall be denied.

It is, further, **ORDERED** that each party shall be permanently **ENJOINED AND RESTRAINED** from incurring any new debts for which the other party may be liable to pay.

It is, further, **ORDERED** that each party shall be permanently **ENJOINED AND RESTRAINED** from coming about the other or telephoning the other for the purpose of physically abusing, threatening, cursing, harassing, harming, or intimidating the other in any manner, whether in person or by telephone, whether at their residence, workplace or at any place they might be. It is, further, **ORDERED** that each party shall be responsible to pay his/her own attorney's fees without contribution from the other.

It is, further, **ORDERED** that the Court Cost incurred in connection with this matter shall be divided equally between the parties; said Court Cost being herein reduced to Judgement for which execution may issue if necessary, the parties' mailing addresses being as follows:

EVIE HOWARD

1506 VILLA PLACE

NASHVILLE, TENNESSEE 37212)

SAMUEL LEE HOWARD

3605 SEASONS DRIVE

ANTIOCH, TENNESSEE 37013

ENTERED this the 16th day of ~~June~~ July, 1996.

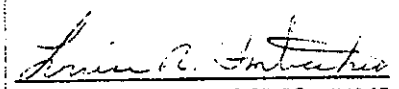
MURIEL ROBINSON, JUDGE

Copy

APPROVED FOR ENTRY:



W. ALLEN BARRETT #10894
Attorney for the Wife
176 Second Avenue North
Suite 509
Nashville, Tennessee 37201
(615) 256-3148



LOUISE R. FONTECCHIO #4065
Attorney for the Husband
20th Floor, First American Center
315 Deaderick Street
Nashville, Tennessee 37238-2075
(615) 244-5432

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 16 day of JULY , 1996 , in the Case Number 95D3016 between HOWARD, EVIE (REECE) Plaintiff, and HOWARD, SAMUEL LEE 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 03 day of APRIL in the year two thousand fourteen and in the 237th year of American Independence.

RICHARD R. ROOKER, Clerk,

By R Thomas
Deputy Clerk

SEAL

