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

2010 AUG 20 PM 3:08

RICHARD R. ROOT, CLERK

MICHAEL PITTMAN LEE
Plaintiff

v.

SHERRY HORNE LEE
Defendant

BILL GARRETT, Davidson County
Trans:T20140062445 DEEDDIV
Recvd: 08/22/14 13:54 21 pgs
Fees:107.00 Taxes:0.00
20140822-0076851

D.C.

Docket No. 10D-338

NOTICE OF ENTRY REQUESTED

FINAL DECREE OF DIVORCE

This cause came on to be heard on July 7, 2010, before the Honorable Philip E. Smith, Judge of the Fourth Circuit Court for Davidson County, Tennessee, and upon the Complaint of Michael Pittman Lee, hereinafter referred to as "Mr. Lee", requesting an absolute divorce based upon the grounds of inappropriate marital conduct, and upon testimony of Mr. Lee, and the two witnesses for Mr. Lee. After statement of Mr. Lee, the witnesses for Mr. Lee and after statement of Mr. Lee's attorney, Michael W. Binkley, the Court made the following findings:

1. The Court finds that Mr. Lee filed his Complaint for Divorce, based upon the grounds of inappropriate marital conduct, on February 5, 2010.

2. The Court finds that personal service of process was had on the Defendant, Sherry Horne Lee, hereinafter referred to as "Mrs. Lee", on February 16, 2010.

3. The Court finds that Mrs. Lee failed to answer the Complaint within the time required by law and a default judgment was granted by this Court on April 16, 2010.

4. Mr. Lee alleged grounds of inappropriate marital conduct and the Court finds, from the testimony of Mr. Lee and his two witnesses, that Mrs. Lee has a severe drinking problem that has gotten progressively worse. Mrs. Lee has been arrested for DUI during the course of the marriage and has been involved in a serious automobile collision while intoxicated.

5. The Court finds that Mrs. Lee attended an alcohol rehabilitation program, but upon release from the program, she immediately began drinking alcohol once again.

6. The Court finds that Mrs. Lee has not attended any rehabilitation after-care and the Court believes, based upon all of the testimony of Mr. Lee and his two witnesses, that Mrs. Lee is a danger to the parties' minor children.

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7. The Court finds that Mrs. Lee's untreated alcoholism, coupled with her actions of driving an automobile under the influence of alcohol, constitutes a clear and present danger to the parties' two minor children.

8. The Court finds that the parties own a house and lot located at 230 Harding Place, Nashville, Davidson County, Tennessee. The Court awards the house and lot located at 230 Harding Place, Nashville, Davidson County, Tennessee to Mr. Lee. All right, title and interest that Mrs. Lee may have in the house and lot located at 230 Harding Place, Nashville, Davidson County, Tennessee is divested from her and vested absolutely in Mr. Lee. Mr. Lee will then be responsible for any and all debt associated with the ownership and maintenance of the home, including, but not limited to, any and all mortgages upon the property and property taxes, as well as insurance and other such expenses. In addition, Mr. Lee will indemnify and hold Mrs. Lee harmless from any default upon any indebtedness thereon. Mrs. Lee shall execute a Quitclaim Deed releasing all of her right, title and interest that she may have in the house and lot located at 230 Harding Place, Nashville, Davidson County, Tennessee to Mr. Lee. A legal description of the house and lot located at 230 Harding Place, Nashville, Davidson County, Tennessee, is more particularly described as follows:

> Land in Davidson County, Tennessee, being Lot No. 27 on the Plan of Bransford Realty Company's Belle Meade Golf Links Subdivision, as of record in Book 421, Pages 94 thru 95, 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 Michael P. Lee and wife, Sherry Lee, by Warranty Deed dated January 27, 2000, from Diane L. Jarvis Renfro, unmarried, of record in Instrument 200002030011634, Register's Office for Davidson County, Tennessee.
>
> This conveyance is subject to any and all existing restrictions and easements of record.
>
> This is improved property known as 230 Harding Place, Nashville, Tennessee 37205.

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9. The Court finds that, because of Mrs. Lee's untreated alcoholism which the Court feels constitutes a clear and present danger to the minor children, Mrs. Lee shall vacate the marital residence within 15 days of July 17, 2010, which his July 22, 2010.

10. The Court finds that the condominium located at 3799 East County Highway 30A, #13-E, Santa Rosa Beach, Walton, Florida was purchased by Mr. Lee prior to the parties' marriage. The Court further finds from the proof that Mrs. Lee has made no substantial contributions to the appreciation or preservation of this real estate and the Court, therefore, awards this property to Mr. Lee, as his separate property, free and clear of any interest Mrs. Lee may have therein. In addition, Mr. Lee will continue to be responsible for any and all indebtedness associated with this property and will indemnify and hold Mrs. Lee harmless thereon.

11. The Court finds that the personal property of the parties has been divided between them to their mutual satisfaction and that all items of personal property assigned to Mr. Lee will be Mr. Lee's property, free and clear of any interest Mrs. Lee may have therein. Likewise, any personal property assigned to Mrs. Lee will be Mrs. Lee's property, free and clear of any interest Mr. Lee may have therein.

12. The Court finds that Mrs. Lee will retain the 2005 Chevrolet Suburban. The Court finds there is no indebtedness associated with the 2005 Chevrolet Suburban in the possession of Mrs. Lee. Mrs. Lee will, therefore, retain this automobile, free and clear of any interest Mr. Lee may have therein. In addition, Mrs. Lee will be responsible for any and all expenses, including, but not limited to, insurance, maintenance, upkeep, license tags, or any other expense, associated with the maintenance and upkeep of this automobile and shall indemnify and hold Mr. Lee harmless thereon.

13. The Court finds that Mr. Lee will retain the 2007 Chevrolet Tahoe. The Court finds that Mr. Lee will also be responsible for all indebtedness associated with the 2007 Chevrolet Tahoe in his possession. Mr. Lee will, therefore, retain this automobile, free and clear of any interest Mrs. Lee may have therein. In addition, Mr. Lee will be responsible for any and all expenses, including, but not limited to, insurance, maintenance, upkeep, license tags, or any other expenses, associated with them the maintenance and upkeep of this automobile and shall indemnify and hold Mrs. Lee harmless thereon.

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14. The Court finds that Mr. Lee will retain the Bayliner boat. The Court finds there is no indebtedness associated with the Bayliner boat. Mr. Lee shall, therefore, retain the Bayliner boat, free and clear of any interest Mrs. Lee may have therein. In addition, Mr. Lee shall be responsible for any and all expenses associated with the maintenance and upkeep of the Bayliner boat and shall indemnify and hold Mrs. Lee harmless thereon.

15. The Court finds that Mr. Lee will retain the four-wheeler ATV. The Court finds there is no indebtedness associated with the four-wheeler ATV. Mr. Lee shall, therefore, retain the four-wheeler ATV, free and clear of any interest Mrs. Lee may have therein. In addition, Mr. Lee shall be responsible for any and all expenses associated with the maintenance and upkeep of the four-wheeler ATV and shall indemnify and hold Mrs. Lee harmless thereon.

16. The Court finds that the parties do not have any joint checking accounts. Each party has a separate checking account and each party will receive any and all funds currently held in their individual checking accounts, free and clear of any interest the other party may have therein.

17. The Court finds that Mr. Lee has an individual retirement account and that all funds and assets in this account will be considered the sole and exclusive property of Mr. Lee, free and clear of any interest Mrs. Lee may have therein.

18. The Court finds the parties hold two private seat licenses (PSLs) for the Tennessee Titans. Mr. Lee shall be responsible for any and all indebtedness associated with the two PSLs and shall indemnify and hold Mrs. Lee harmless thereon. The two PSLs will be considered the sole and exclusive property of Mr. Lee, free and clear of any interest Mrs. Lee may have therein.

19. The Court finds that each party will be responsible for their own separate indebtedness and each party will indemnify and hold the other party harmless of the indebtedness held in their separate name.

20. The Court finds that Mrs. Lee is eligible for individual medical insurance coverage through the Federal COBRA Statute. The Court further finds that Mr. Lee will provide Mrs. Lee with any and all information for her to obtain COBRA conversion medical insurance but that Mrs. Lee will be responsible for the payment of any and all premiums or other expenses not covered by her major medical

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and hospitalization insurance coverage that she will receive as a result of converting Mr. Lee's group insurance coverage to an individual policy. After Mr. Lee provides Mrs. Lee any and all information she needs to convert the group insurance coverage to an individual policy under the Federal COBRA Statute, Mrs. Lee will be responsible for following through and making sure she receives her medical insurance coverage under the Federal COBRA Statute.

21. The Court finds that Mrs. Lee will have no parenting time with the parties' two minor children until Mrs. Lee comes before this Court, looks the Court in the eye and has established that she has addressed her problem with alcoholism, because the Court feels Mrs. Lee's actions and alcoholism constitute a clear and present danger to the parties' two minor children, as set out in the Parenting Plan Order of this Court.

22. The Court finds that Mr. Lee shall be vested with all decision-making authority in the categories of educational decisions, non-emergency health care, religious upbringing and extracurricular activities, as set out in the Parenting Plan Order of this Court.

23. The Court finds the child support will be based upon Mr. Lee's income of $60,000.00 and Mrs. Lee's income will be set as determined by the imputed income amount set forth in the Child Support Guidelines of $29,300.00, as set out in the Parenting Plan Order of this Court.

24. The Court finds that Mr. Lee shall receive the federal tax exemption for both of the minor children, as set out in the Parenting Plan Order of this Court.

25. The Court finds that Mr. Lee shall maintain health and dental insurance for the parties' minor children. All uncovered expenses will be divided between the parties pro rata, as determined by the Child Support Worksheet attached to the Parenting Plan Order of this Court.

26. The Court finds that Mr. Lee shall be designated the primary residential parent of the parties' two minor children, as set out in the Parenting Plan Order of this Court.

27. The Court finds that the costs of this cause shall be taxed against Mrs. Lee.

28. The Court finds that the previous Temporary Restraining Order entered by this Court on February 9, 2010 will now be converted to a permanent injunction wherein Mrs. Lee is permanently enjoined and restrained from drinking any alcoholic beverages in the presence of the parties' minor

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children in any form whatsoever in the home or wherever she may be while in the presence of the parties' minor children until further Orders of this Court.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** as follows:

1. That Mr. Lee shall be, and is hereby, awarded an absolute divorce from Mrs. Lee, and that Mr. Lee shall be, and is hereby, restored to all of the rights and privileges of an unmarried person, and that the bonds of matrimony heretofore existing between the parties are hereby perpetually dissolved.

2. That the Permanent Parenting Plan Order annexed to this Final Decree of Divorce is an Order of this Court and that the obligations set out and required by the terms of the Permanent Parenting Plan Order shall not be reduced or prorated unless specifically ordered by this Court. The amount of the child support obligation stated in the Court's Permanent Parenting Plan Order conforms to the Child Support Guidelines established by the Department of Human Services pursuant to Tennessee Public Chapter 206, Acts of 1989.

3. That the house and lot located at 230 Harding Place, Nashville, Davidson County, Tennessee be awarded to Mr. Lee and that all right, title and interest Mrs. Lee may have in the house and lot located at 230 Harding Place, Nashville, Davidson County, Tennessee is divested from her and vested absolutely in Mr. Lee. Mr. Lee shall be responsible for any and all debt associated with the ownership and maintenance of the home, including, but not limited to, any and all mortgages upon the property and property taxes. A legal description of the house and lot located at 230 Harding Place, Nashville, Davidson County, Tennessee is set out as follows:

> Land in Davidson County, Tennessee, being Lot No. 27 on the Plan of Bransford Realty Company's Belle Meade Golf Links Subdivision, as of record in Book 421, Pages 94 thru 95, Register's Office for Davidson County, Tennessee, to which said plan reference is hereby made for a more complete and accurate legal description thereof.
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> BEING the same property conveyed to Michael P. Lee and wife, Sherry Lee, by Warranty Deed dated January 27, 2000, from Diane L. Jarvis Renfro, unmarried, of record in Instrument 200002030011634, Register's Office for Davidson County, Tennessee.
>
> This conveyance is subject to any and all existing restrictions and easements of record.
>
> This is improved property known as 230 Harding Place, Nashville, Tennessee 37205.

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4. That Mrs. Lee shall vacate the marital residence within 15 days of July 17, 2010, which is July 22, 2010.

5. That the condominium located at 3799 East County Highway 30A, #13-E, Santa Rosa Beach, Walton, Florida, purchased by Mr. Lee prior to the parties' marriage and deemed to be his separate property, be awarded to Mr. Lee and that all right, title and interest Mrs. Lee may have in the condominium located at 3799 East County Highway 30A, #13-E, Santa Rosa Beach, Walton, Florida is divested from her and vested absolutely in Mr. Lee. Mr. Lee shall be responsible for any and all debt associated with the ownership and maintenance of the condominium, including, but not limited to, any mortgages upon the property and property taxes.

6. That the personal property of the parties, already divided between them, assigned to Mr. Lee shall be Mr. Lee's property, free and clear of any interest Mrs. Lee may have therein. Like, any personal property assigned to Mrs. Lee shall be Mrs. Lee's property, free and clear of any interest Mr. Lee may have therein.

7. That Mrs. Lee shall be awarded the 2005 Chevrolet Suburban, free and clear of any interest Mr. Lee may have therein, and that Mrs. Lee shall be responsible for any and all expenses associated with the 2005 Chevrolet Suburban and Mrs. Lee shall indemnify and hold Mr. Lee harmless thereon.

8. That Mr. Lee shall be awarded the 2007 Chevrolet Tahoe, free and clear of any interest Mrs. Lee may have therein and that Mr. Lee shall be responsible for any and all indebtedness, as well as any and all expenses, associated with the 2007 Chevrolet Tahoe and Mr. Lee shall indemnify and hold Mrs. Lee harmless thereon.

9. That Mr. Lee shall be awarded the Bayliner boat, free and clear of any interest Mrs. Lee may have therein and that Mr. Lee shall be responsible for any and all expenses associated with the Bayliner boat and Mr. Lee shall indemnify and hold Mrs. Lee harmless thereon.

10. That Mr. Lee shall be awarded the four-wheeler ATV, free and clear of any interest Mrs. Lee may have therein and that Mr. Lee shall be responsible for any and all expenses associated with the

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four-wheeler ATV and Mr. Lee shall indemnify and hold Mrs. Lee harmless thereon.

11. That the parties do not have any joint checking accounts and that each party shall be awarded any and all funds currently held in their separate checking accounts, free and clear of any interest the other party may have therein.

12. That Mr. Lee shall receive all funds and assets in his individual retirement account as his sole and exclusive property, free and clear of any interest Mrs. Lee may have therein.

13. That Mr. Lee shall receive the two private seat licenses (PSLs) for the Tennessee Titans as his sole and exclusive property, free and clear of any interest Mrs. Lee may have therein. Mr. Lee shall be responsible for any and all indebtedness associated with the two PSLs and shall indemnify and hold Mrs. Lee harmless thereon.

14. That each party shall be responsible shall be responsible for their own separate indebtedness and each party shall indemnify and hold the other party harmless of any and all indebtedness held in their separate name.

15. Pursuant to T.C.A. §36-4-134, this Decree 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. Further, it may be in a party's best interest to cancel, close or freeze any jointly held accounts.

16. That Mr. Lee shall provide Mrs. Lee with any and all information necessary for her to obtain COBRA conversion medical insurance but that Mrs. Lee shall be responsible for the payment of any and all premiums or other expenses not covered by her major medical and hospitalization insurance coverage that she will receive as a result of converting Mr. Lee's group insurance coverage to an individual policy. After receipt of the information from Mr. Lee necessary for her to convert the group insurance coverage to an individual policy under the Federal COBRA Statute, Mrs. Lee shall be responsible for following through and making sure she receives her medical insurance coverage under the Federal COBRA Statute.

17. That Mrs. Lee will have no parenting time with the parties' two minor children until Mrs. Lee comes before this Court, looks the Court in the eye and establishes that she has addressed her alcohol

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problem, because the Court feels Mrs. Lee's actions and alcoholism constitute a clear and present danger to the parties' two minor children. A separate Parenting Plan Order shall be filed simultaneous with this Final Decree of Divorce.

18. That Mr. Lee shall be vested with all decision-making authority for the parties' two minor children in the categories of educational decisions, non-emergency health care, religious upbringing and extracurricular activities. A separate Parenting Plan Order shall be filed simultaneous with this Final Decree of Divorce.

19. That child support will be set based upon Mr. Lee's annual income of $60,000.00 and Mrs. Lee's annual income, as determined by the imputed income amount set forth in the Child Support Guidelines, of $29,300.00. The child support obligation of Mrs. Lee, based on these figures, will be $504.00 per month, due on the 1st day of each month beginning September 1, 2010, until further Orders of this Court. A separate Parenting Plan Order shall be filed simultaneous with this Final Decree of Divorce.

20. That Mr. Lee shall receive the federal tax exemption for both of the minor children. A separate Parenting Plan Order shall be filed simultaneous with this Final Decree of Divorce.

21. That Mr. Lee shall maintain health and dental insurance for the parties' two minor children and that all uncovered expenses will be divided between the parties pro rata, as determined by the Child Support Worksheet, which is attached to the Parenting Plan Order filed simultaneous with this Final Decree of Divorce.

22. That Mr. Lee shall be designated the primary residential parent of the parties' two minor children. A separate Parenting Plan Order shall be filed simultaneous with this Final Decree of Divorce.

23. That Mrs. Lee will be responsible for the Court costs in this matter, for which a judgment is granted and for which execution may issue, if necessary.

24. That the Parenting Plan Order filed simultaneous with this Final Decree of Divorce shall become an Order of this Court.

25. That the previous Temporary Restraining Order entered by this Court on February 9, 2010 shall now be converted to a permanent injunction wherein Mrs. Lee is permanently enjoined and restrained from drinking any alcoholic beverages in the presence of the parties' minor children in any

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form whatsoever in the home or wherever she may be while in the presence of the parties' minor children until further Orders of this Court.

It is so **ORDERED**.

Entered this 20th day of August, 2010.

HONORABLE PHILIP E. SMITH

APPROVED FOR ENTRY:

MICHAEL W. BINKLEY, #5930
Attorney for Michael Pittman Lee
509 New Highway 96 West, Suite 201
Franklin, Tennessee 37064
(615) 550-2800

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished, via regular U.S. Mail and certified mail – return receipt requested, to the following person, this 5th day of August, 2010.

Sherry Horne Lee
230 Harding Place
Nashville, Tennessee 37205

MICHAEL W. BINKLEY

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10D338

STATE OF TENNESSEE	COURT (Must be completed) FOURTH CIRCUIT	COUNTY (Must be completed) DAVIDSON
PERMANENT PARENTING PLAN ORDER ☐ PROPOSED AGREED ☒ ORDERED BY THE COURT		FILE No. 10D-338 (Must be completed) DIVISION ____
PLAINTIFF (Name: First, Middle, Last) MICHAEL PITTMAN LEE Father	DEFENDANT (Name: First, Middle, Last) SHERRY HORNE LEE Mother	

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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
Caroline Elizabeth Lee	2/23/2002
Clayton Michael Lee	5/21/2004

I. RESIDENTIAL PARENTING SCHEDULE

A. RESIDENTIAL TIME WITH EACH PARENT

The Primary Residential Parent is the father

The Court finds, because of the mother's untreated alcoholism and her actions of being intoxicated in the presence of the parties' minor children, and driving under the influence of alcohol, that no parenting time will be established until the mother comes before this Court and convinces this Court that she has addressed and resolved the problem of her alcoholism.

B. DAY-TO-DAY SCHEDULE

Not applicable.

C. HOLIDAY SCHEDULE AND OTHER SCHOOL FREE DAYS

Not applicable.

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D. FALL VACATION *(If applicable)*

Not applicable.

E. WINTER (CHRISTMAS) VACATION

Not applicable.

F. SPRING VACATION *(If applicable)*

Not applicable.

G. SUMMER VACATION

Not applicable.

H. TRANSPORTATION ARRANGEMENTS

Not applicable.

I. SUPERVISION OF PARENTING TIME *(If applicable)*
☐ **Check if applicable**

Supervised parenting time shall apply during all parenting time as follows:
Place:
Person or organization supervising:
Responsibility for cost, if any: mother father both equally.

II. DECISION-MAKING

A. DAY-TO-DAY DECISIONS

The father shall make decisions regarding the day-to-day care of the children, 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	joint
Non-emergency health care	mother	☒	father	joint
Religious upbringing	mother	☒	father	joint
Extracurricular activities	mother	☒	father	joint

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III. FINANCIAL SUPPORT

A. CHILD SUPPORT

Father's gross monthly income is $ 5,000.00.
Mother's gross monthly income is $ 2,441.67.

1. The final child support order is as follows:
   The mother shall pay to the other parent as regular child support the sum of $504.00 per month. **The Child Support Worksheet shall be attached to this Order as an Exhibit.** **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.**

   If this is a deviation from the Child Support Guidelines, explain why:

2. Retroactive Support: A judgment is hereby awarded in the amount of $_____ to mother father against the child support payor representing retroactive support required under Section 1240-2-4.06 of the D.H.S. Income Shares Child Support Guidelines dating from _____ which shall be paid (including pre/post judgment interest) at the rate of $_____ per week month twice per month every two weeks until the judgment is paid in full.

3. Payments shall begin on the 1st day of the 1st month after entry of the Parenting Plan Order.

This support shall be paid:

☒ directly to the other parent.
to the Central Child Support Receipting Unit, P. O. Box 305200, Nashville, Tennessee 37229, and sent from there to the other parent at: _____.
A Wage Assignment Order is attached to this Parenting Plan.
by direct deposit to the other parent at _____ Bank for deposit in account no. _____.
income assignment not required; Explanation:_____.
other:_____.

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.

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B. FEDERAL INCOME TAX EXEMPTION*

The father is the parent receiving child support.

The Mother shall claim the following children: _____

The Father shall claim the following children: Caroline Elizabeth Lee and Clayton Michael Lee

The mother father may claim the exemptions for the child or children so long as child support payments are current by the claiming parent on January 15 of the year when the return is due. The exemptions may be claimed in: alternate years starting ____ each year other: _____.

The mother will furnish IRS Form 8332 to the father by February 15 of the year the tax return is due.

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.

D. HEALTH AND DENTAL INSURANCE

Reasonable health insurance on the child or children will be:

maintained by the mother
☒ 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, doctor's bills, hospital bills, counseling bills, either psychologist or psychiatrist, the cost of eye examinations, eyeglasses and contact lenses, the cost of dental/orthodontic examinations and braces, the cost of prescription medicines, routine annual physicals, as well as well-care visits, until each child reaches the age of 18,

* 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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or has graduated with his or her graduating class, will be paid pro rata by the parties as determined by the Child Support Worksheet.

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

The child or children are scheduled to reside the majority of the time with the father. 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:

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 ☒ certified mail other: _____.

In the dispute resolution process:

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

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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:

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 waived by the Court.

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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 against the mother.

It is so ORDERED this the 30th day of August, 2010.

HONORABLE PHILIP E. SMITH

SUBMITTED FOR ENTRY BY:

MICHAEL W. BINKLEY, #5930
Attorney for Michael Pittman Lee
509 New Highway 96 West, Suite 201
Franklin, Tennessee 37064
(615) 550-2800

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished, via regular U.S. Mail and certified mail – return receipt requested, to the following person, this 5th day of August, 2010.

Sherry Horne Lee
230 Harding Place
Nashville, Tennessee 37205

MICHAEL W. BINKLEY

Copy

Effective as of 7/22/2008

State of Tennessee - Department of Human Services
Child Support Worksheet

7/29/2010 - 11:53 AM

10D338

FILED
2010 AUG -6 AM 10:30
RICHARD R. ROOKER, CLERK

Part I. Identification

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

		PRP	ARP	SPLIT
Name of Mother:	Sherry Horne Lee		X	
Name of Father:	Michael Putnam Lee	X		
Name of non-parent Caretaker:				

TCSES case #:

Docket #: 10D-338

Court name: Fourth Circuit Court, Davidson County, Tennessee

Name(s) of Child(ren)	Date of Birth	Days with Mother	Days with Father	Days w/ Caretaker
Caroline Elizabeth Lee	2/23/2002	0	365	
Clayton Michael Lee	5/21/2004	0	365	

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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	$ 2,441.67	$ 5,000.00	
	1a	Federal benefit for child	+	+	
	1b	Self-employment tax paid	-	-	
	1c	Subtotal	2,441.67	5,000.00	
	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)	$ 2,441.67	$ 5,000.00	
2a		Combined Adjusted Gross Income	$7,441.67		
3		Percentage Share of Income (PI)	33%	67%	

Part III. Parents' Share of BCSO

4		BCSO allotted to primary parent's household	$ 0.00	$ 1285.00	$ 0.00
4a		Share of BCSO owed to primary parent	$ 424.05	$ 0.00	
5		Each parent's average parenting time	0	N/A	
6		Parenting time adjustment	$ 80.16	$ N/A	
7		Adjusted BCSO	$ 504.21	$ 0.00	

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Child Support Worksheet

Part IV. Additional Expenses

		Mother \ Column A	Father \ Column B	Nonparent Caretaker \ Column C
8a	Children's portion of health insurance premium	$	$	$
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)	$ 504.21	$ 0.00	

Part V. Presumptive Child Support Order

		OBLIGATION	
12	Presumptive Child Support Order (PCSO)	$ 504.00	$ 0.00

* 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):	$	$

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

15	Final Child Support Order (FCSO)	$ 504.00	$ 0.00
16	FCSO adjusted for Federal benefit, Line 1a, Obligor's column.	$ 504.00	$ 0.00

Comments, Calculations, or Rebuttals to Schedule

Preparer's Use Only

Name: Michael W. Binkley Date: 7/29/2010

Title: Attorney

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CERTIFICATE OF SERVICE

DOCKET NO. 10D338

I hereby certify I have mailed a copy of the foregoing to the parties/counsel listed below, on this 26TH day of AUGUST, 2010.

RICHARD R. ROOKER, Circuit Court Clerk

BY: _____

Deputy Clerk

MICHAEL W. BINKLEY, ATTORNEY
509 NEW HIGHWAY 96 WEST, SUITE 201
FRANKLIN, TN 37064

SHERRY HORNE LEE
230 HARDING PLACE
NASHVILLE, TN 37205

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 20 day of AUGUST , 2010 , in the Case Number 10D338 between LEE, MICHAEL PITTMAN Plaintiff, and LEE, SHERRY HORNE 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 AUGUST in the year two thousand fourteen and in the 238th year of American Independence.

RICHARD R. ROOKER, Clerk,

By _____ Deputy Clerk

SEAL

