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

AMANDA JILL FETTERS,)
)
Plaintiff/Wife,)
)
vs.) No. 12D-3043
)
DAVID MICHAEL FETTERS,)
)
Defendant/Husband.)

FILED
2014 DEC 11 PM 2:04
RICHARD R. ROOKER, CLERK
D.C.

BILL GARRETT, Davidson County
Trans:T20140093533 ORDER
Recvd: 12/15/14 12:03 7 pgs
Fees:37.00 Taxes:0.00
20141215-0114449

ORDER

This matter came on to be heard before the Court on the 21st day of November 2014, before the Honorable Phillip Robinson, Judge of the Third Circuit Court of Davidson County, Tennessee, upon Wife's Motion to Order Husband to Immediately Vacate the Marital Residence. Husband failed to appear even though the Motion was received by him by delivery confirmation on November 6, 2014, and the postal receipt and tracking number are attached hereto as an exhibit. Upon statement of counsel, testimony of the Wife, and the record as a whole, it is therefore,

ORDERED, ADJUDGED and DECREED as follows:

1. That legal title to the marital residence commonly known as 5648 Myrtlewood Drive, Nashville, Tennessee 37211, pursuant to and more particularly described as follows:

> A certain tract or parcel of land in Davidson County, State of Tennessee, described as follows to-wit:
>
> Land in Davidson County, Tennessee, being Lot No. 47 on the plan of Myrtlewood, Section Nine, as shown on the plan of record in Book 6200, page 964, Register's Office for said County, to which reference is made for a more complete description, which is incorporated herein as if copied verbatim.

Being the same property conveyed to David M. Fetters and Amanda J. Fetters, husband and wife, of record in Instrument Number 20060802-0094037, Register's Office for Davidson County, Tennessee ("the Marital Residence").

Parcel Identification: 172 02 0 102.00

shall be transferred to Wife alone, therefore, any right, title and interest in and to said property currently held by Husband shall be divested out of him and vested solely in Wife so that Wife will be able to sign the listing agreement and other necessary documents to sell the residence. Wife shall cause a certified copy of this Order to be recorded in the Register's Office for Davidson County, Tennessee. All other provisions in the Final Decree of Divorce entered on October 6, 2014 shall remain in full force and effect including the division of the proceeds of the marital residence and the liens on the marital residence.

2. Husband shall vacate the marital residence located at 5648 Myrtlewood Drive, Nashville, Tennessee 37211 by 4:30 p.m. on Wednesday, November 26, 2014, and if Husband has not vacated by that time, then the Davidson County Sherriff's Department is ordered to remove Husband from the residence. Wife shall be allowed to change the locks after 4:30 p.m. on Wednesday, November 26, 2014.

3. Husband shall remove all of his personal property from the marital residence by 4:30 p.m. on Wednesday, November 26, 2014, and if Husband fails to do so, then the Court will make further disposition of the remaining property upon Motion.

4. After 4:30 p.m. on Wednesday, November 26, 2014, Husband is ordered to stay away from the residence located at 5648 Myrtlewood Drive, Nashville, Tennessee 37211, and he shall be subject to powers of contempt if he comes on the property.

5. Since the mortgage is currently in arrears, if Wife pays any mortgage payments to stall foreclosure proceedings, the Court will award Wife a judgment for her monies advanced towards the mortgage.

6. As alimony *in solido,* which is not dischargeable in bankruptcy, Husband shall be responsible for payment of Wife's attorney fees in the amount of $ 1,323.25, for her Motion to Order Husband to Immediately Vacate the Marital Residence. Pursuant to Tenn. Code Ann. § 36-4-121, until this alimony *in solido* obligation is paid in full, Wife shall have a lien against Husband's 401k/pension plans and Husband's portion of the real estate proceeds from the sale of the marital residence commonly known as 5648 Myrtlewood Drive, Nashville, Tennessee 37211.

ENTERED this the 11 day of DECEMBER, 2014.

HONORABLE PHILLIP ROBINSON

APPROVED FOR ENTRY:

Kamie L. Hefner, #18032
Hefner & Hefner
Attorney for Wife
116 Wilson Pike Circle, Suite 103A
P. O. Box 992
Brentwood, Tennessee 37024
(615) 370-9800

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Order has been mailed to:

David Michael Fetters, Husband *pro se*
5648 Myrtlewood Dr.
Nashville, TN 37211

on this the 24 day of November, 2014.

Kamie L. Hefner

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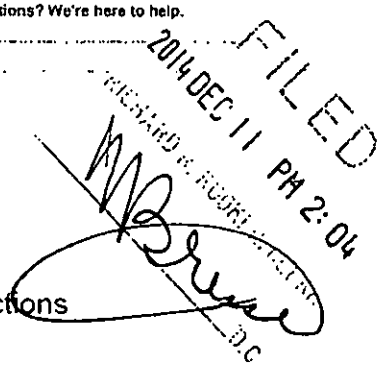
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Tracking Number: 9114999944313007822702

On Time
Expected Delivery Day: Thursday, November 6, 2014

Product & Tracking Information

Available Actions

Postal Product:	Features:		
Priority Mail 1-Day™	Insured	USPS Tracking™	Text Updates

DATE & TIME	STATUS OF ITEM	LOCATION	Email Updates
November 6, 2014, 3:23 pm	Delivered	NASHVILLE, TN 37211	
Your item was delivered at 3:23 pm on November 6, 2014 in NASHVILLE, TN 37211.			
November 6, 2014, 9:20 am	Out for Delivery	NASHVILLE, TN 37211	
November 6, 2014, 9:10 am	Sorting Complete	NASHVILLE, TN 37211	
November 6, 2014, 6:20 am	Arrived at Post Office	NASHVILLE, TN 37211	
November 6, 2014, 2:37 am	Departed USPS Facility	NASHVILLE, TN 37227	
November 5, 2014, 9:58 pm	Arrived at USPS Origin Facility	NASHVILLE, TN 37227	
November 5, 2014, 3:32 pm	Acceptance	BRENTWOOD, TN 37027	

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Tracking (or receipt) number

Track It

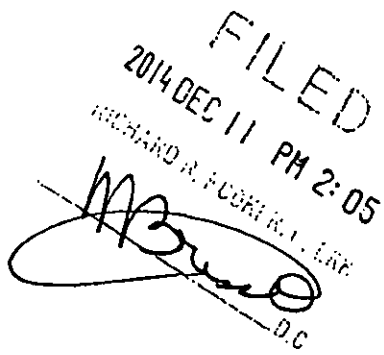
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Product Description	Sale Qty	Final Price
PM 1-Day	1	$5.75
(Domestic)		
(NASHVILLE, TN 37211)		
(Weight:0 Lb 1.40 Oz)		
(Expected Delivery Day)		
(Thursday 11/06/2014)		
(USPS Tracking #)		
(9114 9999 4431 3007 8227 02)		
Insurance	1	$0.00
(Amount:$50.00)		
Total		$5.75
Cash		$10.00
Change		($4.25)

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been forwarded to the following on the 11 day of DECEMBER, 2014:

Kamie L. Hefner, Esq.
116 Wilson Pike Circle, Suite 103A
P.O. Box 992
Brentwood, TN 37024

David Michael Fetters
5648 Myrtlewood Drive
Nashville, TN 37211

Melissa Barnes
Deputy Clerk

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 filed in the THIRD Circuit Court for Davidson County, Tennessee, on the 11 day of DECEMBER, 2014, in Docket Number 12D3043 between FETTERS, AMANDA JILL, Plaintiff, and FETTERS, DAVID MICHAEL, 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 15 day of DECEMBER in the year two thousand fourteen and in the 238 year of American Independence.

RICHARD R. ROOKER, Clerk,

By: _____
Deputy Clerk

[SEAL]

