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IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

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DEBORAH SUE SCHRAUGER,

Plaintiff,

vs.

BRIAN DALE SCHRAUGER,

Defendant.

D.C

NO.: 12D-3691

FINAL DECREE

This cause came on to be heard on the 16th day of July, 2014, before the Honorable Philip E. Smith, Judge of the Fourth Circuit Court for Davidson County, Tennessee, upon the original Complaint for Absolute Divorce filed by DEBORAH SUE SCHRAUGER, (hereinafter referred to as "WIFE"), the Answer to said Complaint filed on behalf of BRIAN DALE SCHRAUGER, (hereinafter referred to as "HUSBAND"), the Counter-Complaint filed by HUSBAND, the Answer to said Counter-Complaint filed by WIFE, with the Court hearing testimony from the WIFE. The Court finds that the HUSBAND was duly noticed and has failed to appear at any point during this litigation other than during a mediation that was held by phone. The HUSBAND has been residing somewhere around Jerusalem, and as he has failed to appear, the Court will dismiss his Counter-Complaint for Absolute Divorce and proceed on the original Complaint filed by WIFE. The Court does find that the parties have been married for 35 years, that three children were born of this marriage and

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TAYLOR, the middle child, has passed due to cancer.

The Court will find unequivocally that HUSBAND has abandoned this marriage and his obligations to WIFE. Shortly before he left to go to Israel, he convinced WIFE to enter into a Chapter 13 Bankruptcy proceeding. He was responsible for the payments until a couple of months after he had left for Israel, at which time he informed WIFE that she would be responsible for the payments to the Chapter 13 Trustee.

WIFE has been making all these Bankruptcy payments since he quit and the Court will order a Judgment to her in the amount of $18,356.35, which represents monies owed to her and not paid by HUSBAND under the Court's Pendente Lite Order. The Court will also find that this amount of money has been necessary for her support. This was, in fact, a support order that this arrearage accrued under. And it is the Court's intent, it was at the time the Court entered the Order and is now, that that Pendente Lite Order be treated as a Support Order.

The testimony reflected that WIFE is unsure of what HUSBAND's income is at this point in time. However, he is certainly capable of making money and has made significant income in the past, as a financial planner, making almost $300,000 in one year.

The Court does find, based on the testimony presented today, that HUSBAND is able-bodied and is capable of assisting WIFE, and has impoverished himself intentionally, it appears, in order to

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avoid contributing to the marital indebtedness.

Now, having heard the proof and considering all the factors under TCA 36-5-121, the Court will award the 2000 Honda Odyssey Van to WIFE, free and clear of any claim from HUSBAND. The 1997 Ford Villager will be sold and the proceeds from the sale shall be awarded to WIFE. IT IS SO ORDERED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED as follows:

The Marital Residence that currently has an equity of $9,570 will be awarded to WIFE, free and clear of any claim from HUSBAND. She will be vested with all right, title and interest, and HUSBAND will be divested of any right, title and interest. Said property is described as follows:

Land in Davidson, County, TN, being Lot No. 914 on the Plan of West Meade Farms, Inc., Section II, recorded in Book 2331, Pages 102 and 103, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete and accurate legal description.

Being the same property conveyed to Deborah Schrauger and Brian Schrauger, wife and husband, by deed from Mark T. Jennings and wife, V. DeVeta L. Jennings under Instrument No. 2004519-0058880, Register's Office for Davidson County, Tennessee.

This is improved property, known as 6561 Rolling Fork Drive, Nashville, TN 37205.

WIFE will be responsible for the payment of one-half of the bankruptcy payments, which at this point appear to be over the next two-and-a-half years. It will be $33,658.59 and HUSBAND will be responsible for the other half of the payments.

The Court will award all right, title and interest in the

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furniture, furnishings and personal property in the Marital Residence to WIFE, free and clear of any claim from HUSBAND.

The Court will also award attorney's fees in the amount of $13,475, a Judgment for those, in favor of WIFE against HUSBAND.

In regard to the alimony, considering the factors set forth in the Statute and considering the standard of living that HUSBAND can enjoy after the divorce, the Court does find that this is an appropriate case for alimony in solido. The Court is finding that in solido alimony is necessary for the support of WIFE. He certainly has the ability to generate this type of money. He has willfully abandoned this marriage and impoverished himself, and as such, the Court believes that alimony in the amount of $1,500 per month, paid for the next 60 months, for a total amount of $90,000, is appropriate in this case to assist WIFE in the support for her day-to-day needs.

The Court is concerned that should HUSBAND file a Chapter 7 Bankruptcy that WIFE could, indeed, become a ward of the State. And it is not the State's position to support WIFE; it is HUSBAND's position to assist in the support of WIFE. As such, that payment of $1,500 per month will begin on August 1st 2014 and will continue for 59 months thereafter, for a total of $90,000. The Court does find that WIFE has the need for said support and that HUSBAND has the ability to generate sufficient income for this amount of money. This amount of money, while appropriate to the need of WIFE, the Court will find

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is non-modifiable and will terminate only upon the payment of said amount in full. It is not contingent upon death or remarriage but the Court will make clear that this is a Support Order.

The Court finds that WIFE needs this assistance; this assistance is appropriate, based on the standard of living that HUSBAND has provided.

The Court further finds 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 this Final Decree of Divorce for an account, any debt associated with an account or any debt. In fact, it may be in a party's best interest to cancel, close or freeze any jointly held accounts.

With that said, the Court finds that Mr. Schrauger has committed inappropriate marital conduct and the Court will award WIFE an absolute divorce on said ground and restore WIFE to all the rights and privileges of an unmarried person. The Court will require that costs for this proceeding be paid by Mr. Schrauger.

IT IS SO ORDERED.

ENTERED this 6th day of August, 2014.

PHILIP E. SMITH
JUDGE

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APPROVED FOR ENTRY:

H. WILLIAM SCOTT, III (#2574)
Attorney for Wife
BOTTORFF & KAVIN, PLC
5110 Maryland Way, Suite 120
Brentwood, TN 37027
(615) 371-0800

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Final Decree of Divorce has been E-mailed to the Husband, at his address at brianschrauger@gmail.com on this 21st day of August, 2014.

H. WILLIAM SCOTT, III

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 06 day of AUGUST, 2014, in Docket Number 12D3691 between SCHRAUGER, DEBORAH SUE, Plaintiff, and SCHRAUGER, BRIAN DALE, 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 18 day of MARCH in the year two thousand fifteen and in the 238th year of American Independence.

RICHARD R. ROOKER, Clerk,

By: _____
Deputy Clerk

