Copy

IN THE THIRD CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

ANNA KATHYRN O'CONNOR,	)	
	)	
Plaintiff/Wife,	)	
	)	
vs.	)	**Docket No. 14D-2564**
	)	
EUGENE R. O'CONNOR,	)	
	)	
Defendant/Husband.	)	

FILED
2016 JUL 12 AM 11:04

FINAL DECREE OF DIVORCE

This cause came on to be heard on the 5th day of July, 2016, before the Honorable Phillip Robinson, Judge of the Third Circuit Court for Davidson County, Tennessee upon the Plaintiff/Wife's Complaint for Absolute Divorce, personal service on the Defendant/Husband, Order of Default judgment entered against the Husband, testimony of the Wife and her two corroborating witnesses in open Court, and the entire record, from all of which the Court finds as follows:

The Husband has been guilty of inappropriate marital conduct during the parties' marriage and the Wife shall be awarded a divorce from the Husband on said ground.

The Wife has been the primary caregiver of the parties' minor child and is the fit and proper person to be designated as the primary residential parent of the child. Because the Husband has not participated in this divorce action, he shall be awarded zero days of parenting time with the child. Any parenting time the Husband shall have with the child shall be at the Wife's discretion and the Husband may petition the Court to set specific parenting time.

The Wife's gross monthly income is $2,338 and the Husband earns or has the ability to earn gross monthly income of $3,333. The Wife's cost for major medical insurance on the minor

BILL GARRETT, Davidson County
Trans:T20160084971 DEEDDIV
Recvd: 09/27/16 15:09 16 pgs
Fees:82.00 Taxes:0.00
20160927-0101963

X

Copy

child is $144 per month and the Wife pays $333 per month for work-related childcare for the minor child.

The Permanent Parenting Plan with Child Support Worksheet attached hereto and incorporated herein by reference is in the best interest of the minor child and should be approved and made the Order of the Court.

The Wife is awarded the 2011 Nissan Versa free and clear of any claim of the Husband and the Husband shall be divested of any right, title or interest therein and all interest shall vest solely in the Wife.

The Wife shall be awarded all items of household furniture, furnishings, appliances and personal property currently in her possession free and clear of any claim of the Husband.

The Wife shall be awarded the marital residence located at 5010 Maywood Drive, Nashville, Tennessee 37211 and the Husband shall be divested of any right, title or interest therein and all interest shall vest solely in the Wife. The Wife shall be responsible for any indebtedness associated with said residence and shall indemnify and hold the Husband harmless thereon.

The above residence has a current value of $216,700 and indebtedness thereon of $70,000, which results in equity of $146,700. The Wife and her family contributed the down payment on said residence and the Wife has paid the mortgage payments thereon. The Husband's employment during the marriage was sporadic and his financial contributions to the marriage were minimal. Therefore, the Wife shall be awarded eighty percent (80%) of the equity in the marital residence and the Husband shall be awarded twenty percent (20%) of the equity as his marital interest therein. However, the Wife shall be awarded the Husband's share of the equity

Copy

in the residence as *in solido* alimony.

The Wife has a 401K through Fidelity Investments. The Wife shall be awarded eighty percent (80%) of the value of said 401K and the Husband shall be awarded twenty percent (20%) as his marital interest therein. However, the Wife shall be awarded the Husband's share of his marital interest in the Wife's 401K as *in solido* alimony.

There are no other joint debts of the parties with the exception of the indebtedness on the marital residence. Each party shall be responsible for any debt listed in his or her name individually and shall indemnify and hold the other party harmless thereon.

The Wife shall continue to use her married name of Anna Kathryn O'Connor.

The Wife shall be awarded a judgment against the Husband in the amount of $4,500 for her reasonable attorney's fees.

The Husband shall pay the costs of this cause.

It is therefore **ORDERED, ADJUDGED AND DECREED** that that the Wife Anna Kathryn O'Connor is hereby awarded an absolute divorce from the Husband Eugene R. O'Connor on the ground of inappropriate marital conduct and each of the parties is restored to all the rights and privileges of an unmarried person.

It is further **ORDERED** that the Permanent Parenting Plan and Child Support Worksheet attached hereto and incorporated herein by reference is in the best interest of the minor child and is hereby approved and made the Order of the Court.

It is further **ORDERED** that the Wife is awarded the 2011 Nissan Versa free and clear of any claim of the Husband and the Husband is divested of any right, title or interest therein and all interest shall vest solely in the Wife.

Copy

It is further **ORDERED** that the Wife is awarded the household furniture, furnishings, appliances and personal property currently in her possession free and clear of any claim of the Husband.

It is further **ORDERED** that the Wife is awarded the marital residence located at 5010 Maywood Drive, Nashville, Tennessee 37211 and the Husband is divested of any right, title or interest therein and all interest shall vest solely in the Wife. The Wife shall be responsible for any indebtedness associated with said residence and shall indemnify and hold the Husband harmless thereon.

It is further **ORDERED** that the Wife is awarded eighty percent (80%) of the equity in the marital residence located at 5010 Maywood Drive, Nashville, Tennessee 37211 and the Husband is awarded twenty percent (20%) of the equity as his marital interest therein. However, the Wife is awarded the Husband's share of the equity in the residence as *in solido* alimony.

It is further **ORDERED** that the Wife is awarded eighty percent (80%) of the value of her 401K with Fidelity Investments and the Husband is awarded twenty percent (20%) as his marital interest therein. However, the Wife is awarded the Husband's share of his marital interest in the Wife's 401K as *in solido* alimony.

It is further **ORDERED** that each party shall be responsible for any debt listed in his or her name individually and shall indemnify and hold the other party harmless thereon.

It is further **ORDERED** that the Wife shall continue to use Anna Kathryn O'Connor as her full and legal name.

It is further **ORDERED** that the Wife is awarded a judgment against the Husband in the amount of $4,500 representing her reasonable attorney's fees in this cause.

Copy

It is further **ORDERED** that the Husband shall pay the court costs in this cause for which execution may issue, if necessary.

NOTICE 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 this decree for an account, any debt associated with an account or any debt. It may be in a party=s best interest to cancel, close or freeze any jointly-held accounts.*

This the 12 day of July, 2016.

JUDGE PHILLIP ROBINSON

APPROVED FOR ENTRY:

David M. Hopkins, #020134
Attorney for Plaintiff/Wife
745 S. Church Street, Suite 303
Murfreesboro, TN 37130
Phn: (615) 361-2800
Fax: (615) 361-0683

Copy

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 11th day of July, 2016. the preceding document has been served upon:

Eugene O'Connor
3300 Killingsworth Lane, #252
Pflugerville, TX 78660

by the method identified as follows:

X U.S. Mail, Postage Prepaid

David M. Hopkins

Copy

STATE OF TENNESSEE	THIRD CIRCUIT COURT	DAVIDSON COUNTY

PERMANENT PARENTING PLAN ORDER

☐ PROPOSED ☐ AGREED ☒ ORDERED BY THE COURT

FILE No. 14D-2564 *(Must be completed)*

PETITION No.

FILED 2016 JUL 12 AM 11:04

PLAINTIFF *(Name: First, Middle, Last)*	DEFENDANT *(Name: First, Middle, Last)*
Anna Kathryn O'Connor	**Eugene R. O'Connor**
☒ Mother ☐ Father	☐ Mother ☒ Father

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
Rogan Kennedy O'Connor	**3/21/2005**

I. RESIDENTIAL PARENTING SCHEDULE

A. RESIDENTIAL TIME WITH EACH PARENT

The Primary Residential Parent is the Mother.

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

Mother 365 days

Father 0 days

B. DAY-TO-DAY SCHEDULE

The ☒ mother ☐ father shall have responsibility for the care of the child or children except at the following times when the other parent shall have responsibility:

Any parenting time the Father may have with the minor child shall be at the Mother's discretion. The Father may petition the Court to set specific parenting time.

Copy

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
Palm Sunday	Every	
Martin Luther King Day	Every	
Presidents' Day	Every	
Easter Day (unless otherwise Coinciding with Spring Vacation)	Every	
Passover Day (unless otherwise coinciding with Spring Vacation)	Every	
Mother's Day	Every	
Memorial Day (if no school)	Every	
Father's Day	Every	
July 4th	Every	
Labor Day	Every	
Halloween	Every	
Thanksgiving (Wed. to Sun.)	Every	
Children's Birthdays	Every	
Mother's Birthday	Every	
Father's Birthday:	Every	

A holiday shall begin at _____ on the night preceding the holiday and end at _____ the night of the holiday, unless otherwise noted here.

D. FALL VACATION (*If applicable*)

The day to day schedule shall apply.

E. WINTER (CHRISTMAS) VACATION

The day to day schedule shall apply.

F. SPRING VACATION (*If applicable*)

The day to day schedule shall apply.

G. SUMMER VACATION

The day to day schedule shall apply.

H. PRIORITIES N/A

I. TRANSPORTATION ARRANGEMENT

The place of meeting for the exchange of the child or children shall be: _

Payment of long distance transportation costs *(if applicable)*: ☐ mother ☐ father ☐ both equally.
Other arrangements: _____.
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.

Copy

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	☐ joint
Non-emergency health care	☒ mother	☐ father	☐ joint
Religious upbringing	☒ mother	☐ father	☐ joint
Extracurricular activities	☒ mother	☐ father	☐ joint

III. FINANCIAL SUPPORT

A. CHILD SUPPORT

Father's gross monthly income is $3,333
Mother's gross monthly income is $2,338

1. The final child support order is as follows:
   a. The ☐ mother ☒ father shall pay to the other parent as regular child support the sum of $896.00 ☐ weekly ☒ monthly ☐ twice per month ☐ every two weeks, commencing the 1st day of August, 2016, and the first day of each of each month thereafter, pending further Orders of the Court. **The Child Support Worksheet shall be attached to this Order as an Exhibit.***

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

   _____

2. Retroactive Support: A judgment is hereby awarded in the amount of $17,024 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 December 2014 through July 2016 which shall be paid (including pre/post judgment interest) at the rate of $100.00 per ☐ week ☒ month ☐ twice per month ☐ every two weeks until the judgment is paid in full.

This support (i.e. child and spousal) 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 5010 Maywood Drive, Nashville, TN 37211
☐ by direct deposit to the other parent at
☐ 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.

Copy

B. FEDERAL INCOME TAX EXEMPTION1

The ☒ mother ☐ father is the parent receiving child support.

The Mother shall claim the child every year.

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

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

Each party 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, eyeglasses, contact lens, routine annual physicals, and counseling will be paid by the parties on a pro rata basis. 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 ☐ both parties shall maintain dental, orthodontic, and optical insurance on the minor child or children. The other parent shall pay a pro rata share of the medical insurance for the child only.

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

The child or children are scheduled to reside the majority of the time with the ☒ mother ☐ 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

---

1 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.

Copy

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. The parent exercising parenting time shall furnish the other parent with a telephone number where the child may be reached at the days and time specified in a parenting plan or other court order or, where days and times are not specified, at reasonable times;
(2) The right to send mail to the child which the other parent shall not destroy, deface, open or censor. The parent exercising parenting time shall deliver all letters, packages and other material sent to the child by the other parent as soon as received and shall not interfere with their delivery in any way, unless otherwise provided by law or court order;
(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. The parent exercising parenting time when such event occurs shall notify the other parent of the event and shall provide all relevant healthcare providers with the contact information for the other parent;

Copy

(4) The right to receive directly from the child's school any educational records customarily made available to parents. Upon request from one parent, the parent enrolling the child in school shall provide to the other parent as soon as available each academic year the name, address, telephone number and other contact information for the school. In the case of children who are being homeschooled, the parent providing the homeschooling shall advise the other parent of this fact along with the contact information of any sponsoring entity or other entity involved in the child's education, including access to any individual student records or grades available online. The school or homeschooling entity shall be responsible, upon request, to provide to each parent records customarily made available to parents. The school may require a written request which includes a current mailing address and may further require payment of the reasonable costs of duplicating such records. These records 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 treating physician or health care provider. Upon request from one parent, the parent who has arranged for such treatment or health care shall provide to the other parent the name, address, telephone number and other contact information of the physician or healthcare provider. The keeper of the records may require a written request including a current mailing address and may further require payment of the reasonable costs of duplicating such records. No person who receives the mailing address of a requesting 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 such parent or such parent's family by the other parent to or in the presence of the child;

(7) The right to be given at least forty-eight (48) hour's notice, whenever possible, of all extra-curricular school, athletic, church activities and other activities as to which parental participation or observation would be appropriate, and the opportunity to participate in or observe them. The parent who has enrolled the child in each such activity shall advise the other parent of the activity and provide contact information for the person responsible for its scheduling so that the other parent may make arrangements to participate or observe whenever possible, unless otherwise provided by law or court order;

(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 forty-eight (48) hours, an itinerary which shall include the planned dates of departure and return, the intended destinations and mode of travel and telephone numbers. The parent traveling with the child or children shall provide this information to the other parent so as to give that parent reasonable notice; and

(9) The right to access and participation in education on the same basis that are provided to all parents including the right of access to the child during lunch and other school activities; provided, that the participation or access is legal and reasonable; however, access must not interfere with the school's day-to-day operations or with the child's educational schedule.

VII. NOTICE REGARDING PARENTAL RELOCATION

Copy

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:

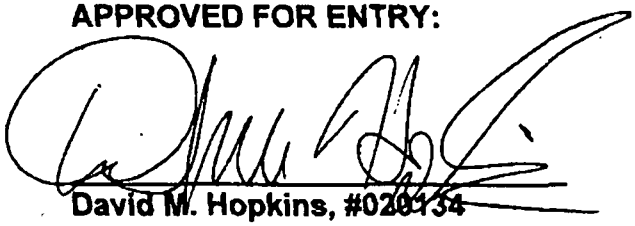
If a parent who is spending intervals of time with a child desires to relocate outside the state or more than fifty (50) miles from the other parent within the state, the relocating parent shall send a notice to the other parent at the other parent's last known address by registered or certified mail. 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 ☐ 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:



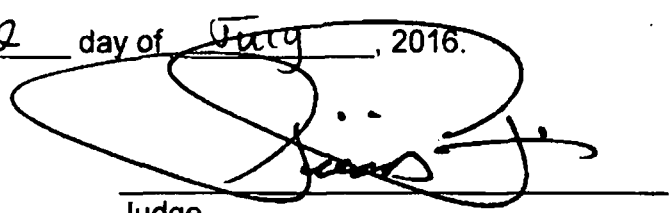
David M. Hopkins, #020134
Attorney for Mother
745 S. Church Street, Suite 303
Murfreesboro, TN 37130
615-361-2800

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 the Father

It is so ORDERED this the 12 day of July, 2016.



Judge

Copy

Effective as of 7/22/2008

State of Tennessee - Department of Human Services
Child Support Worksheet

7/8/2016 - 3:53 PM

FILED
2016 JUL 12 AM 11:04

Part I. Identification

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

		PRI	ARP	SPLIT
Name of Mother:	Anna Kathryn Onate		X	
Name of Father:	Eugene R. O'Connor			X
Name of non-parent Caretaker:				
TCSES case #:				
Docket #:	14D-2564			
Court name:	Third Circuit Court, Davidson County, TN			

Name(s) of Child(ren)	Date of Birth	Days with Mother	Days with Father	Days with Caretaker
Rogan Kennedy O'Connor	3/21/2005	365	0	

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	$ 2,338.00	$ 3,333.00	
1a	Federal benefit for child	+	+	
1b	Self-employment tax paid	-	-	
1c	Subtotal	2,338.00	3,333.00	
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)	$ 2,338.00	$ 3,333.00	
2a	Combined Adjusted Gross Income	$5,671.00		
3	Percentage Share of Income (PI)	41%	59%	

Part III. Parents' Share of BCSO

4	BCSO allotted to primary parent's household	$ 876.00	$ 0.00	$ 0.00
4a	Share of BCSO owed to primary parent	$ 0.00	$ 516.84	
5	Each parent's average parenting time	N/A	0	
6	Parenting time adjustment	$ N/A	$ 97.70	
7	Adjusted BCSO	$ 0.00	$ 614.54	

Copy

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	$ 144.00	$	$
8b	Recurring uninsured medical expenses	$	$	$
8c	Work-related childcare	$ 333.00	$	$
9	Total additional expenses	$ 477.00	$ 0.00	$ 0.00
10	Share of additional expenses owed	$ 0.00	$ 281.43	
11	Adjusted Support Obligation (ASO)	$ 0.00	$ 895.97	

Part V. Presumptive Child Support Order

		OBLIGATION	
12	Presumptive Child Support Order (PCSO)	$ 0.00	$ 896.00

* 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)	$ 0.00	$ 896.00
16	FCSO adjusted for Federal benefit, Line 1a, Obligor's column.	$ 0.00	$ 896.00

Comments, Calculations, or Rebuttals to Schedule

Preparer's Use Only

Name: [signature]

Title: Attorney for Plaintiff Juvenile

Date: 7/8/2016

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 THIRD Circuit Court for Davidson County, Tennessee, on the 12 day of JULY, 2016, in Docket Number 14D2564 between O'CONNOR, ANNA KATHRYN, Plaintiff, and O'CONNOR, EUGENE R., 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 27 day of SEPTEMBER in the year two thousand sixteen and in the 240th year of American Independence.

RICHARD R. ROOKER, Clerk,

By: Schatman

Deputy Clerk

