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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 05 day of MAY, 2005, in Docket Number 03D353 between MITCHELL, LOLITA , Plaintiff, and MITCHELL, CURTIS EUGENE, 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 19 day of JULY in the year two thousand seventeen and in the 241st year of American Independence.

RICHARD R. ROOKER, Clerk,

By: _____
Deputy Clerk

RICHARD R. ROOKER CIRCUIT COURT CLERK
[SEAL]

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FILED

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

2005 MAY -5 PM 2:41

RICHARD R. ROOKER, CLERK

D.C.

LOLITA MARIE MITCHELL **Plaintiff/Wife**	)	**DOCKET NO. 03D-353** **Notice of Entry Requested**
v.	)	
CURTIS EUGENE MITCHELL **Defendant/Husband**	)	

FINAL DECREE OF DIVORCE

This matter came on to be heard on the 22nd day of March, 2005 before the Honorable Muriel Robinson, Judge of the Fourth Circuit Court for Davidson County, Tennessee. Upon testimony of the parties, presentation of exhibits, and argument of counsel, the Court finds this matter is well taken. The Court is of the opinion the Wife should be awarded a divorce from the Husband. The Court finds that the Husband has been the problem in this marriage. The Court further incorporates the Parenting Plan attached herein, and makes it an order of this Court.

It is therefore **ORDERED, ADJUDGED, and DECREED** that the Wife is awarded a divorce on the grounds of the Husband's inappropriate marital conduct.

It is **ORDERED, ADJUDGED, and DECREED** that the Wife is awarded the marital residence of the parties located 4032 Pepperwood Drive, Antioch, Tennessee 37013. Wife is awarded said residence free and clear of any interest or claim of the Husband. Any interest or claim of the Husband is hereby divested from the Husband and reinvested in the Wife so that the Wife shall own this home subject to the mortgage as thereon free and clear of any interest of the Husband. Said residence is more particularly described below:

Land in Davidson County, Tennessee, being Lot No. 490 on the Plan of Peppertree Forest Section Nine, P.U.D. of record in Plat Book 7900, Page 760, Register's Office for said County, to which reference is made for a more complete description.

Being part of the same property conveyed to Allen Earps by deed of record in Book 8623, Page 300, Register's Office for Davidson County, Tennessee.

This conveyance is subject to any and all existing restrictions and easements of record.

Betty Earps joins in this conveyance, with the consent of the grantor spouse, for the purpose of waiving homestead and/or other marital rights that may be granted to a spouse by law in the property.

In the event the Wife become more than three (3) months behind on said marital residence, the Wife shall sell the residence and be awarded all equity in said residence.

It is **ORDERED, ADJUDGED, and DECREED** that the equity of the Husband in the marital residence of twelve thousand one hundred thirty three dollars ($12,133.00) is awarded to the Wife as alimony in solido.

It is **ORDERED, ADJUDGED, and DECREED** that the Husband is ordered to pay the marital furniture debt of the parties at Finance and Mortgage Acceptance Corporation. Husband is ordered to pay this marital debt of the parties and indemnify and hold the Wife harmless thereon. Said debt is necessary for the support and maintenance of the Wife and is non-dischargeable in bankruptcy court.

It is **ORDERED, ADJUDGED, and DECREED** that the Husband is awarded his 401(k) retirement plan and his State of Tennessee pension plan free and clear of any interest or claim of the Wife.

It is **ORDERED, ADJUDGED, and DECREED** that the Wife shall not be awarded any

Copy

alimony in futuro.

It is further **ORDERED, ADJUDGED, and DECREED** that the Husband is awarded the floor television, living room set to include the sofa, chair, and loveseat and the dining room set to include a table, six chairs and the china cabinet. In addition, the Husband is awarded his 2003 Lexus automobile. It is further **ORDERED, ADJUDGED, and DECREED** that the Wife is awarded her bedroom set, the fish tank, the bedroom television, computer and desk, coffee and end tables, and her Nissan Quest van free and clear of any interest of claim of the Husband.

It is **ORDERED, ADJUDGED, and DECREED** that the Husband shall pay child support in the amount of six hundred and sixty five dollars ($665.00) per month beginning April 1, 2005. The Husband shall continue to carry health insurance for the benefit of the minor children. The Husband shall pay all medical expenses of the minor children not covered by the health insurance. The Wife shall pay for all prescriptions costs of the minor children not covered by health insurance. Said health insurance ~~shall~~ may cover the cost of prescriptions for the children. The Wife shall be entitled to use the health insurance for coverage of the prescriptions but any costs not covered by the medical insurance shall be the sole responsibility of the Wife.

It is **ORDERED, ADJUDGED, and DECREED** that because of the teenage years of the minor children and the living situation of the Husband he shall not be required to exercise overnight visitation with the minor children at this time. During the school year the Husband shall exercise visitation with the minor children from the time the children get out of school until 8:00 p.m. each evening on Tuesday and Wednesday nights every other week. When the children are not in school the Husband shall exercise visitation from 8:00 a.m. to 6:00 p.m. on Tuesday and Wednesdays.

It is **ORDERED, ADJUDGED, and DECREED** that the Wife is awarded a judgement

against the Husband for attorney's fees in the amount of twelve hundred dollars ($1,200.00) for which execution may issue. Said judgement is a support in nature. Said judgement is necessary for the support and maintenance of the Wife and, therefore is non-dischargeable in bankruptcy court.

It is **ORDERED, ADJUDGED, and DECREED** that the Husband shall pay the court costs in this matter for which execution may issue.

The current addresses of the parties are:

Lolita Mitchell: 4032 Pepperwood Drive, Antioch, TN 37013.

Curtis Mitchell: c/o Lois DeBerry, Correctional and Special Needs Facility, 7575 Cockrill Bend Blvd, Nashville, TN 37209.

IT IS SO ORDERED.

ENTERED this the 5th day of May, 2005.

HONORABLE MURIEL ROBINSON

APPROVED FOR ENTRY:

CYNTHIA J. BOHN, BPR #16592
Attorney for Wife
545 Mainstream Drive, Ste. 320
Nashville, TN 37228
(615) 252-8866

Copy

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been sent to the following by (X) U.S. Mail, postage prepaid; ( ) hand delivery; ( ) facsimile transmission to _____, hard copy to follow via regular U.S. Mail:

Jeffrey S. Pulley
Attorney at Law
107 Music City Circle, Suite 346
Nashville, TN 37214

This the 15 day of April, 2005.

Cynthia J. Bohn

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FILED
2005 APR 25 PM 2:21
RICHARD R. ROOKER, CLERK
D.C.

FILED
2005 MAY -5 PM 2:41
RICHARD R. ROOKER, CLERK
D.C.

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

LOLITA MARIE MITCHELL
Plaintiff/Wife

v.

CURTIS EUGENE MITCHELL
Defendant/Husband

DOCKET NO. 03D-353
Notice of Entry Requested

PARENTING PLAN

This Parenting Plan is ordered by the Court.

I. GENERAL INFORMATION

This Parenting Plan applies to the following children:

Name	Birth date	Social Security #
Lavonta Renee Mitchell	04-11-92	
Latoya Denise Mitchell	04-17-87	

II. RESIDENTIAL SCHEDULE

These provisions set forth where the children shall reside each day of the year and what contact the children shall have with each parent.

2.1 PRE-SCHOOL SCHEDULE.

There is no child of preschool age.

2.2 SCHOOL SCHEDULE.

Upon enrollment in school, the children shall reside with the Mother except for the following days and times when the children will reside with or be with the Father: because of the teenage years of the minor children and the living situation of the Husband he shall not be required to exercise overnight visitation with the minor children at this time. During the school year the Husband shall exercise visitation with the minor children from the time the children get out of school until 8:00 p.m. each evening on Tuesday and Wednesday nights every other week. When the children are not in school the Husband shall exercise visitation from 8:00 a.m. to 6:00 p.m. on Tuesday and Wednesdays.

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2.3 DESIGNATION OF CUSTODIAN.

The children named in this parenting plan are scheduled to reside the majority of the time with the Mother. This parent is designated the custodian of the children solely for purposes of all other state and federal statutes which require a designation or determination of custody. This designation shall not affect either parent's rights and responsibilities under this parenting plan.

III. CHILD SUPPORT

3.1 FINANCIAL SUPPORT.

The Father shall pay directly to the Mother in accordance with Tennessee Child Support Guidelines, $665.00 per month beginning on April 1, 2005.

The parties affirmatively acknowledge that no action by either or both of them will be effective to reduce child support after the due date of each payment. The parties further understand that Court approval must be obtained before child support can be reduced or modified, unless such payments are automatically reduced or terminated under the terms of this parenting plan.

3.2 TAX DEDUCTION.

The Mother will receive the tax deduction for the child. The Father shall provide to the Mother, by or before April 15 of every year, a copy of his W-2 form or a copy of the first page of his tax return.

3.3 INSURANCE

The Husband shall continue to carry health insurance for the benefit of the minor children. The Husband shall pay all medical expenses of the minor children not covered by the health insurance. The Wife shall pay for all prescriptions costs of the minor children not covered by health insurance. Said health insurance ~~shall~~ may cover the cost of prescriptions for the children. The Wife shall be entitled to use the health insurance for coverage of the prescriptions but any costs not covered by the medical insurance shall be the sole responsibility of the Wife.

IV. DECISION MAKING

4.1 DAY TO DAY DECISIONS.

Each parent shall make decisions regarding the day-to-day care and control of each child while the children are residing with that parent. Regardless of the allocation of decision making

in this parenting plan, either parent may make emergency decisions affecting the health or safety of the children.

4.2 MAJOR DECISIONS.

Major decisions regarding each child shall be made as follows:

Education decisions	[X] mother	[ ] father	[ ] joint
Non-emergency health care	[X] mother	[ ] father	[ ] joint
Religious upbringing	[X] mother	[ ] father	[ ] joint
Extracurricular activities	[X] mother	[ ] father	[ ] joint

4.3 RESTRICTIONS IN DECISION MAKING.

Does not apply

V. STANDARD PARENTING RIGHTS

Pursuant to Tennessee Code Annotated, 36-6-101(a) both parents are entitled to the following rights:

1. Unimpeded telephone conversations with the child at least twice each week at reasonable times and for a reasonable duration;
2. Sending mail to the child which the custodial parent will not open and will not censor;
3. Receiving notice and relevant information as soon as practical (but not more than 24 hours) in the event of hospitalization, major illness, or death of the child;
4. Receiving, directly from the school, copies of the child's report cards, attendance records, teacher's names, class schedules, standardized test scores, and other records which are customarily made available to parents. A written request must be made to the school with a current mailing address and payment must be made for the reasonable cost of duplicating and mailing these records;
5. Receiving, directly from the child's physician and other health care providers, copies of the child's medical records. A written request must be made to the health care provider with a current mailing address and payment must be made for the reasonable cost of duplicating and mailing these records;
6. To be free of derogatory remarks made about the non custodial parent and his or her family by the custodial parent to the child or in the child's presence.
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, including but

not limited to, the following:

(I) School activities
(ii) Athletic activities
(iii) Church activities
(iv) Other activities as to which 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 for more than two (2) days, an itinerary including telephone numbers for use in the event of an emergency.
9. The right of access and participation in education, including the right of access to the minor child for lunch and other activities on the same basis that is provided to all parents, provided the participation or access is reasonable and does not interfere with day-to-day operations or with the child's educational performance.

Either parent may petition for a return to court, paying appropriate fees for mediation on any further parenting issues.

IX. ORDER BY THE COURT

It is **ORDERED, ADJUDGED AND DECREED** that the **Parenting Plan** set forth above is adopted and approved as an order of this Court.

WARNING: Violation of residential provisions of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under T.C.A. 39-13-306. Violation of this order may subject a violator to arrest.

When mutual decision making is designated but cannot be achieved, the parties shall make a good faith effort to resolve the issue through the dispute resolution process.

If a parent fails to comply with a provision of this plan, the other parent's obligations under this plan are not affected.

Dated: 5-5-05

Judge

Copy

Approved for Entry:

CYNTHIA J. BOHN, BPR #16592
Attorney for Mother
545 Mainstream Drive, Suite 320
Nashville, TN 37228
(615) 252-8866

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document has been sent to the following by (X) U. S. Mail, postage prepaid; ( ) hand delivery; ( ) facsimile transmission to _____, hard copy to follow via regular U. S. Mail:

Jeffrey S. Pulley
Attorney at Law
107 Music City Circle, Suite 346
Nashville, TN 37214

This the 15 day of April, 2005.

Cynthia J. Bohn

WELCOME! | STEP 1 | STEP 2 | STEP 3 | STEP 4 | STEP 5

STEP 6 | STEP 7 | STEP 8 | STEP 9 | STEP 10 - FINISH | RESET

FILED
2005 MAY -5 PM 2:41
RICHARD R. ROOKER, CLERK

Printer Friendly Version *** To return, click on the worksheet's title

State of Tennessee - Child Support Worksheet

D.C.

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: Lolita Mitchell	X		
	Name of Father: Curtis Mitchell		X	
	Name of non-parent Caretaker:			

TCSES case #:

Docket #: 03D353

Court name: Fourth Circuit

Name(s) of Child(ren)	Date of Birth	Days with Mother	Days with Father	Days with Caretaker
LaVonta Mitchell	4/11/92	285	80	0
LaToya Mitchell	4/17/87	285	80	0
		0	0	0
		0	0	0

Part II. Basic Support Obligation

✓ For clarity and consistency, use Column A for PRP information and Column B for ARP information.
✓ For Split Parenting, use Column A for Mother's information and Column B for Father's information.

		Column A	Column B	Column C
1	Monthly Gross Income	$ 1523.00	$ 2847.00	
1a	Self-employment tax paid	- 0.00	- 0.00	
1b	Credit for pre-existing support orders	- 0.00	- 0.00	
1c	Credit for in-home children	- 0.00	- 0.00	
1d	Credit for not-in-home children	- 0.00	- 0.00	
2	Adjusted Gross Income (AGI)	$ 1523.00	$ 2847.00	$ 4370.00
3	Percentage Share of Income (PI)	35 %	65 %	100 %
4	Basic Child Support Obligation (BCSO)			$ 1082.00

Use Credit Worksheet to calculate line items 1a - 1d

Part III. Parents' Share of Support Obligation

Standard Parenting	5	Each parent's share of the BCSO	$ 378.70	$ 703.30
Split Parenting	6a	Mother's obligation for children for whom father is the PRP	$ 0.00	
	6b	Father's obligation for children for whom mother is the PRP		$ 0.00

Part IV. Parenting Time Adjustment

7a	Number of days per calendar year with children supported by this order with whom the ARP spends 121 or more days per calendar year	0	0
7b	Parenting time adjustment percentage	0 %	0 %
8a	Number of days per calendar year with children supported by this order with whom the ARP spends 53 or fewer days per calendar year	0	0
8b	Parenting time adjustment percentage	0 %	0 %
9	Adjustment in ARP's support obligation for parenting time	$ 0.00	$ 0.00
10	Each parent's share of the adjusted BCSO	$ 0.00	$ 0.00

Part V. Additional Expenses		Column A	Column B	Column C
11a	Children's portion of health insurance premium	$ 0.00	$ 109.00	
11b	Work-related childcare	$ 0.00	$ 0.00	
11c	Total additional expenses	$ 0.00	$ 109.00	$ 109.00
12	Each parent's share of additional expenses	$ 38.15	$ 70.85	
13	Adjusted Support Obligation (ASO)	$ 416.85	$ 774.15	
14	Enter amount of payroll deduction from lines 11a and/or 11b or direct payments from line 11a.	- 0.00	- 109.00	
15	Subtract line 14 from line 13. Enter remainder.	$ 416.85	$ 665.15	

Part VI. Presumptive Child Support / Modification of Current Support

		Obligation Column
16	Presumptive Child Support Order (PCSO)	$ 665.00

The ARP's amount from Line 15.*
* For split parenting situations, enter the difference between the greater and smaller numbers from Line 15.

Modification of Current Child Support Order		
17a	Current child support order amount for the payor parent	$ 0.00
17b	Amount required for significant variance to exist	$ 0.00
17c	Actual variance between current and presumptive child support orders	$ 0.00

Part VII. Uninsured Medical Expenses, Deviations, Final Child Support Order

18	Recurring uninsured medical expenses	$ 0.00
19	Deviations (Specify):	$ 0.00

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

20	Final Child Support Order	$ 665.00

Copy

State of Tennessee - Credit Worksheet

Part I. Identification

			PRP	ARP	SPLIT
Indicate the status of each parent or caretaker by placing an "X" in the appropriate column	Name of Mother:	Lolita Mitchell	X		
	Name of Father:	Curtis Mitchell		X	
	Name of non-parent Caretaker:				
	TCSES case #:				
	Docket #:	03D353			
	Court name:	Fourth Circuit			

Part II. Additional Children

			Column A	Column B
Parent Income Information	1	Monthly gross income of parent desiring to claim credit	$ 1523.00	$ 2847.00
	2a	Self-employment tax paid	$ 0.00	$ 0.00
	2b	Applicable gross income for credit worksheet	$ 1523.00	$ 2847.00

In-Home Children

3 Below, list qualified children living in the parent's home (if none, skip to line 7):

Name(s) of Child(ren) for PRP	Date of Birth	Name(s) of Child(ren) for ARP	Date of Birth

		Column A	Column B
4	Number of qualified children living in the parent's home	# 0	# 0
5	Theoretical child support order (this parent's income on CS Schedule for number of children from line 4)	$ 0.00	$ 0.00
6	75% of theoretical child support order from line 5	$ 0.00	$ 0.00

Not-In-Home-Children

7 Below, list qualified children not living in the parent's home:

Name(s) of Child(ren) for PRP	Date of Birth	Name(s) of Child(ren) for ARP	Date of Birth

8 Number of qualified children not living in the parent's

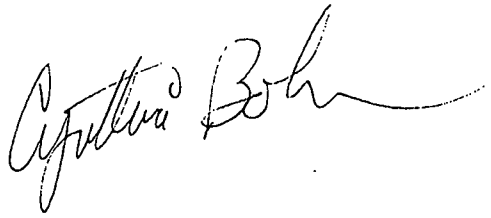
	home	# 0	# 0
9	Average documented monetary support over last 12 months	$ 0.00	$ 0.00
10	Theoretical child support order (this parent's income on CS Schedule for number of children from line 8)	$ 0.00	$ 0.00
11a	75% of theoretical child support order from line 10	$ 0.00	$ 0.00
11b	Allowable credit for not-in-home children	$ 0.00	$ 0.00

Part III. Pre-Existing Support Orders

List court name, docket number, TCSES number, monthly
✓ obligation, name and date of birth for each child supported
under the order. Do not include arrears payments.

This section is not part of the calculation for Part II above

		Column A	Column B
1		$ 0.00	$ 0.00
2		$ 0.00	$ 0.00
3		$ 0.00	$ 0.00
4		$ 0.00	$ 0.00
	Total	$ 0.00	$ 0.00



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CERTIFICATE OF SERVICE

DOCKET NO. 03D353

Pursuant to Rule 58(3) of the Tennessee Rules of Civil Procedure, I hereby certify that I have mailed a copy of the foregoing Judgment to the parties/counsel listed below, on this 10th day of May, 2005.

RICHARD R. ROOKER, Circuit Court Clerk

By: _____
Deputy Clerk

Cynthia J. Bohn, Attorney
545 Mainstream Drive, Suite 320
Nashville, TN 37228

Jeffrey S. Pulley, Attorney
107 Music City Circle, Suite 346
Nashville, TN 37214