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IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASVHILLE

FILED
2018 SEP 10 AM 11:14
RICHARD R. ROOKER, CLERK
D.C.

KAREN LYNN BENNETT,
Plaintiff,

vs.

JONATHAN FARRAR BENNETT,
Defendant.

Docket No. 16D1150

AGREED ORDER AMENDING THE FINAL DECREE OF DIVORCE TO INCLUDE THE DIVISION OF THE REMAINING PERSONAL PROPERTY

It appearing to the Court that the parties have reached a resolution as to the outstanding division of certain pieces of personal property as evidenced by the executed agreement dated August 29, 2018 that is attached hereto as Exhibit A, and as evidenced by the signatures of counsel herein below stipulate to the Court an agreement amending the Final Decree of Divorce entered on August 27, 2018. The Court finds the personal property transfers outlined in this Agreed Order and Exhibit A are proper and should be approved. It is therefore,

ORDERED, ADJUDGED AND DECREED that Jonathan Farrar Bennett, (hereinafter referred to as "Husband") shall be awarded all right and title to the 1986 GSXR 1100 race motorcycle. This vehicle shall be titled and vested solely in Husband's name, and divested from Karen Lynn Bennett (hereinafter referred to as "Wife"). Wife shall execute any and all documents necessary to transfer title of said vehicle to Husband, if requested. It is further,

ORDERED, ADJUDGED AND DECREED that the Husband shall be awarded the oak bookcase listed in Exhibit 17 free and clear of any claims of the Wife. Further, the Husband shall also be awarded the three (3) antique lamps and oak sideboard currently in his possession free and clear of any claims of the Wife. It is further,

Karen Y Johnson Davidson County
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ORDERED, ADJUDGED AND DECREED that the Husband will not dispose of, sell, gift, or transfer the ownership of any of the antiques awarded to him in the divorce, and that he shall transfer possession and ownership to Wife upon his death or prior to. It is further,

ORDERED, ADJUDGED AND DECREED that upon the Husband's death, all right, title and possession of the antiques awarded to the Husband as described herein, shall transfer to Wife. It is further,

ORDERED, ADJUDGED AND DECREED that the Husband shall amend his Last Will and Testament to reflect Wife's first right of refusal to the named antiques awarded to him herein. It is further,

ORDERED, ADJUDGED AND DECREED that the Wife shall be awarded all of the remaining antiques listed in Exhibit 17 free and clear of any claims of the Husband. It is further,

ORDERED, ADJUDGED AND DECREED that the Wife shall be awarded the following personal property, free and clear of any claims of the Husband, located at the marital business known as *Bennett Cycle and Supply*,:

1. All items listed in the "New Stock Inventory" spreadsheet created by Wife and produced during the July 31, 2018 hearing on Wife's *Emergency Motion to Enforce Statutory Injunction Pursuant to T.C.A. §36-4-106(d) and for Sanctions*, and the new tires and freon;
2. All of the contents of the Office/Showroom area of the marital business;
3. The dentist tray;
4. Railroad Industrial Shipping Dollie/Cart;
5. Red Tear down table with casters;
6. Shelf located at the far end of the storage room;

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7. Shipping desk;

8. One metal work table;

9. Metal two shelf rack under window in shop; and

10. Old pew. It is further,

ORDERED, ADJUDGED AND DECREED that the Husband shall be awarded the remaining personal property located at the marital business, *Bennett Cycle and Supply*, free and clear of any claims of the Wife. It is further,

ORDERED, ADJUDGED AND DECREED that the Husband shall pay the Wife a total of Five Thousand Dollars ($5,000.00) representing the value of her marital share in the remaining personal property located at the marital business that is being awarded to the Husband. Husband shall pay the Wife Four Thousand Dollars ($4,000.00) on or before September 5, 2018, and the remaining One Thousand Dollars ($1,000.00) shall be paid to the Wife within thirty (30) days following the first payment, not to exceed October 5, 2018. It is further,

ORDERED, ADJUDGED AND DECREED that the Wife shall be awarded all right, title, and interest in and to the real property located at 2701 Alhambra Circle, Nashville, TN 37207, free and clear from any claims of the Husband. The Husband shall be divested of any and all interest in and to said property and the same shall be reinvested in the Wife. Husband shall convey all of his right, title and interest in and to the tract of land described herein below to Wife:

> Being the south 55 feet front and 53.7 feet rear of Lot No. 62 on the Map of Capitol View Subdivision, as of record in Book 974, page 52 and 53, Register's Office for said county.
>
> Said part of said lots fronts 55 feet on the easterly side of Alhambra Circle and runs back between lines 225 feet, more or less on the southerly line, along the northerly margin of Brunswick Drive, and 228.38 feet on the northerly line, to the west line of Lot No. 61, measuring 53.7 feet thereon.

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Being the same property conveyed to Henry W. Bennett and wife, Lorene F. Bennett, by deed of record in Book 1642, page 117, Register's Office, Davidson County, Tennessee; the said Henry W. Bennett and Lorene F. Bennett having since died, intestate, leaving as their sole heirs-at-law their two children, Jon Bennett and Henry W. Bennett, Jr.

There are no liabilities associated with the property. The Wife shall be responsible for the timely payment of all indebtedness and liabilities in connection with said properties, if any, and she shall indemnify and hold the Husband harmless from repayment thereof. Husband further agrees to timely execute and deliver to Wife any and all deeds and instruments necessary to convey title of said real estate to Wife. It is further,

ORDERED, ADJUDGED AND DECREED that the Husband shall collect the September, 2018 rent from the tenant(s) of 2701 Alhambra Circle. On September 7, 2018, Husband's property management of 2701 Alhambra Circle shall cease and Husband shall provide Wife with any and all lease agreements, rental applications, keys to the property, and the security deposit paid by the current tenant(s). It is further,

ORDERED, ADJUDGED AND DECREED that the Husband shall pay Wife her prorated portion of the September, 2018 rental income for 2701 Alhambra Circle in the amount of Eight Hundred Dollars ($800.00), on or before September 7, 2018. It is further,

ORDERED, ADJUDGED AND DECREED that the Husband shall pay Wife his prorated portion of the 2018 property taxes for the real property 2701 Alhambra Circle in the amount of Six Hundred Fifty Seven Dollars ($657.00) on or before December 31, 2018. It is further,

ORDERED, ADJUDGED AND DECREED that upon Husband's death, or in the event that Husband decides to sell or transfer the ownership of any real property awarded to him in this divorce, Wife shall have first right of refusal to purchase the real property from the Husband or

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his estate. Husband shall amend his Last Will and Testament to reflect Wife's first right of refusal to purchase said real properties awarded to him in this divorce. It is further,

ORDERED, ADJUDGED AND DECREED that in the event of Husband's failure to pay Wife any obligation specifically provided for herein, Wife shall be awarded a separate judgment against Husband for each such obligation due and owing and said judgment shall be awarded by Wife submitting a separate order to the court. It is further,

ORDERED, ADJUDGED AND DECREED that each party shall be responsible for their own attorney fees in this matter. It is further,

ORDERED, ADJUDGED AND DECREED that Wife and Husband claim no alimony, either pendent lite or permanent or otherwise, and waive any claim they might have thereto in any divorce action between them except as elsewhere set out in this document.. It is further,

ORDERED, ADJUDGED AND DECREED that the Final Decree of Divorce entered with this court on August 27, 2018, shall be amended to strike the requirement of Husband to refinance 106 Alhambra Circle within one-hundred-twenty (120) days from July 10, 2018. It is further,

ORDERED, ADJUDGED AND DECREED that in the event that Husband defaults on any mortgage debt associated with the property located at 106 Alhambra Circle, Wife shall be able to petition the court to hold Husband in contempt. Husband shall be liable for all attorney fees and costs associated with the petition for contempt. It is further,

ORDERED, ADJUDGED AND DECREED that this Agreed Order shall be incorporated into the Final Decree of Divorce as if copied verbatim therein. It is further,

ORDERED, ADJUDGED AND DECREED that *Husband's Motion to Allow Relocation and/or for Allocation/Division of Certain Person Property that Remains in Dispute*

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and Still Subject to Equitable Division by Court Order and was Specifically Addressed by Agreement of the Parties, has been resolved and the specially set motion scheduled for Tuesday, September 11, 2018 at 1:00 p.m. shall be dismissed and stricken from the docket. It is further,

ORDERED, ADJUDGED AND DECREED that if either party incur any expense or legal fees as a result of the breach of any portion of the Final Decree or amendment hereto by the other party, the Court shall award reasonable attorney's fees and suit expenses to the non-defaulting party. No breach, waiver or default of any of the terms of this agreement shall constitute a waiver of any subsequent breach of default of any of the terms of this agreement.

ORDERED, ADJUDGED AND DECREED by the Court that the costs of this cause are taxed to both Plaintiff and Defendant equally. It is finally,

ORDERED, ADJUDGED AND DECREED by the Court that execution may issue to enforce any of the provisions of this Decree.

It is so **ORDERED.**

Entered this _____ day of _____, 2018.

JOSEPH BINKLEY, JR., JUDGE

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APPROVED FOR ENTRY:

ROBINSON, REAGAN & YOUNG, PLLC

Worrick G. Robinson IV w/perm Phillip D. Putney #021721

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Charles Blackard

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8/28/18

Division of Final Assets by Karen Lynn Bennett & Jonathan Farrar Bennett

Race GSXR Motorcycle goes to Jonathan Farrar Bennett

All Antiques go to Karen Bennett with the exception of 3 lamps, oak bookcase and oak sideboard to remain with Jon. If he decides he no longer wants these items or at death the items will go to Karen Lynn Bennett.

Business Personal Property located at 113 E. Trinity Lane to be divided as following.

Karen Lynn Bennett to receive all items listed on the New Stock Inventory excel file (including new tires and freon) plus all contents of the Office/Showroom area. Items Also included:

Dentist Tray

Railroad Industrial Shipping Dollie/Cart

Red Tear down Table w/casters

Shelf at very end of shortage room

Shipping Desk

~~8" Bench Grinder two head with light~~ KB JB

One metal work table

~~Craftsman Tool Box on Casters 44" x 42.5"~~ KB JB

Metal two shelf rack under window in shop

Old pew

The remainder of the contents will go to Mr. Bennett. Mr. Bennett will pay Ms. Bennett a total of $5,000 with $4,000 paid by September 5th and the last $1,000 paid in 30 days.

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RICHARD R. ROCKEMORE CLERK
D.C.

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exhibit A

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2701 Alhambra property to be transferred to Karen Lynn Bennett. Mr. Bennett to turn over any leases, applications, keys, and Security Deposit. Mr. Bennett will collect the September rent and his management will end on September 7th. Mr. Bennett will pay Ms. Bennett $ 800.00 for her portion of September rent. Mr. Bennett will also pay Ms. Bennett $657.00 for prorated 2018 Davidson County Property Taxes. ~~Prorated Taxes and~~ Rent to be paid on September 7th.
Prorated Taxes to be paid by Dec 31, 2018 KB JB

Wife has asked and husband has agreed that if he decides to sell any of the real property or upon his death Ms. Bennett has first right of refusal and it will be put into his will as such.

We agreed to this division on August 29, 2018

Karen L. Bennett
Karen Lynn Bennett

Jonathan Farrar Bennett

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 FIFTH Circuit Court for Davidson County, Tennessee, on the 10 day of SEPTEMBER, 2018, in Docket Number 16D1150 between BENNETT, KAREN LYNN, Plaintiff, and BENNETT, JONATHAN FARRAR, 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 24 day of SEPTEMBER in the year two thousand eighteen and in the 242nd year of American Independence.

RICHARD R. ROOKER, Clerk,

By: R Thomas

Deputy Clerk

[SEAL]

