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EFILED 09/30/19 17:13:27 CASE NO. 19D57 Richard R. Rooker, Clerk

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

PATRICIA KATHLEEN ABSAR,	)	
	)	
Plaintiff/Wife,	)	
	)	
vs.	)	**Docket No. 19D-57**
	)	
ABU N.M.N. ABSAR,	)	
	)	
Defendant/Husband.	)	

Karen Johnson Davidson County
Batch# 301301 DEEDDIV
10/15/2019 03:49:03 PM 16 pgs
Fees: $82.00 Taxes: $0.00
20191015-0105797

FINAL DECREE OF DIVORCE

This matter came to be heard on September 18, 2019 before the Honorable Philip E. Smith, Judge for the Fourth Circuit Court for Davidson County, Tennessee, upon the trial of the Plaintiff/Wife's Complaint for Divorce, testimony of the Plaintiff/Wife, Patricia Kathleen Absar, and witnesses Grace Absar and Annabelle Absar, statements of counsel for the Plaintiff/Wife, and the entire record.

This Court finds that the Complaint for Divorce was filed on January 9, 2019 and personal service was had upon the Husband on January 10, 2019 and the case proceeded for a period of time until the Husband's pleadings were struck for Mr. Absar's failure to comply with the Court's Order regarding discovery. The Wife was granted a default judgment against the Husband on August 23, 2019. The Husband was duly noticed of all proceedings in this cause and failed to appear for the final hearing.

This Court finds that the Wife has alleged grounds of inappropriate marital conduct against the Husband. The Court finds that the Husband has wrongfully destroyed marital property during the marriage, he has been abusive both to the Wife and the parties' children, he has fraudulently

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signed the Wife's name to various documents, he has applied for a pension in the Wife's name without her knowledge and collected the funds from that pension without her knowledge, he concealed financial information, and he converted marital funds in his fraudulent endeavors. The Court finds that this rises well above what is required for the ground of inappropriate marital conduct.

This Court finds that the allegations contained in the Complaint for Divorce are sustained by proof and that the Plaintiff/Wife, Patricia Kathleen Absar, shall be, and hereby is granted an absolute divorce from the Defendant/Husband, Abu NMN Absar, upon the ground of Inappropriate Marital Conduct and the parties are hereby restored to all of the rights and privileges of an unmarried person.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that the Plaintiff/Wife shall be, and hereby is, granted an absolute divorce from the Defendant/Husband, Abu NMN Absar, on the ground of inappropriate marital conduct and the parties are hereby restored to all of the rights and privileges of an unmarried person.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that Patricia Absar shall be, and hereby is, awarded the real property located at 113 Claiborne Street, Nashville, Davidson County, Tennessee 37210 and more particularly described below and subject to any indebtedness thereon and shall indemnify and hold the Husband harmless thereon. Any interest of Abu Absar in this property is hereby divested from him and reinvested in Patricia Absar so that she shall own this property as her sole property, free and clear of any claim or interest of the Husband. The property is more particularly described as:

> Land in Davidson County, Tennessee, being Lot No. 91 on the plan of Maury & Claiborne's Addition to South Nashville, as of record in Book 21, Page 84-85, Register's Office for Davidson County,

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Tennessee, to which Plat reference is hereby made for a more particular description of said property.
Being the same property conveyed to Gustavo Vasquez by Warranty Deed from Rodrigo Cadena, of record in Instrument No. 20101202-0095881, Register's Office for Davidson County, Tennessee.

Being the same property conveyed by Warranty Deed from Gustavo Vasquez to Abu N. Absar of record in Instrument No. 20171106-0113576, Register's Office for Davidson County, Tennessee.

This is improved property known as 113 Claiborne Street, Unit A & B, Nashville, Tennessee 37210.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that Patricia Absar shall be, and hereby is, awarded the real property located at 1216 Watts Terrace, Nashville, Davidson County, Tennessee 37209 and more particularly described below and subject to any indebtedness thereon and shall indemnify and hold the Husband harmless thereon. Any interest of Abu Absar in this property is hereby divested from him and reinvested in Patricia Absar so that she shall own this property as her sole property, free and clear of any claim or interest of the Husband. The property is more particularly described as:

LAND in Davidson County, Tennessee, being Lot. No. 2, Resubdivision of Lot No. 5, Jackson Place, as shown on a survey by James Jeffers, Jr., dated March 18, 1986, and being part of Lot No. 5 on the Plan of the Division of Jackson Place Property, of record in Book 1130, Page 59, Register's Office for Davidson County, Tennessee, and being more particularly described as follows:

Beginning at a point in Howard Maxwell's easterly line, of record in Book 6250, page 742, RODC, TN; said point being 120 feet north of Maxwell's southeasterly most corner; thence, North 09 degrees 36'34" East 130.70 feet to an iron pin; thence South 85 degrees 14'07" East 159 feet to an iron railroad spike in the center of a paved undedicated road, now known as Watts Terrace; thence along the road, South 09 degrees 48'03" West 125.79 feet to an iron railroad spike; thence along Clyde and Verne Lou Staggs northerly property line, of record in Book 4228, page 788, RODC, TN; North 87 degrees 00'54' West 159.00 feet to the point of beginning.

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Being the same property conveyed to Abu N. Absar by deed from Paula T. Shearon, unmarried, of record in Instrument No. 20080521-0052374, Register's Office of Davidson County, Tennessee.

Being the same property conveyed by Quitclaim Deed from Abu N. Absar to Abu N. Absar and Omar B. Absar, as joint tenants with right of survivorship, of record in Instrument No. 20121207-0112875.

This is improved property known as 1216 Watts Terrace, Nashville, Tennessee 37209.

IT FURTHER ORDERED, ADJUDGED, and DECREED that the real properties inherited by Ms. Absar located at 401 Chesterfield Avenue, Nashville, Davidson County, Tennessee 37212, 2804 Westmoreland Drive, Nashville, Davidson County, Tennessee 37212, and 1812 Hayes Street, Nashville, Davidson County, Tennessee 37203 are Ms. Absar's separate property and shall be, and hereby are, awarded to Ms. Absar by operation of law. Any interests of Abu Absar in these properties is hereby divested from him and reinvested in Ms. Absar so that she shall own these properties as her sole property, free and clear of any claim or interest of Mr. Absar. The Wife is awarded said properties subject to any indebtedness thereon and shall indemnify and hold the Husband harmless thereon These properties are more particularly described as follows:

401 Chesterfield Avenue, Nashville, Davidson County, Tennessee 37212

BEING Lot No. 1 as shown on a subdivision of a part of the Old Bosley-Whitworth Farm, of record in Book 5190, Page 295, Register's Office for Davidson County, Tennessee.

BEGINNING at a point in the southeasterly margin of Marlborough Avnenue, said point being the common front corners of Lots 1 and 2; thence, with the southeasterly margin of said Avenue North 35 deg. 35'03" East 179.14 feet to a point, the beginning of a curve to the right having a radius of 25.00 feet; thence around said curve in a northeasterly direction 42.04 feet to a point in the southwesterly margin of Chesterfield Avenue; thence with said margin of said Avenue, South 48 deg. 04'50" East 47.15 feet to a point; thence

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leaving Chesterfield Avenue, South 41 deg. 00'09" West 99.82 feet to a point; thence South 35 deg. 32'14" West 99.41 feet to a point in the northeasterly line of Lot No. 2; thence with the said line of said lot, and in a northwesterly direction 65.27 feet to the point of BEGINNING.

BEING all of the same property conveyed to William B. Walker and wife, Ardella L. Walker by Warranty Deed dated December 5, 1979 from Richey Insurance Services, Inc., of record in Book 5540, Page 953, Register's Office for Davidson County, Tennessee. The said William B. Walker has since died on August 25, 2006, and upon his death, title was vested in Ardella L. Walker as the sole surviving tenant by the entirety. The said Ardella L. Walker having since died intestate on June 12, 2008 and the interest in and to said property conveyed herein passed at the death of Ardella L. Walker to Patricia K. Absar as her sole surviving heir. The estate of Ardella Walker having been opened for administration in Davidson County, Tennessee, in the Seventh Circuit Court, Probate Division (08P-1155). Ardella L. Walker and Ardella Walker were one in the same person. The said Patricia K. Absar, Administratrix of the Estate of Ardella Walker, deceased, having Quitclaimed to Patricia K. Absar, individually, of record in Instrument No. 20081113-0112467, dated November 5, 2008, Register's Office for Davidson County, Tennessee.

This being the same property conveyed by Quitclaim Deed from Patricia K. Absar, individually, to Patricia K. Absar as to an undivided 99% interest and Sophia H. Absar as to an undivided 1% interest, with said interests being held as joint tenants with rights of survivorship, of record in Instrument No. 20151105-0112637, Register's Office for Davison County, Tennessee.

This is improved property known as 401 Chesterfield Avenue, Nashville, Tennessee 37212.

2804 Westmoreland Drive, Nashville, Davidson County, Tennessee 37212

BEING Lot No. 28 on the Plan of Bransford Realty Co.'s Subdivision of Westmoreland Place, as of record in Book No. 421, Page 16, Register's Office for Davidson County, Tennessee.

Said Lot fronts 85 feet on the northwesterly side of Westmoreland Drive and runs back between parallel lines 185 feet to an alley in the rear on which it measures 50 feet.

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BEING all of the same property conveyed to William B. Walker and wife, Ardella L. Walker by Warranty Deed dated October 11, 1961 from Sara Cantrell Osborne and husband Odell E. Osborne, Jr., of record in Book 3285, Page 315, Register's Office for Davidson County, Tennessee. The said William B. Walker has since died on August 25, 2006, and upon his death, title was vested in Ardella L. Walker as the sole surviving tenant by the entirety. The said Ardella L. Walker having since died intestate on June 12, 2008 and the interest in and to said property conveyed herein passed at the death of Ardella L. Walker to Patricia K. Absar as her sole surviving heir. The estate of Ardella Walker having been opened for administration in the Davidson County, Tennessee, in the Seventh Circuit Court, Probate Division (08P-1155). Ardella L. Walker and Ardella Walker were one in the same person. The said Patricia K. Absar, Administratrix of the Estate of Ardelle Walker, deceased, having Quitclaimed to Patricia K. Absar, individually, of record in Instrument No. 20081113-0112465, dated November 5, 2008, Register's Office for Davidson County, Tennessee.

This being the same property conveyed by Quitclaim Deed from Patricia K. Absar, individually, to Patricia K. Absar as to an undivided 99% interest and Sophia H. Absar as to an undivided 1% interest, with said interests being held as joint tenants with rights of survivorship, of record in Instrument No, 20151105-011638, Register's Office for Davidson County, Tennessee.

This being improved property known as 2804 Westmoreland Drive, Nashville, Tennessee 37212.

1812 Hayes Street, Nashville, Davidson County, Tennessee 37203

BEING Lot No. 109 on the Plan of Boyd Home Tract, as of record in Book 21, Page 39, Register's Office for Davidson County, Tennessee.

Said Lot No. 109 fronts 50 feet on the northerly side of Hayes Street and runs back between parallel lines 180 feet to an alley.

Being all of the same property conveyed to William B. Walker and Wife, Ardella Walker by Installment Deed dated June 30, 1981 from Robert H. Magruder, III, unmarried, of record in Book 5764, Page 869, Register's Office for Davidson County, Tennessee. The said William B. Walker has since died on August 25, 2006, and upon his death title was vested in Ardella L. Walker as the sole surviving tenant by the entirety. The said Ardella L. Walker having since died

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intestate on June 12, 2008 and the interest in and to the property conveyed herein passed at the death of Ardella L. Walker to Patricia K. Absar as her sole surviving heir. The estate of Ardella L. Walker having been opened for administration in Davidson County, Tennessee, in the Seventh Circuit, Probate Division (08P-1155). The said Patricia K. Absar, Administratrix of the Estate of Ardella L. Walker, deceased, having Quitclaimed to Patricia K. Absar, individually, of record in Instrument No. 20081113-0112466, dated November 5, 2009, Register's Office for Davidson County, Tennessee.

This being the same property conveyed by Quitclaim Deed from Patricia K. Absar, individually, to Patricia K. Absar as to an undivided 99% interest and Sophia H. Absar as to an undivided 1% interest, with said interests being held as joint tenants with right of survivorship, of record in Instrument No. 20151105-0112639, Register's Office for Davidson County, Tennessee.

This is improved property known as 1812 Hayes Street, Nashville, Tennessee 37203.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the investment accounts which were inherited by Ms. Absar from her mother and maintained with Ameriprise Financial are Ms. Absar's separate property and shall be, and hereby are, awarded to her by operation of law. Any interests of Abu Absar in Ms. Ameriprise investment accounts are hereby divested from Mr. Absar and reinvested in Ms. Absar so that she shall own these accounts as her sole property, free and clear of any claim by Mr. Absar.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Wife is hereby awarded all right, title, and interest in any and all personal property, furniture, furnishings, and fixtures in her possession and located at 401 Chesterfield Avenue, Nashville, Davidson County, Tennessee 37212, 2804 Westmoreland Drive, Nashville, Davidson County, Tennessee 37212, and 1812 Hayes Street, Nashville, Davidson County, Tennessee 37203. Any interest of the Husband in the personal property of the Wife is hereby divested from him and reinvested in the Wife so that

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the Wife shall own said property as her sole property, free and clear of any claim or interest of the Husband.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Wife, Patricia Absar, is hereby awarded all right, title, and interest in any pension in her name and which she shall receive in the future, and in any money which may be paid based on Mr. Absar's fraudulent claim and conversion of that money. Any interest of the Husband in the pension account of the Wife is hereby divested from him and reinvested in her so that she shall own said account as her sole property, free and clear of any claim or interest of the Husband.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Wife, Patricia Absar, is hereby awarded all right, title, and interest in any and all bank accounts in her name, wherever maintained, free and clear of any claim or interest of the Husband. Any interest of the Husband in the bank accounts of the Wife is hereby divested from him and reinvested in her so that she shall own said accounts as her sole property, free and clear of any claim or interest of the Husband.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Wife, Patricia Absar, is hereby awarded all right, title, and interest in the life insurance policies that she currently owns free and clear of any claim or interest of the Husband, and may designate beneficiaries as she so chooses.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Wife, Patricia Absar, is hereby awarded all right, title, and interest in her Aetna 401(k) plan account free and clear of any claim of the Husband. Any interest of the Husband in the 401(k) account of the Wife is hereby divested from him and reinvested in her so that she shall own said account as her sole property, free and clear of any claim or interest of the Husband.

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IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Wife is awarded her 2004 Chrysler Town and Country as her sole property, free and clear of any claim or interest of the Husband. The Wife shall be responsible for insurance on her vehicle and shall indemnify and hold the Husband harmless thereon.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Wife shall be responsible for the payment of any debts maintained in her name.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Husband, Abu Absar, shall be, and hereby is awarded the real property located at 316 Townes Drive, Nashville, Davidson County, Tennessee 37211 and more particularly described below and subject to any indebtedness thereon and shall indemnify and hold the Wife harmless thereon. Any interest of the Wife in this property is hereby divested from her and reinvested in the Husband so that he shall own this property as his sole property, free and clear of any claim or interest of the Wife. The property is more particularly described as:

> Land in Davidson County, Tennessee, being Lot. No. 121 on the Plan of Section 3, Hickory Valley Subdivision of record in Plat Book 4460, Page 86, in the Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description of the property.
>
> Being the same property conveyed to Wayne Smotherman by Warranty Deed from Alceyone Arnold of record in Book 9364, page 198, Register's Office for Davidson County, Tennessee.
>
> Being the same property conveyed to Abu N. Absar by Warranty Deed from Wayne W. SMotherman in Instrument No. 20180613-0056844, Register's Office for Davidson County, Tennessee.
>
> This being improved property known as 316 Townes Drive, Nashville, Tennessee 37211-6123.

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IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Husband, Abu Absar, shall be, and hereby is, awarded the real property located at 709 William Howard Place, Nashville, Davidson County, Tennessee 37209 and more particularly described below and subject to any indebtedness thereon and shall indemnify and hold the Wife harmless thereon. Any interest of the Wife in this property is hereby divested from her and reinvested in the Husband so that he shall own this property as his sole property, free and clear of any claim or interest of the Wife. The property is more particularly described as:

> LAND in Davidson County, Tennessee, being Lot No. 21 on the Plan of Hodges Estates of record in Book 11700, Page 33, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete legal description thereof.
>
> Being the same property conveyed to Abu N. Absar by deed from Perry L. Greenday, unmarried, of record in Instrument No. 22090914-0085750, Register's Office of Davidson County Tennessee.
>
> Being the same property conveyed by Quitclaim deed from Abu N. Absar, Grantor, to Abu N. Absar and Samuel Ben Absar, as joint tenants with right of survivorship, of record in Instrument No. 20121207-0112876, Register's Office, Davidson County, Tennessee.
>
> This is improved property known as 709 William Howard Place, Nashville, TN 37209.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Husband is awarded the accident settlement funds which he has already received and converted to his own use.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Husband is awarded the $15,000.00 per year annuity received from the accident settlement free and clear of any claim or interest of the Wife.

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IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Husband is awarded any pension account maintained in his name, free and clear of any claim or interest of the Wife.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Husband is awarded the proceeds which he already received from the sale of the property located at 411 Eastboro Drive, Nashville, Davidson County, Tennessee, free and clear of any claim or interest of the Wife.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Husband is awarded any joint bank account which may remain with Regions Bank and shall cause the Wife to be removed from said account.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Husband is awarded all right and interest to any bank accounts maintained in his name, wherever located, free and clear of any claim or interest of the Wife.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Husband is awarded all right and interest to any remaining bonds maintained in his name, free and clear of any claim or interest of the Wife.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Husband is hereby awarded all right, title, and interest in the life insurance policies that he currently owns free and clear of any claim or interest of the Wife, and may designate beneficiaries as he so chooses.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Husband is hereby awarded all right, title, and interest in the 1982 Ford Escape vehicle in his possession, free and clear of any claim or interest of the Wife. The Husband is further awarded any other vehicles in his possession, free and clear of any claim or interest of the Wife. The Husband shall be

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separately responsible for any encumbrance on any vehicles maintained in his name or in his possession and shall be responsible for insurance on those vehicles and shall indemnify and hold the Wife harmless thereon.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Husband shall be solely responsible for the payment of his American Express Credit Card and his Citi/AAAdvantage Credit Card in his name and for the payment of any other debts that he has in his name and shall indemnify and hold the Wife harmless thereon.

Tenn. Code Ann. § 36-4-134 Notice:

The parties are hereby notified that the 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 decree for an account, debt associated with an account, or any debt. The parties further understand that it may be in their best interest to cancel, close, or freeze any jointly held accounts.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Wife, Patricia Absar, shall be, and hereby is awarded a judgment against the husband in the total amount of **$23,823.73**, comprised of $8,936.13 for repairs to the basement of 401 Chesterfield Ave., Nashville, TN necessitated by the Husband's damage to the property of the Wife and $14,887.60 for the amount of the Wife's pension fraudulently received by the Husband. This judgement shall be enforceable by any lawful means.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the previously awarded judgment to the Wife against the Husband in the amount of $1,713.00 for her reasonable attorney's fees incurred in pursuing discovery from the Husband shall be, and hereby is renewed

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with appropriate post-judgment interest from July 30, 2019 forward. This judgment shall be enforceable by any lawful means.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the Wife, Patricia Absar, shall be, and hereby is awarded a judgment against the Husband in the amount of $11,823.00 for her reasonable attorney's fees and costs incurred in this matter. This judgment shall be enforceable by any lawful means.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that attorney Bethany Peery Glandorf shall be relieved as attorney of record for the Plaintiff/Wife if no action is filed within thirty (30) days of entry of this Final Decree of Divorce.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that any and all court costs in this matter shall be, and hereby are taxed against the Defendant, Abu Absar, for which execution will issue if necessary.

IT IS SO ORDERED.

ENTERED THIS THE 30th **DAY OF** September, **2019.**

JUDGE PHILIP E. SMITH

APPROVED FOR ENTRY:

Bethany Peery Glandorf

Bethany Peery Glandorf, BPR #027459
HERBERT & LUX, PLLC
414 Union Street, Suite 1215
Nashville, TN 37219
Phone: 615-878-5537
bethany@herbertlux.com

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was properly served upon the following via U.S. Mail, Postage Prepaid:

Abu Absar
316 Townes Drive
Nashville, TN 37211

This the 30th day of September, 2019.

Bethany Peery Glandorf

Bethany Peery Glandorf

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CERTIFICATE OF SERVICE

I hereby certify a copy of this Final Decree of Divorce has been mailed to Bethany Peery Glandorf, Attorney for Plaintiff, 414 Union Street, Suite 1215, Nashville, TN 37219; and to Abu Absar, Defendant, 316 Townes Drive, Nashville, TN 37211.

Brenda Parks
Clerk, Fourth Circuit Court

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 30 day of SEPTEMBER, 2019, in Docket Number 19D57 between ABSAR, PATRICIA KATHLEEN, Plaintiff, and ABSAR, ABU N.M.N., 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 OCTOBER in the year two thousand nineteen and in the 243rd year of American Independence.

RICHARD R. ROOKER, Clerk,

By: _____
Deputy Clerk

[SEAL]

