Karen Johnson Davidson County
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STATE OF TENNESSE

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 06 day of JANUARY, 2020, in Docket Number 19D1139 between JENKINS, RACHEL N., Plaintiff, and JENKINS, WILLIAM E. II, 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 26 day of OCTOBER in the year two thousand twenty and in the 244th year of American Independence.

RICHARD R. ROOKER, Clerk,

[SEAL]

By: _____
Deputy Clerk

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EFILED 01/06/20 08:12 AM CASE NO. 19D1139 Richard R. Rooker, Clerk

IN THE THIRD CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

RACHEL N. JENKINS,	)	
Plaintiff	)	
vs.	)	
	)	**DOCKET NO. 19D1139**
WILLIAM E. JENKINS, II,	)	
Defendant.	)	

FINAL DECREE OF DIVORCE

This cause came on to be heard on December 4, 2019, before the Honorable Phillip Robinson, Judge of the Third Circuit Court of Davidson County, Tennessee, upon the Complaint for Absolute Divorce filed on June 25, 2019, the default judgment previously entered herein, the sworn testimony of the Wife and witnesses in open Court, appearance and testimony of Husband, statement of counsel, and the entire record herein, from all of which the Court finds that Husband was served with the Complaint for Divorce and failed to file a responsive pleading and a default judgment was entered against him. The Court further finds that the allegations of the complaint are sustained by the proof; that is, that the Husband has been guilty of inappropriate marital conduct which renders further cohabitation unsafe and improper. The Court finds that the Husband has been physically and emotionally abusive to the Wife. He has threatened to kill her, the parties' children and to kill himself. He has threatened her life and placed a gun to her head. More recently he threw a kitchen chair at the Wife almost striking her, all in the presence of the parties' 10 year old daughter. The Court further finds that he has physically and emotionally bullied, threatened and intimidated the Wife during the marriage. The Wife was granted an Order of Protection against him on December 17, 2018 based in part on some of the above behavior.

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IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, as follows:

The Wife, Rachel Jenkins, is hereby awarded an absolute divorce from the Husband, William Jenkins, II, and the parties are restored to all of the rights and privileges of unmarried persons.

In her Complaint for Divorce, the Wife pled for custody of the parties' minor children, to wit: William Eugene Jenkins, III, d/o/b 9/7/2008 and Jayda A'lise Jenkins, d/o/b 11/4/2010, and the Husband failed to file any responsive pleading contesting said issue. Further, after hearing proof and reviewing the considerations of T.C.A. §36-6-106 (a) (1) through (15), the Court finds as follows:

(1) The strength, nature, and stability of the child's relationship with each parent, including whether one (1) parent has performed the majority of parenting responsibilities relating to the daily needs of the child;

The Court finds that the Wife has been the primary caregiver of the parties' minor children, both before the parties' separation and during the pendency of this divorce action. She has a strong and stable maternal relationship with both children. This consideration favors the Wife.

(2) Each parent's or caregiver's past and potential for future performance of parenting responsibilities, including the willingness and ability of each of the parents and caregivers to facilitate and encourage a close and continuing parent-child relationship between the child and both of the child's parents, consistent with the best interest of the child. In determining the willingness of each of the parents and caregivers to facilitate and encourage a close and continuing parent-child relationship between the child and both of the child's parents, the court

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shall consider the likelihood of each parent and caregiver to honor and facilitate court ordered parenting arrangements and rights, and the court shall further consider any history of either parent or any caregiver denying parenting time to either parent in violation of a court order;

The Court finds that based on the Wife's history as a caregiver of the children she has a greater potential for future performance of parenting responsibilities including the willingness to facilitate and encourage a close and continuing parent-child relationship between the children and both of the parents.

(3) Refusal to attend a court ordered parent education seminar may be considered by the court as a lack of good faith effort in these proceedings;

The Court finds that this consideration is not applicable.

(4) The disposition of each parent to provide the child with food, clothing, medical care, education and other necessary care;

The Court finds, based on the Wife's past behavior, that she has accepted the responsibility of seeing that the children have been adequately provided with the necessities of life. This consideration favors the Wife.

(5) The degree to which a parent has been the primary caregiver, defined as the parent who has taken the greater responsibility for performing parental responsibilities;

As noted above, the Wife has been the primary caregiver of the children. This consideration favors the Wife.

(6) The love, affection, and emotional ties existing between each parent and the child;

While the Court finds that each of the parents has great love, affection and emotional ties to the children, the Wife has the stronger emotional bond with the children. The Court finds that this consideration favors the Wife.

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(7) The emotional needs and developmental level of the child;

The Court finds that the parties' minor children, William and Jayda are ages 11 and 9 years, respectively. The Court finds that the Wife has been the party available to provide the children's day-to-day emotional needs. The Court finds that this consideration favors the Wife.

(8) The moral, physical, mental and emotional fitness of each parent as it relates to their ability to parent the child.

The Court finds, based on the findings in the Order of Protection entered against the Husband under docket number 18X-785, that the Husband has been guilty of emotional and physical abuse of the Wife and emotional abuse of the children. The Court finds that the Husband does not have the moral, physical, mental or emotional fitness to be the caregiver of the children. This consideration favors the Wife.

(9) The children's interaction and interrelationships with siblings, other relatives and step-relatives, and mentors, as well as the child's involvement with the child's physical surroundings, school, or other significant activities;

The Court finds that it has little information regarding the issues of this consideration and finds it to be a neutral consideration.

(10) The importance of continuity in the child's life and the length of time the child has lived in a stable, satisfactory environment;

Because of the Wife's long tenure as primary caregiver to these children, the Court finds this consideration favors the Wife. The Court finds that the Wife has provided a stable and satisfactory environment for the children since their birth.

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(11) Evidence of physical or emotional abuse to the child, to the other parent or to any other person. The court shall, where appropriate, refer any issues of abuse to juvenile court for further proceedings;

As noted above, the Court finds that the Husband has been emotionally and physically abusive to the Wife and further has been emotionally abusive to the minor children. As a result of the Order of Protection, which included both the Wife and the children, the Wife currently has the means to protect the children and herself from the abusive behavior of the Husband. This consideration favors the Wife.

(12) The character and behavior of any other person who resides in or frequents the home of a parent and such person's interactions with the child;

The Court heard no evidence as to the character and behavior of any other person who frequents the parties' homes. Therefore this consideration does not apply.

(13) The reasonable preference of the child if twelve (12) years of age or older. The court may hear the preference of a younger child upon request.

The Court finds that this consideration does not apply. Neither child testified.

(14) Each parent's employment schedule and the court may make accommodations consistent with those schedules;

The Court finds this consideration does not apply.

(15) Any other factors deemed relevant by the Court.

The Court does not find any other considerations relevant in light of the above findings.

Based on all the foregoing findings, the Court finds it is in the best interest of the parties' minor children that the Wife be designated the primary residential parent of the children

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and the Husband be designated the alternate residential parent. The issues of parenting time and child support are hereby reserved until the Court's next hearing on January 6, 2020.

The parties own real property located at 3840 Lunn Dr. Nashville, TN 37218, which is more particularly described below:

Land in Davidson County, Tennessee, being Lot No. 143, on the Plan of Section I, Royal Hills, of record in Book 4675, Page 73, Register's Office for said County.

This issue of the marital home shall be reserved pending a final hearing on January 6, 2020.

The Wife is awarded all right, title, and interest in the household furniture, furnishings, and other personal property presently in her possession, including the 2011 Toyota Corolla (which has no debt), and the Husband is divested of all interest in said personal property.

The Husband is awarded all right, title, and interest in any and all personal property presently in his possession, and the Wife is divested of all interest in said personal property.

The Wife is awarded all right, title, and interest in any bank accounts held solely in her name, and the Husband is divested of all interest in said accounts.

The Husband is awarded all right, title, and interest in any bank accounts held solely in his name, and the Wife is divested of all interest in said accounts.

Neither party has any retirement.

Except for the mortgage on the parties' marital residence, there are no other joint debts. The Wife shall be liable for any and all debt incurred in her sole name. The Wife shall hold the Husband harmless of any debts incurred in her name. The Husband shall be liable for any and all debt incurred in his sole name. The Husband shall hold the Wife harmless of any debts incurred in his name.

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Notice pursuant to T.C.A. § 36-4-134(a): You are hereby given notice that the issuance of a 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 the Final Decree of Divorce for an account, any debt associated with an account, or any debt. Therefore, it may be in a party's best interest to cancel, close, or freeze any jointly held account.

The Order of Protection shall remain in place until the final hearing on January 6, 2020, and there shall be no contact between the parties prior to the hearing.

After the final hearing, the attorney of record in this cause is hereby released from any further obligation to represent the Wife including surety for costs.

The costs of this cause are hereby taxed to the Husband, for which execution shall issue if necessary.

It is all so ORDERED and ~~entered this~~ ~~6~~ ~~day of~~ January, 2020.

HONORABLE PHILLIP ROBINSON, JUDGE

PREPARED BY:

MICHELLE B. SISCO, #35682
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(615) 244-4920 (fax)
msisco@las.org
Attorney for *Plaintiff/Wife*

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing *Final Decree of Divorce* has been mailed to William Jenkins, II, pro se Defendant/Husband, at 269 Fergus Rd. LaVergne, TN 37086 on January 3, 2020.

MICHELLE B. SISCO