STATE OF TENNESSEE

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Karen Johnson Davidson County
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Fees: $37.00 Taxes: $0.00
20231122-0090964

HOLLY ANN GILBERT
[Plaintiff(s)]

vs.

Docket No: ***22D1042***

ROBERT WAYNE GILBERT
[Defendant(s)]

I, JOSEPH P. DAY, 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 above styled case on November 16, 2023 in the Third Circuit Court for Davidson County, Tennessee, 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, on November 22, 2023.

JOSEPH P. DAY CIRCUIT COURT CLERK

JOSEPH P. DAY, Clerk,

By: _____
Deputy Clerk

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

HOLLY ANN GILBERT,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. 22D1042
	)	
ROBERT WAYNE GILBERT,	)	
	)	
Defendant.	)	

FINAL DECREE OF DIVORCE

This cause came on to be heard on the 7th day of November, 2023, before the Honorable Phillip Robinson, Judge of the Third Circuit Court for Davidson County, Tennessee. Present before the Court were Plaintiff, **HOLLY ANN GILBERT,** and Plaintiff's counsel, Donna G. Wagner. The Defendant, **ROBERT WAYNE GILBERT** (hereinafter referred to as "Husband"), was duly served with notice of the hearing but chose not to participate and was not present. After taking proof as to the grounds for divorce at the hearing on September 13, 2023, the Court found that the Husband was guilty of inappropriate marital conduct and granted a divorce to the Wife on those grounds. Because the parties had accumulated assets, the Court reserved ruling on the matter of the disposition of the marital estate until an evidentiary hearing could be had which took place on November 7, 2023. The Court has relied heavily on the Wife's trial exhibit no. 1, being the Wife's List of Property, Debts and Proposed Distribution in this case. The Court finds and rules as follows:

1. The marital residence was purchased by the parties during the marriage. However, Mr. Gilbert's refusal to work or to contribute financially to the marital estate resulted in the Wife paying the vast majority of all of the monthly expenses, including the mortgage. The Court finds that the marital home has been appraised at a value of $255,000.00. The outstanding indebtedness is approximately $113,617.00. The Court finds that it is appropriate to award the marital home located at 1112 Tuckahoe Drive,

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Nashville, Davidson County, Tennessee 37207, to the Wife as her sole and exclusive property, along with all of the equity therein, to wit:

Land in Davidson County, Tennessee, being Lot No. 131 on the Plan of Bellshire Estates, Section V, of record in Book 2133, Page 114, Register's Office for Davidson County, Tennessee, to which plat reference is hereby made for a more complete and accurate description of said lot.

Being the same property conveyed to Margaret F. Pierce, individually by deed dated August 26, 1981, filed September 1, 1981, from Margaret F. Pierce, Executrix of the Estate of Ethel B. Brooks, of record in Book 5789, Page 842, Register's Office for Davidson County, Tennessee. The said Margaret F. Pierce died July 15, 2008. Her beneficiaries under the Last Will & Testament and Affidavit as to the Heirs of record in Instrument No. 20080718-0073929, Registers Office for Davidson County, Tennessee are: Roger Pierce, Ronald T. Bay, Randy L. Pierce, James E. Pierce, Karen Spurlock, Candace M. Glass and Buddy R. Nelson.

Being the same property conveyed to Holly A. Gilbert and Robert Wayne Gilbert, Jr., wife and husband, by deed from the Estate of Margaret F. Pierce, by Warranty Deed dated September 18, 2009, filed for record October 12, 2009 in Instrument #20091012-0094577, Registers Office for Davidson County, Tennessee.

This property is improved property known as 1112 Tuckahoe Drive, Nashville, Tennessee 37207.

2. The Court awards all right, title and interest in and to the 2013 Honda Civic, VIN No. [redacted] to the Wife. Wife shall be solely responsible for any and all expenses associated with this vehicle, including but not limited to, insurance. Wife shall hold Husband harmless from any and all liability associated with this vehicle.

3. The Court awards all right, title and interest in and to the 2018 Chevrolet Silverado 1500 truck, VIN No. [redacted] to the Husband. Husband shall be solely responsible for any and all expenses associated with this vehicle, including but not limited to, insurance. Husband shall hold Wife harmless from any and all liability associated with this vehicle. Husband shall transfer title to this vehicle into his name only within thirty (30) days of the entry of the Final Decree in this matter.

4. The Court awards the motorcycle, the Mustang, the Jet Ski, the trailer, the mini-bike, and the remote control cars and remote control accessories to the Husband.

5. The Court awards the guns and gun accessories, tools and miscellaneous equipment, and the paintball equipment to the Husband.

6. The Court awards Wife's 401(K) to her in its entirety free and clear of any claim by the Husband.

7. The Court awards Wife's annuity to her in its entirety free and clear of any claim by the Husband.

8. The Court notes the testimony of the Wife as to the dissipation by Husband of a significant amount of Wife's separate money from an inheritance she received from her Mother's estate. Husband dissipated this money without Wife's permission along with money she turned over to him in August, 2022, to assist him with retaining an attorney for this litigation which he failed to do.

9. The Court further notes the marital expenses that Wife paid throughout the marriage and throughout the pendency of the divorce, including the expenses Wife was compelled to pay for the storage unit where Husband took various items of the parties' personal property so that Wife had no access to said items.

10. The Court finds that the Husband stole certain items of Wife's separate property, including Wife's engagement ring, her step-father's Rolex watch and some silver coins which Wife inherited. The Court adopts the Wife's testimony as to the value of these items.

11. The Court finds that the Wife is entitled to her reasonable attorneys fees in the approximate amount of $9,500.00.

12. The Court finds that Wife is entitled to be reimbursed for the charges made by Husband on her Regions credit card in the approximate amount of $6,176.00. The Court also finds that Wife is entitled to be reimbursed for the medical bills she incurred as a result of the physical abuse perpetrated on her by the Husband in the approximate amount of $1,468.00.

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13. The Court finds that it is appropriate, based on the contributions or the lack thereof by the parties to the marriage, that the equity in the property of this marriage be divided disproportionately. Wife shall receive approximately $171,109.00 in marital assets and the Husband is receiving approximately $134,715.00 in marital assets.

14. The Court finds that the 1958 Ford Fairlane, VIN No. [redacted] is Wife's separate property and awards all right, title and interest in and to said vehicle to Wife as her sole and separate property. The Court finds that it is appropriate to award this vehicle to Wife despite the fact that under duress she had Husband's name included on the title.

15. The Court finds that the funds in Wife's Bank of America checking account are her separate property and are what remains of the funds she inherited from her mother's estate. The approximate balance of said funds is $61,156.00 and the Court awards the entirety of those funds to Wife.

16. The Court orders the parties to pay any remaining debt that each has incurred in their own name.

17. The Court awards the parties' three dogs to Wife as her sole and separate property as the Husband has abandoned them. Wife has taken care of them continuously throughout this cause and the Court finds that it is in the best interests of the dogs to remain with the Wife.

18. The Court orders the Husband to pay the court costs in this cause.

19. The Husband shall have forty-five (45) days from the date of the entry of the Final Decree in this cause to make arrangements to pick up the items awarded to him from the marital estate which are presently located at the marital residence. Husband may make said arrangements by contacting Wife's attorney, Donna G. Wagner, directly to do so.

20. The Court shall permit Wife to be present or to have a representative present at the time that Husband's property is retrieved from the marital residence. Wife shall make every effort to have Husband's property available in an orderly condition and ready to be retrieved. Because the Court has previously ordered in the Decree of Divorce dated September 19, 2023, that

the Husband is permanently restrained and enjoined from harassing, abusing, threatening to abuse, assaulting, contacting, communicating with or coming about the Wife, he is not to be present at the marital residence at the time these items of property are retrieved. Husband shall make arrangements through communication with Wife's attorney, to have a representative(s) pick up the items of property awarded to him

21. If after forty-five (45) days from the date of the entry of the Final Decree Husband has failed to make arrangements to retrieve the property awarded to him, Wife shall be permitted to dispose of said property as she sees fit.

22. It is the Court's intention for this Final Decree of Divorce to constitute a final order in this cause for appellate purposes. The Court is dismissing any and all other filed motions or petitions that may exist.

It is, therefore, so **ORDERED,** ADJUDGED and DECREED.

This the 16th day of November, 2023.

PHILLIP ROBINSON, Judge

APPROVED FOR ENTRY:

Donna G Wagner

DONNA G. WAGNER, BPR #23947
Attorney for Plaintiff/Wife
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via first class U.S. Mail upon Robert Gilbert, Defendant/Husband at 6328 Eatons Creek Road, Joelton, Tennessee 37080 this the 14th day of November, 2023.

Donna G. Wagner

DONNA G. WAGNER