

23943

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

FILED

2018 FEB 23 PM 4:00

RICHARD R. ROOPER, CLERK

D.C.

PENNY GENELLE NELSON FORREST,)
)
 Plaintiff,)
)
 v.)
)
 ROBERT DOWNS FORREST, JR,)
)
 Defendant.)

Docket No. 18D310

COMPLAINT FOR DIVORCE

1. Plaintiff, Penny Genelle Nelson Forrest, (hereinafter called "Wife") is married to Defendant, Robert Downs Forrest, Jr. (hereinafter called "Husband"). The following is the statistical information pertaining to said parties required by T.C.A. § 36-4-106:

WIFE:

- a. Full maiden name of Wife: Penny Genelle Nelson
- b. Race: Caucasian
- c. Residence address: [REDACTED]
- d. Length of residence at above address: More than six months
- e. Date and place of birth: [REDACTED] Nashville, TN
- f. Number of previous marriages: None
- g. Member of the Armed Services of the United States? No
- h. Employed: [REDACTED]

HUSBAND:

- i. Full name of Husband: Robert Downs Forrest, Jr.
- j. Race: Caucasian
- k. Residence address: [REDACTED]
- l. Length of residence at above address: More than six months
- m. Date and place of birth: [REDACTED] Albuquerque, NM
- n. Number of previous marriages: None
- o. Member of the Armed Services of the United States? No
- p. Employed: Retired

- q. Date and place of marriage of the parties: May 21, 1988; Mt. Juliet, Wilson County, TN
- r. Date of separation of the parties: February 1, 2018
- s. Residence of the parties at the time of their separation: [REDACTED]
- t. Minor children born of this marriage and their dates of birth: None
- u. Grounds for divorce relied on by Plaintiff: Irreconcilable Differences; Inappropriate Marital Conduct
- v. Description of any other litigation concerning the custody of these children in this or any other state in which either party has participated: Not applicable
- w. Do you currently have an Order of Protection in force in the Circuit Court for Davidson County, Tennessee: No

2. Wife alleges there are such irreconcilable differences between the parties as would entitle her to an absolute divorce in the event the parties are able to reach a written Marital Dissolution Agreement. Wife anticipates the parties will sign a Marital Dissolution Agreement that provides for an equitable division of the parties' assets and apportions responsibility for payment of debts.

3. Wife alleges that the parties have no minor children and none are expected.

4. Wife would show that the parties have acquired certain assets and incurred responsibility for payment of certain debts during the marriage. They also each have separate property owned by them prior to the marriage or inherited by or gifted to them during the marriage. Wife will hereinafter ask the Court to award each person his or her separate property and make an equitable division of the parties' assets and apportion responsibility for payment of the parties' debts as it deems appropriate based on the facts and circumstances of the case.

5. Wife would show that Husband has been guilty of such inappropriate marital conduct as to render further cohabitation unsafe and improper and as would entitle Wife to an absolute divorce.

6. Wife would show that she has been a good Wife to Husband. She would show that although she is employed outside the home Husband is the primary wage earner and Wife's income is not sufficient to support herself. She will hereinafter ask the Court to award her alimony, both *pendente lite* and permanent, and *in futuro, in solido*, transitional, rehabilitative, and/or any other form of alimony or spousal support.

PREMISES CONSIDERED, Wife prays:

1. That proper process issue and be served on Husband.
2. That Wife be awarded an absolute divorce from Husband on the ground of irreconcilable differences or inappropriate martial conduct, and restored to all the rights and privileges of an unmarried person.
3. That the Court ratify and confirm any Marital Dissolution Agreement which may hereafter be executed by the parties and that the Agreement be incorporated into the Final Decree of Divorce.
4. That in the event the parties are unable to reach a written Marital Dissolution Agreement, the Court award each party his or her separate property and make such division of the parties' marital assets and apportion responsibility for paying the parties' marital debts as it deems equitable under the circumstances of the case as presented.
5. That Wife be awarded reasonable alimony to be paid to her by Husband, both *pendente lite* and permanent, and *in futuro, in solido*, transitional, rehabilitative, and/or any other form of alimony or spousal support.
6. That the Court issue the statutory injunction pursuant to T.C.A. § 36-4-106(d).
7. That Wife be awarded her attorney fees and expenses incurred in these proceedings.

STATE OF TENNESSEE
COUNTY OF Wilson)

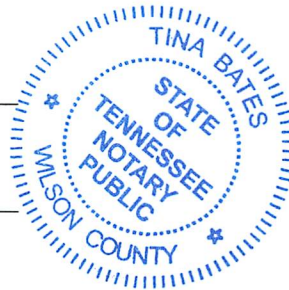
I, **Penny Genelle Nelson Forrest**, after being first duly sworn according to law, do make oath and affirm that I am the Plaintiff in the foregoing Complaint for Absolute Divorce, that the facts and matters alleged therein are true and correct to the best of my knowledge, information, and belief, and that said allegations are not made out of levity or by collusion with Defendant, but in sincerity and truth and for the causes set forth herein.

Penny Genelle Nelson Forrest
Penny Genelle Nelson Forrest

Sworn to and subscribed before me, this
the 22 day of Feb, 2018.

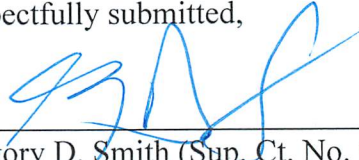
Tina Bates
Notary Public

My Commission Expires: 3/7/18



8. That Wife be granted such further, other, different and general relief as to which she may be deemed entitled.

Respectfully submitted,



Gregory D. Smith (Sup. Ct. No. 011684)
Brenton H. Lankford (Sup. Ct. No. 030223)
STITES & HARBISON, PLLC
401 Commerce Street, Suite 800
Nashville, TN 37219-2376
Telephone: (615) 782-2200

Attorneys for Plaintiff/Wife, Penny Genelle Nelson Forrest

NOTICE OF STATUTORY INJUNCTION PURSUANT TO TCA § 36-4-106(D)

You are hereby notified that upon personal service, or waiver or acceptance of service by the respondent, both parties are bound to abide by the provisions of the law as set forth verbatim below. Violation of this statute may result in a finding of contempt of court.

2018 FEB 23 PM 4:00

RICHARD W. BOONER, CLERK

TCA § 36-4-106(d)

(d) Upon the filing of a petition for divorce or legal separation and upon personal service of the complaint and summons on the respondent or upon waiver and acceptance of service by the respondent, the following temporary injunctions shall be in effect against both parties until the final decree of divorce or order of legal separation is entered, the petition is dismissed, the parties reach agreement or until the court modifies or dissolves the injunction, written notice of which shall be served with the complaint:

(1)(A) An injunction restraining and enjoining both parties from transferring, assigning, borrowing against, concealing or in any way dissipating or disposing, without the consent of the other party or an order of the court, of any marital property. Nothing herein is intended to preclude either of the parties from seeking broader injunctive relief from the court.

(B) Expenditures from current income to maintain the marital standard of living and the usual and ordinary costs of operating a business are not restricted by this injunction. Each party shall maintain records of all expenditures, copies of which shall be available to the other party upon request.

(2) An injunction restraining and enjoining both parties from voluntarily canceling, modifying, terminating, assigning or allowing to lapse for nonpayment of premiums, any insurance policy, including but not limited to life, health, disability, homeowners, renters and automobile, where such insurance policy provides coverage to either of the parties or the children, or that names either of the parties or the children as beneficiaries without the consent of the other party or an order of the court. "Modifying" includes any change in beneficiary status.

(3) An injunction restraining both parties from harassing, threatening, assaulting or abusing the other and from making disparaging remarks about the other to or in the presence of any children of the parties or to either party's employer.

(4) An injunction restraining and enjoining both parties from hiding, destroying or spoiling, in whole or in part, any evidence electronically stored or on computer hard drives or other memory storage devices.

(5) An Injunction restraining both parties from relocating any children of the parties outside the state of Tennessee, or more than fifty (50) miles from the marital home, without the permission of the other party or an order of the court, except in the case of a removal based upon a well-founded fear of physical abuse against either the fleeing parent or the child. In such cases, upon request of the non-relocating parent, the court will conduct an expedited hearing, by phone conference if appropriate, to determine the reasonableness of the relocation and to make such other orders as appropriate.

(6) The provisions of these injunctions shall be attached to the summons and the complaint and shall be served with the complaint. The injunctions shall become an order of the court upon fulfillment of the requirements of subsection (d) of this action. However, nothing in this subsection shall preclude either party from applying to the court for further temporary orders, an expanded temporary injunction or modification or revocation of this temporary injunction.

FILED

IN THE FOURTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2018 FEB 26 AM 9:35

RICHARD R. ROOKER, CLERK

PENNY GENELLE NELSON FORREST,)

Plaintiff,)

v.)

ROBERT DOWNS FORREST, JR.,)

Defendant.)

NO. 18D310

 D.C.

ORDER

For good cause shown, the Fourth Circuit Court recuses itself from the trial of this matter.

ENTERED this 26th day of February, 2018.


PHILIP E. SMITH, JUDGE

cc: Gregory D. Smith
Brenton H. Lankford
Attorneys for Plaintiff
STITES & HARBISON, PLLC
401 Commerce Street, Suite 800
Nashville, Tennessee 37219-2376

Robert Downs Forrest, Jr.
Defendant
4349 Oakcrest Lane
Hermitage, Tennessee 37076

Honorable David R. Kennedy
Civil Transfer Judge