

**Tennessee Judicial Nominating Commission**  
***Application for Nomination to Judicial Office***

*Rev. 26 November 2012*

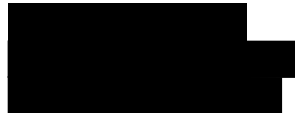
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(including county)



Home Phone:



Cellular Phone:



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**INTRODUCTION**

Tennessee Code Annotated section 17-4-101 charges the Judicial Nominating Commission with assisting the Governor and the People of Tennessee in finding and appointing the best qualified candidates for judicial offices in this State. Please consider the Commission's responsibility in answering the questions in this application questionnaire. For example, when a question asks you to "describe" certain things, please provide a description that contains relevant information about the subject of the question, and, especially, that contains detailed information that demonstrates that you are qualified for the judicial office you seek. In order to properly evaluate your application, the Commission needs information about the range of your experience, the depth and breadth of your legal knowledge, and your personal traits such as integrity, fairness, and work habits.

This document is available in word processing format from the Administrative Office of the Courts (telephone 800.448.7970 or 615.741.2687; website <http://www.tncourts.gov>). The Commission requests that applicants obtain the word processing form and respond directly on the form. Please respond in the box provided below each question. (The box will expand as you type in the word processing document.) Please read the separate instruction sheet prior to completing this document. Please submit the completed form to the Administrative Office of the Courts in paper format (with ink signature) **and** electronic format (either as an image or a word processing file and with electronic or scanned signature). Please submit fourteen (14) paper copies to the Administrative Office of the Courts. Please e-mail a digital copy to [debra.hayes@tncourts.gov](mailto:debra.hayes@tncourts.gov).

THIS APPLICATION IS OPEN TO PUBLIC INSPECTION AFTER YOU SUBMIT IT.

**PROFESSIONAL BACKGROUND AND WORK EXPERIENCE**

1. State your present employment.

Lawyer, self-employed, at my office of 1724 Main Street, Suite #3, P.O. Box 941, Tazewell, TN 37879, phone: (423) 626-4423

2. State the year you were licensed to practice law in Tennessee and give your Tennessee Board of Professional Responsibility number.

October 31, 2001, BPR #021716

3. List all states in which you have been licensed to practice law and include your bar number or identifying number for each state of admission. Indicate the date of licensure and whether the license is currently active. If not active, explain.

None

4. Have you ever been denied admission to, suspended or placed on inactive status by the Bar of any State? If so, explain. (This applies even if the denial was temporary).

None

5. List your professional or business employment/experience since the completion of your legal education. Also include here a description of any occupation, business, or profession other than the practice of law in which you have ever been engaged (excluding military service, which is covered by a separate question).

August 2001 till June 2002 - Judicial clerk for the Honorable Judge Booker Stephens, Circuit Court Judge in McDowell County, Welch, WV

June 2002 till August 2002 - Deed Research Assistant - Consol Energy, Inc., Gas Division, in Tennessee and Virginia, Tazewell County, Springdale, VA

August 2002 till November 2004 – practice of law with two different firms, David Dunaway & Associates, Inc., LaFollette, TN (7 months) and Pressnell and Harrell, PC., P.O. Box 174, Tazewell, TN (20 months)

November 2004 till present – Self-employed, at the law offices of Thomas J. Tabor Jr., Esq.

6. If you have not been employed continuously since completion of your legal education, describe what you did during periods of unemployment in excess of six months.

Not applicable. I have been continuously employed.

7. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

Solo practice that practices in civil and criminal law.

1. Family law, divorce, child custody, termination of parental rights, adoption etc = 25% estimated
2. Probate, will, administration, estates, guardianship, conservatorship = 25% estimated
3. Property law and property disputes = 15% estimated
4. Contract law = 5% estimated
5. Criminal law = 30 % estimated

8. Describe generally your experience (over your entire time as a licensed attorney) in trial courts, appellate courts, administrative bodies, legislative or regulatory bodies, other forums, and/or transactional matters. In making your description, include information about the types of matters in which you have represented clients (e.g., information about whether you have handled criminal matters, civil matters, transactional matters, regulatory matters, etc.) and your own personal involvement and activities in the matters where you have been involved. In responding to this question, please be guided by the fact that in order to properly evaluate your application, the Commission needs information about your range of experience, your own personal work and work habits, and your work background, as your legal experience is a very important component of the evaluation required of the Commission. Please provide detailed information that will allow the Commission to evaluate your qualification for the judicial office for which you have applied. The failure to provide detailed information, especially in this question, will hamper the evaluation of your application. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

My general experience starting in 2002 and 2003 with the Tennessee Court system was to learn General Sessions Court procedures for civil and criminal matters. Over the past years, I have participated in several General Sessions Courts in Campbell, Hancock, Union, & Claiborne counties in Tennessee over the years. Furthermore I have practiced in the Circuit, Chancery, & Criminal Courts of Union, Campbell, Claiborne, Scott, Grainger, Knox, Anderson, and Hancock counties in Tennessee. I have been appointed to indigent clients in the criminal courts, and appointed to civil clients in the juvenile, General Sessions, Chancery, and Circuit Court when their constitutional rights to their children became involved. I have practiced in all areas of the law.

I have tried more bench trials than I can remember since 2003. I have had two extensive criminal jury trials and three extensive civil jury trials which I was my client's sole attorney.

Furthermore, I have had experience in the administrative law field with the Tennessee Department of Safety in property seizure cases in the Knoxville, TN and Fall Branch, TN areas.

I have appealed several cases from the trial courts for my indigent and non-indigent clients to the Court of Criminal Appeals, and Court of Appeals in Knoxville, Tennessee. These cases consisted of land disputes, contested deed descriptions, will issues, termination of parental rights, contract rights, and criminal appeals. Furthermore; on two cases, I have made TRAP Rule 11 Applications to Appeal to the Tennessee Supreme Court which were denied. Both of these cases were criminal cases.

9. Also separately describe any matters of special note in trial courts, appellate courts, and administrative bodies.

The only special note that I think that would be a case of some significance that I served upon was that I was appointed as attorney ad litem in the Campbell County, TN Juvenile Court for the older step-sister in the juvenile case which involved "Baby Halley." This case was a severe child abuse case which resulted in the Tennessee legislation known as "Halley's law."

10. If you have served as a mediator, an arbitrator or a judicial officer, describe your experience (including dates and details of the position, the courts or agencies involved, whether elected or appointed, and a description of your duties). Include here detailed description(s) of any noteworthy cases over which you presided or which you heard as a judge, mediator or arbitrator. Please state, as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) a summary of the substance of each case; and (4) a statement of the significance of the case.

Not applicable.

11. Describe generally any experience you have of serving in a fiduciary capacity such as guardian ad litem, conservator, or trustee other than as a lawyer representing clients.

I have been appointed to the wards of the court as their guardian ad litem, and as their conservator. I do not think that I have ever been appointed as a trustee as of yet by any court since I have practiced law.

I was instructed by the Court as to my duties and I reported to the court my findings in behalf of my ward. I have served in many cases for the Chancery Court in Claiborne, & Union Counties and I believe that all or most of those cases are concluded.

I was responsible in some cases for safeguarding the money of my ward and in some cases trying to find the money of my ward. These type of cases in my experience are difficult and require the guardian's full attention.

These types of cases are rewarding and are worthwhile when you can make a difference in protecting your ward's interests and welfare.

12. Describe any other legal experience, not stated above, that you would like to bring to the attention of the Commission.

United States District Court for the Eastern District of Tennessee, Admitted on May 2, 2003

United States Court of Appeals for the Sixth Circuit, Admitted on September 14, 2009

United States Supreme Court, Admitted on January 12, 2009

C.J.A. trainee panel – United States District Court for the Eastern District of Tennessee, in training to be able to take appointed indigent criminal clients in the Eastern District of Tennessee. My training started around February 2012, and still is on-going at this time.

13. List all prior occasions on which you have submitted an application for judgeship to the Judicial Nominating Commission or any predecessor commission or body. Include the specific position applied for, the date of the meeting at which the body considered your application, and whether or not the body submitted your name to the Governor as a nominee.

None

**EDUCATION**

14. List each college, law school, and other graduate school which you have attended, including dates of attendance, degree awarded, major, any form of recognition or other aspects of your education you believe are relevant, and your reason for leaving each school if no degree was awarded.

Bluefield State College, Bluefield WV, Mining Engineering Technology, BS Degree, Cum Laude Graduate, January 1981 thru December 1984, also Mining Engineering Technology, AS Degree, Honor Graduate, May 1984

Virginia Tech, Blacksburg, VA, Mining Engineering, Graduate School, September 1985 thru May 1986, left school due to lack of funding.

Appalachian School of Law, Grundy, VA, Juris Doctorate Degree, August 1998 thru May 2001.

**PERSONAL INFORMATION**

15. State your age and date of birth.

50 years old, D/O/B: 01/17/1962

16. How long have you lived continuously in the State of Tennessee?

August 2002 till present.

17. How long have you lived continuously in the county where you are now living?

September 2002 till present.

18. State the county in which you are registered to vote.

Claiborne County, TN

19. Describe your military Service, if applicable, including branch of service, dates of active duty, rank at separation, and decorations, honors, or achievements. Please also state whether you received an honorable discharge and, if not, describe why not.

Not Applicable.

20. Have you ever pled guilty or been convicted or are you now on diversion for violation of any law, regulation or ordinance? Give date, court, charge and disposition.

Speeding Ticket, sometime in 2003 or 2004, Campbell County, Tennessee General Sessions Court, plead guilty and paid fine.

21. To your knowledge, are you now under federal, state or local investigation for possible violation of a criminal statute or disciplinary rule? If so, give details.

None

22. If you have been disciplined or cited for breach of ethics or unprofessional conduct by any court, administrative agency, bar association, disciplinary committee, or other professional group, give details.

None

23. Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities or creditors within the last five (5) years? If so, give details.

None

24. Have you ever filed bankruptcy (including personally or as part of any partnership, LLC, corporation, or other business organization)?

None

25. Have you ever been a party in any legal proceedings (including divorces, domestic proceedings, and other types of proceedings)? If so, give details including the date, court and docket number and disposition. Provide a brief description of the case. This question does not seek, and you may exclude from your response, any matter where you were involved only as a nominal party, such as if you were the trustee under a deed of trust in a foreclosure proceeding.

None

26. List all organizations other than professional associations to which you have belonged

within the last five (5) years, including civic, charitable, religious, educational, social and fraternal organizations. Give the titles and dates of any offices which you have held in such organizations.

Upper Room Ministries, P.O. Box 868, Highway 33 South, New Tazewell, TN 37824, Pastor Ual Russell, I have been a member at that church since around 2004. The church is open to all persons seeking to know God, his son the Lord Jesus Christ, and the Holy Spirit for their salvation.

The office I hold at the Upper Room Ministries is elder, estimated for approximately the past five (5) years, (2007). I serve pro bono on the board of directors and as elder for the Upper Room Ministries Church.

I was made an Ordained Minister at Upper Room Ministries, on July 15, 2007. I was appointed to preach services at the Upper Room Church in behalf of the Pastor in a fill-in position.

27. Have you ever belonged to any organization, association, club or society which limits its membership to those of any particular race, religion, or gender? Do not include in your answer those organizations specifically formed for a religious purpose, such as churches or synagogues.
- If so, list such organizations and describe the basis of the membership limitation.
  - If it is not your intention to resign from such organization(s) and withdraw from any participation in their activities should you be nominated and selected for the position for which you are applying, state your reasons.

None

### ACHIEVEMENTS

28. List all bar associations and professional societies of which you have been a member within the last ten years, including dates. Give the titles and dates of any offices which you have held in such groups. List memberships and responsibilities on any committee of professional associations which you consider significant.

American Bar Association, 2002, no offices held.

Tennessee Bar Association, somewhere around 2004 -2006 estimated, no offices held.

TACDL - Tennessee Association of Criminal Defense Lawyers, (2008-2010), no offices held.



29. List honors, prizes, awards or other forms of recognition which you have received since your graduation from law school which are directly related to professional accomplishments.

None

30. List the citations of any legal articles or books you have published.

None

31. List law school courses, CLE seminars, or other law related courses for which credit is given that you have taught within the last five (5) years.

None

32. List any public office you have held or for which you have been candidate or applicant. Include the date, the position, and whether the position was elective or appointive.

August 2006 – ran for the election to the position of Claiborne County, TN General Sessions Judge against Robert Estep. Robert Estep won the position.

33. Have you ever been a registered lobbyist? If yes, please describe your service fully.

NO.

34. Attach to this questionnaire at least two examples of legal articles, books, briefs, or other legal writings which reflect your personal work. Indicate the degree to which each example reflects your own personal effort.

Please see the two attached Orders which I drafted for the Courts. These Orders were used and submitted in the record of the Courts.

**ESSAYS/PERSONAL STATEMENTS**

35. What are your reasons for seeking this position? *(150 words or less)*

My first and foremost reason I seek the position as Chancellor for the 8th Judicial District of

Tennessee is due to the fact that the Chancery Court in Tennessee is very important for the people of Union, Scott, Fentress, Claiborne, and Campbell Counties. I believe that I have the life experiences through both my above-cited legal experiences, and from my actual work experiences as an underground coal miner (1986 till 2000) to handle the job. I believe that I can be fair, just, and equitable to all persons that come before the court regardless of any reason. I further believe that if I am appointed to the position as Chancellor, I will show my worth as a Judge to the Honorable Governor of the State of Tennessee, and to the community which I serve.

My second reason that I believe that it would be essential to be appointed to this position prior to the 2014 elections to give me a running start upon knowing my constituents wants and needs. I believe if I render a good performance as Chancellor in the appointment, that performance would warrant my election in 2014. I know that filling the shoes of the late Chancellor Billy Joe White will not be an easy job.

My last reason is that I eventually would like to be in the position in the future to be elected or appointed to the Tennessee Court of Appeals, Tennessee Criminal Court of Appeals, or the Tennessee Supreme Court as a Justice or Chief Justice. Unless I get in a judicial office, I will not get that opportunity. I see this opportunity as a fundamental step in that direction. I am now fifty (50) years of age, and I must start now if I am going to achieve my goals.

36. State any achievements or activities in which you have been involved which demonstrate your commitment to equal justice under the law; include here a discussion of your pro bono service throughout your time as a licensed attorney. *(150 words or less)*

My pro bono service has taught me the value of providing legal services for persons that cannot afford such services otherwise. That service has shown me that equal justice under the law should not be limited to the privileged ones that can pay for it. Equal justice should be available to all persons whether it be the indigent criminal client, the indigent parent that is about to his/her parental rights terminated, or the ward of the Court that could not defend his/her self. I have defended and fought for such clients and I know that all persons should be heard for equal justice under the law and under the Tennessee Constitution and U.S. Constitution.

37. Describe the judgeship you seek (i.e. geographic area, types of cases, number of judges, etc. and explain how your selection would impact the court. *(150 words or less)*

The 8<sup>th</sup> Judicial District of Tennessee which consists of Union, Claiborne, Campbell, Scott, and Fentress Counties. The job would be the Chancellor for the Chancery Court which is a Court of equity and of law looking over cases such as land disputes, contracts, domestic relations, probate, estates, administration of estates, injunction relief, declaratory judgments, liens, and all other jurisdictional issues which is given by statutes. The number of judges and selection is not

applicable in this question to my quest to be appointed Chancellor.

38. Describe your participation in community services or organizations, and what community involvement you intend to have if you are appointed judge? *(250 words or less)*

At this time, I participate only in my church's activities which may or may not be community service. If I am appointed judge, I will be interested in community service pertaining to the protection of children who are victims of abuse, severe abuse, and domestic violence. At this time, I do not know if there is such an organization in the 8<sup>th</sup> Judicial District.

39. Describe life experiences, personal involvements, or talents that you have that you feel will be of assistance to the Commission in evaluating and understanding your candidacy for this judicial position. *(250 words or less)*

Prior to my attending of law school, I worked as a underground coal miner, and supervisor for two coal companies for around a total of fifteen (15) years. I understand the "working person's" view, and perspective, and what he/she sees coming from the legal community and the court. I think that my experiences before I was a lawyer are just as important as the experiences that I have after I became a lawyer.

Furthermore, I am an ordained minister which I think gives me balance to my life experiences. I think that I can be fair, just, and equitable to all persons based upon my personal believe and faith.

I further believe that if God intends for me to be appointed to this position of Chancellor for the Eighth Judicial District for the Chancery Court, then I will be appointed. I believe that I will gain the wisdom and knowledge to take care the duties of this office from Him. I believe that I can be a good Chancellor for the people of the 8<sup>th</sup> Judicial District, and I willing to proof it by submitting my application to this Honorable Commission.

40. Will you uphold the law even if you disagree with the substance of the law (e.g., statute or rule) at issue? Give an example from your experience as a licensed attorney that supports your response to this question. *(250 words or less)*

At this point in time in my career, I cannot give you an example where the issue of upholding the law (even when I disagreed with it), ever came up in my practice. When it does, I will so advise the Commission.

Nevertheless, I will uphold the law as stated in the statutes as prescribed by me given through my oath to the office of Chancellor. If I ever find that I cannot morally or spiritually support the upholding of such law after so ruling to do so, I believe that I would remove myself from office.

If I don't believe in what I am doing, I cannot continue to work in futility.

**REFERENCES**

41. List five (5) persons, and their current positions and contact information, who would recommend you for the judicial position for which you are applying. Please list at least two persons who are not lawyers. Please note that the Commission or someone on its behalf may contact these persons regarding your application.

- A. Pastor Ual Russell, [REDACTED]
- B. Clerk and Master Francis Cardwell, Claiborne County Chancery Court, P.O. Box 180, Tazewell, TN 27879, phone: [REDACTED]
- C. Clerk and Master Beulah Warwick, Union County Chancery Court, 901 Main Street, Suite #206, Maynardville, TN 37807, phone [REDACTED]
- D. Amanda Sammons, Esq., A.D.A.G., 8<sup>th</sup> Judicial District, P.O. Box 455, Tazewell, TN 37879, phone [REDACTED]
- E. Jack Maricec, Esq., P.O. Box 9, Rogersville, TN 37857, phone [REDACTED]


**AFFIRMATION CONCERNING APPLICATION**

Read, and if you agree to the provisions, sign the following:

I have read the foregoing questions and have answered them in good faith and as completely as my records and recollections permit. I hereby agree to be considered for nomination to the Governor for the office of Judge of the Chancery Court of the 8<sup>th</sup> Judicial District of Tennessee, and if appointed by the Governor, agree to serve that office. In the event any changes occur between the time this application is filed and the public hearing, I hereby agree to file an amended questionnaire with the Administrative Office of the Courts for distribution to the Commission members.

I understand that the information provided in this questionnaire shall be open to public inspection upon filing with the Administrative Office of the Courts and that the Commission may publicize the names of persons who apply for nomination and the names of those persons the Commission nominates to the Governor for the judicial vacancy in question.

Dated: December 3, 2012.

  
\_\_\_\_\_  
Signature

When completed, return this questionnaire to Debbie Hayes, Administrative Office of the Courts, 511 Union Street, Suite 600, Nashville, TN 37219.





Before this Court on this day, the Plaintiff Loretta Tielman was present with her counsel. The Defendant Theresa Perotti was present with her counsel. The Plaintiff and Defendant stipulated to the Court that both parties were in agreement that Defendant Theresa Perotti would be representing her Defendant/husband Daniel Scott Perotti's interest in this case due to the fact that Defendant Daniel Scott Perotti was out of the State of Tennessee.

Counsel for the First Trust & Savings Bank did furnish and supply this Court with the business records documentation subpoenaed on July 13, 2012 by the Plaintiff for the Defendants' loan payments to First Trust & Savings Bank on the real property subject to the Deed of Trust recorded in the Deed Book 379, page 610-613 with the Campbell County, Tennessee Register of Deeds Office. Those records were admitted and filed during opening statements with this Court by agreement of the parties. The business records did show that the Defendants were current and in good standing as to their loan payments on the subject real property to First Trust & Savings Bank.

Subject matter jurisdiction and personal jurisdiction is properly placed before this Chancery Court. Furthermore, Campbell County, Tennessee is the proper venue for this case to be heard.

After extensively reviewing the pleadings, reviewing the bank business records, and hearing oral argument from counsel on this case, this Court finds that the Plaintiff Loretta Tielman is entitled to immediate relief that she requested in her Complaint to purchase and to possess the land and home from the Defendants Daniel Scott Perotti and Theresa Perotti under the Installment Sale Contract entered and executed into on November 1, 2005. (SEE: Exhibit "C" attached to the Complaint – Court Record).

**THEREFORE IT IS ORDERED, ADJUDGED AND DECREED:**

A. The Plaintiff Loretta Tielman has properly brought her Complaint before this Court to complete the purchase and possession of her land and home from the Defendant Daniel Scott Perotti and Defendant Theresa Perotti for the enforcement of the specific performance of the Installment Sale Contract entered into by the parties on November 1, 2005 for the real property described in that contract, which is better described in Paragraph #1 of the Installment Sale Contract, to wit, which states: "Sale. Seller shall sell and convey to Buyer, and Buyer shall buy, all that certain real property, together with all and singular the rights and appurtenances thereto, situate in the County of Campbell,

Beginning at a point located along the eastern edge of an existing 12.0 foot right of way and said iron pin being the northwest corner of the remaining Perotti tract; thence running along said right of way, N 18 deg. 01 min. 18 sec. W, approximately 250.00 feet to a railroad spike; thence leaving said right of way and running along an adjacent 3.01 acre tract, N 77 deg, 00 min. 42 sec. E, 745.98 feet to an iron pin; thence S 27 deg 34 min. 52 sec E, approximately 250 feet to a point located along the eastern edge of said right of way; thence running with the Perotti tract, S 77 deg. 00 min. 42 sec W approximately 770 feet to a point of beginning, together with a mobile home attached to said real property, being described as a 14 x 60 1979 mobile home, being VIN No. 64X1272603.

This being a portion of the property conveyed to the Grantor's and contains approximately 4.00 acres and being a part of Warranty Deed Book 391, Page 588." (SEE: Exhibit 'C' - Installment Contract, and Exhibit "B" - Warranty Deed as attached to the Complaint for further reference).

B. This Court **FINDS AND ORDERS** that the Plaintiff Loretta Tielman shall be allowed to complete her immediate purchase of the above-mentioned property from the Defendant Daniel Scott Perotti and Defendant Theresa Perotti under the said contract which specifically states that "time is of the essence". (SEE: Paragraph #11). This Court further finds that the Defendants did not actively pursue any remedies or exercise their rights prior to the Plaintiff filing her action with this Court.



C. This Court **FINDS AND ORDERS** that the Plaintiff Loretta Tielman shall be allowed to purchase this property within sixty (60) days of the entrance of this Order due to the fact that this Court is not going to allow the above-mentioned property to become subject to further liens, encumbrances, or possible loan default which may be caused by the Defendants Daniel Scott Perotti and Theresa Perotti. The Defendants are **ORDERED ENJOINED** from creating further encumbrances on the property.

D. The Plaintiff Loretta Tielman is **ORDERED** to pay the remaining principal balance and interest of Seven Thousand, Six Hundred, Forty-Two Dollars and Thirty-Two Cents (\$7,642.32) that she owes pursuant to the said contract and amortization table submitted to this Court by submitting a certified check or cashiers check payable to the **FIRST TRUST & SAVINGS BANK, AND DEFENDANT DANIEL SCOTT PEROTTI AND THERESA PEROTTI** within the above-mentioned sixty (60) day period to the Defendants counsel and the Bank's counsel. **IT IS FURTHER ORDERED** that if the 2011 land taxes in the amount of One Hundred and Twenty-Five Dollars (\$125.00) are outstanding on this property, the Plaintiff Loretta Tielman shall pay those taxes pursuant to the contract under paragraph #4 to Campbell County, Tennessee.

E. Within thirty (30) days after the Plaintiff submits payment to the above-mentioned parties, the Defendants Daniel Scott Perotti and Theresa Perotti are **ORDERED** to obtain a partial release on the real property described above in the contract (SEE Above paragraph A), being a portion of the Defendants' property described in the Deed of Trust, recorded in the Deed Book 379, page 610-613 with the Campbell County, Tennessee Register of Deeds Office, from the joined party First Trust & Savings Bank, located at 106 Municipal Drive, Oneida, TN 37841.

F. Upon obtaining the partial release, the Defendants Daniel Scott Perotti and Theresa Perotti are **ORDERED** to prepare, execute, and tender a warranty deed for the real property described in the contract (SEE: Above paragraph 'A') to Plaintiff Loretta Tielman through her counsel. The same Defendants are further **ORDERED** to prepare, execute, and tender a certificate of title transfer to the 14 x 60 1979 mobile home, being VIN No. 64X1272603 located and attached on that property to the Plaintiff Loretta Tielman through her counsel.

G. The court costs payable in this action are **ORDERED** to be split evenly in half between the Plaintiff and the Defendants in this cause of action by the Clerk and Master of this Court.

H. Upon completion of the ordered transfer of this real property and attached mobile home to the Plaintiff, Attorney Thomas J. Tabor Jr., Esq. shall be allowed to withdraw as counsel for the Plaintiff Loretta Tielman and Attorney Keith Hatfield shall be allowed to withdraw as counsel for the Defendants.

ENTER THIS 10 DAY OF SEPTEMBER 2012.

*[Signature]*  
CHANCELLOR BILLY JOE WHITE  
CAMPBELL COUNTY, TN CHANCERY COURT

APPROVED BY:

*[Signature]*  
Thomas J. Tabor Jr., Esq. BPR #021716  
Attorney for the Plaintiff

*[Signature]* *Signed by Plaintiff given permission by Plaintiff*  
Keith Hatfield, Esq., BPR #018026  
Attorney for the Defendants

*[Signature]* *Signed by Defendant given permission by Plaintiff*  
David Winchester, Esq., BPR #  
Attorney for Rule 19 joined party

*[Signature]*  
9/10/2012  
1:55 PM  
Wm. J. Archer, Clerk & Master of Campbell County, do hereby certify that the foregoing is a true and perfect copy of the same as same appears of record in my office and that I am the official custodian of this record.  
Witness my hand and official seal at office this the 10th day of September, 2012  
Wm. J. Archer  
Clerk & Master



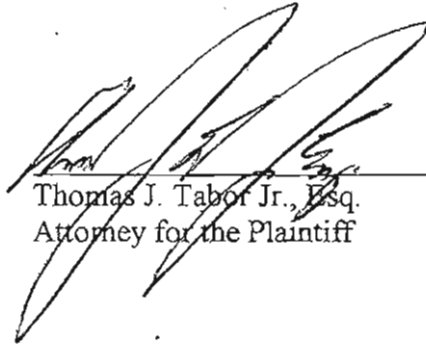
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and exact copy of the foregoing ORDER was duly served upon the following interested persons by either fax transmission or by U.S. Mail, postage prepaid, to ensure adequate delivery to the last known addresses of:

Keith Hatfield, Esq. (By Fax at (865) 546-0601 & U.S. Mail)  
Attorney for the Defendants  
603 Main Street, Suite 401  
Knoxville, TN 37902

David Winchester, Esq. (By Fax at <sup>(423)</sup>~~(615)~~ 542-0832 U.S. Mail)  
Attorney for First Trust & Savings Bank  
P.O. Box 1733  
LaFollette, TN 37766

This 19<sup>th</sup> day of September 2012.

  
\_\_\_\_\_  
Thomas J. Tabor Jr., Esq.  
Attorney for the Plaintiff

IN THE JUVENILE COURT FOR CLAIBORNE COUNTY, TENNESSEE  
AT TAZEWELL

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TAMMY GRIFFITH, and husband,	)	
JOEY GRIFFITH,	)	
and CELIA BROWN,	)	
Petitioners,	)	
	)	
v.	)	CASE NO. 2012-JV-1022
	)	Pursuant to T.R.C.P. Rule 58
STEVE BROWN,	)	
Respondent.	)	

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IN RE:           JORDYN BROWN, D/O/B: 01/09/2007  
                  STEVEN BROWN, D/O/B: 01/07/2008

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ORDER GRANTING DISMISSAL, DECLARING OHIO JURISDICTION, AND  
AGREED ORDER OF CHILD VISITATION

THIS MATTER COMES before this Honorable Court on Friday, the 10<sup>th</sup> day of August 2012, by previous order of July 11, 2012 for a special setting of this matter by agreement of the parties in the venue of Union County, Tennessee. This matter was specially set on an expedited schedule for this Court to determine whether or not the State of Tennessee has jurisdiction over the minor children Jordyn Brown, D/O/B: 01/09/2007, and Steven Brown, D/O/B: 01/07/2008.

The history of this case through the court record shows that the Petitioners Tammy Griffith, Joey Griffith, maternal grandparents, and Celia Brown, mother had filed an Ex Parte Petition for Emergency Temporary Custody and Permanent Custody, and obtained an Ex Parte Emergency Temporary Custody Order on May 10, 2012 with this Court.

One day before, the Respondent filed a Complaint for Divorce in the Common Pleas Court of Wood County, Ohio, Domestic Relations Division on May 9, 2012 at 1:15 p.m.

FILED 8-17-12  
BILLY RAY CHEEK, JUVENILE CT. CLK.  
BY: MS D.C.

CERTIFICATE  
I, Billy Ray Cheek, Juvenile Court Clerk, do hereby certify that the foregoing is a true and accurate copy as appears on record in my office.  
This 17<sup>th</sup> day of August 2012  
BRC

against the Petitioner Celia A. Brown (SEE: Previously filed - Exhibit "A" – Complaint for Divorce. Case No. 2012 DR 0111, Common Pleas Court of Wood County, Ohio, Domestic Relations Division). Under the Uniform Child Custody Jurisdictional and Enforcement Act, (UCCJEA), the Respondent filed a document with the Ohio Court on May 9, 2012 at 1:17 p.m., titled Parenting Proceeding Affidavit (R.C. 3127.23(A)), in which the Respondent swore under oath that the children resided in various locations in Ohio from October 2011 till March 6, 2012. (SEE: Previously filed -Exhibit "B" -- Parenting Proceeding Affidavit).

After Respondent Steve Brown was served with the Ex Parte Emergency Temporary Custody Order, he secured Tennessee counsel and this case was continued by agreement from June 6, 2012 till July 11, 2012. The Respondent filed his Motion to Dismiss the Ex Parte Order due to lack of Tennessee jurisdiction over the children on June 5, 2012.

This case was heard on Wednesday, July 11, 2012 for oral arguments concerning the Respondent's Motion to Dismiss. This Court held Respondent's Motion in abeyance and reserved ruling on the Motion until today to be heard by agreement of the parties in Union County, Tennessee courthouse located in Maynardville, Tennessee. Custody of the minor children was temporarily placed with the Petitioners Tammy Griffith and Joey Griffith by this Court due to an agreement of the parties. At that time, the Petitioner Celia Brown had active criminal warrants in Ohio (SEE: July 11, 2012 Court Order), and was attending intensive inpatient drug rehabilitation at the Teen-Challenge Center, 3127 Martin Luther King Junior Avenue, Knoxville, TN 37914, which would affect her ability to parent the children.

As of today, all of the parties were properly before this Honorable Court with their counsel to be heard on their respective positions. After opening statements by counsel, the Respondent's counsel requested this Honorable Court to confer with the above-mentioned Ohio Court as specified under Tennessee Code Annotated § 36-6-219 (d) since a prior lawsuit on custody existed in Ohio. Counsel for the parties and the Court retired to chambers and contacted the Honorable Magistrate Michael Hyrme at phone number (419) 354-9290, located at the Court of Common Pleas, Wood County, Ohio Domestic Relations Court, 1 Courthouse Square, Bowling Green, Ohio 43402. The Petitioner Celia Brown was served today with the Complaint for Divorce from the Ohio Court before the beginning of this Court's proceedings this day.

After conferring with the Ohio court, this Juvenile Court agrees with the Ohio Court that the children were in Ohio until the time that the Petitioner/mother moved with the children to Tennessee on or around March 6, 2012. Furthermore, this Juvenile Court agrees with the Ohio Court that jurisdiction is properly placed in minor children's home state of Ohio. Both the Tennessee and Ohio Courts concur that any permanent custody proceedings pertaining to the minor children Jordyn Brown, D/O/B: 01/09/2007, and Steven Brown, D/O/B: 01/07/2008 should be conducted in the State of Ohio where the divorce action had been previously filed. (SEE: Tennessee Code Annotated § 36-6-221 et. seq.). The Courts make this determination in accordance with the Tennessee Code Annotated §§ 36-6-202 et. seq., 36-6-205 et. seq., and the Ohio law cited by the Ohio Court under Ohio Revised Code Annotated §§ 3127.01 et. seq. thru 3127.15 et. seq. Based upon the above-cited reasons, the Claiborne County, Tennessee Juvenile Court dismisses this case, and defers jurisdiction to the Court of Common Pleas, Wood County,

Ohio Domestic Relations Court, 1 Courthouse Square, Bowling Green, Ohio 43402. The parties are **ORDERED** and **GIVEN NOTICE** to defend their respective interests in the Ohio Court whenever that Court summons the parties to commence its proceedings.

After this Court concluded its conference with the Ohio Court and returned to the courtroom, all of the parties recognized that it would be in the minor children's best interests to fashion a temporary visitation schedule for the Respondent Steve Brown with children. Under oath, the parties agreed that temporary custody of the above-mentioned minor children shall temporarily remain with the Petitioners Tammy Griffith and Joey Griffith only until the Ohio Court effectively takes over this case and starts its proceedings between the Respondent Steve Brown and the Petitioner Celia Brown.

All parties agree under oath that Respondent shall have overnight unrestricted visitation in Tennessee with the children beginning today, **Friday, August 10, 2012 at 6:00 p.m. and ending on Saturday, August 11, 2012 at 6:00 p.m.** From that time forward, and until the Ohio Court acts on this custody case, the parties agree that the Respondent Steve Brown shall continue to have overnight unrestricted visitation in Tennessee with the children every other weekend from **Friday at 6:00 p.m. till Sunday at 6:00 p.m., starting on the weekend of Friday, August 24, 2012.** By agreement of the parties, all exchanges of custody of the children shall take place at the **Hardee's Restaurant in Harrogate, Tennessee.**

**THEREFORE IT IS ORDERED, ADJUDGED AND DECREED THAT:**

A. Jurisdiction over this case and the children is **DECLARED AND DECREED** to be in Court of Common Pleas, Wood County, Ohio Domestic Relations Court, located at 1 Courthouse Square, Bowling Green, Ohio 43402 for reasons explained and cited

above. This Court **DECLARES AND FINDS** that the home state of the minor children Jordyn Brown, D/O/B: 01/09/2007, and Steven Brown, D/O/B: 01/07/2008 is Ohio.

Furthermore, this Court **GRANTS** the Respondent Steve Brown's Motion to Dismiss this case based upon lack of Tennessee jurisdiction.

B. Due to the above-stated reasons, this Court further **DEFERS** jurisdiction in this case to the Ohio Court due to this Court's conference with that Court pursuant to the above-mentioned statute.

C. All parties have been given notice that the Ohio Court will be hearing the custody case concerning the minor children in the divorce action between the parents, and that all parties need to attend the Ohio Court proceedings to defend their interests.

D. By agreement of the parties given under oath, the Petitioners Tammy Griffith and Joey Griffith shall have temporary custody of the minor children Jordyn Brown, D/O/B: 01/09/2007, and Steven Brown, D/O/B: 01/07/2008 only until the Ohio Court begins to act on this case.

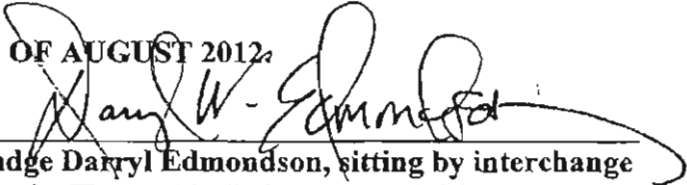
E. By agreement of the parties given under oath, the above-mentioned visitation announced to this Court is **ORDERED AND DECLARED** to be in **FULL FORCE AND EFFECT ONLY UNTIL THE OHIO COURT MAKES FURTHER DETERMINATION ON CUSTODY**. It is further found that the parties' visitation agreement and temporary custody arraignment is in the best interests of the minor children Jordyn Brown, D/O/B: 01/09/2007, and Steven Brown, D/O/B: 01/07/2008.

F. Attorney Thomas J. Tabor Jr., Esq. and Attorney Jim Estep, III shall be relieved as counsel for the Respondent and Petitioners, and **ORDERED TO BE WITHDRAWN** when this Order is entered and becomes a final decree of this Court.




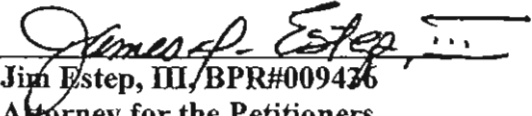
G. The Clerk of this Court is **ORDERED** to serve a copy of this case file and a **certified copy of this Order** upon the Clerk of the Court of Common Pleas, Wood County, Ohio Domestic Relations Court, 1 Courthouse Square, Bowling Green, Ohio 43402 for the Honorable Magistrate Michael Hyrme.

ENTERE THIS 16th DAY OF AUGUST 2012

  
\_\_\_\_\_  
Judge Darryl Edmondson, sitting by interchange  
for the Honorable Judge Robert M. Estep,  
Claiborne County, Tennessee Juvenile Court

APPROVED BY:

  
\_\_\_\_\_  
Thomas J. Taber Jr., BPR #021716  
Attorney for Respondent

  
\_\_\_\_\_  
Jim Estep, III, BPR#009436  
Attorney for the Petitioners

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a true and exact copy of the foregoing **ORDER GRANTING DISMISSAL, DECLARING OHIO JURISDICTION, AND AGREED ORDER OF CHILD VISITATION** was duly served upon the following interested persons by U.S. Mail, postage prepaid to ensure its delivery to last know location of:

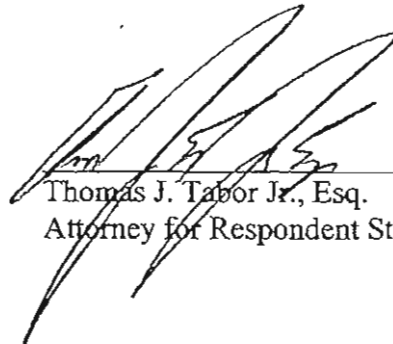
Jim Estep III, Esq.  
P.O. Box 770  
Tazewell, TN 37879

Steve Brown  
3749 Laketon Terrace  
Northwood, OH 43619

Daniel J. Sczesny, Esq.  
416 N. Erie St., Suite 100  
Toledo, OH 43604

The Honorable Magistrate (**CERTIFIED COPY**)  
Michael Hyrme  
Wood County, Ohio Domestic Relations Court  
1 Courthouse Square  
Bowling Green, Ohio 43402

This 13<sup>th</sup> day of August 2012.



Thomas J. Tabor Jr., Esq.  
Attorney for Respondent Steve Brown