

**The Governor's Council for Judicial Appointments**

**State of Tennessee**

***Application for Nomination to Judicial Office***

Name: Regina L. Shepherd  
Office Address: 300 North Main Street  
(including county) Elizabethton Tennessee 37643  
Carter County  
Office Phone: (423) 542-6300 Facsimile:

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**INTRODUCTION**

The State of Tennessee Executive Order No. 41 hereby charges the Governor's Council for Judicial Appointments with assisting the Governor and the people of Tennessee in finding and appointing the best and most qualified candidates for judicial offices in this State. Please consider the Council'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 Council 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 [www.tncourts.gov](http://www.tncourts.gov)). The Council 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 document.) Please read the separate instruction sheet prior to completing this document. Please submit original (unbound) completed application (*with ink signature*) and any attachments to the Administrative Office of the Courts. In addition, submit a digital copy with electronic or scanned signature via email to [debra.hayes@tncourts.gov](mailto:debra.hayes@tncourts.gov), or via another digital storage device such as flash drive or CD.

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

**PROFESSIONAL BACKGROUND AND WORK EXPERIENCE**

1. State your present employment.

I am currently practicing civil law as a solo practitioner at 300 North Main Street, Elizabethton, Tennessee. I practice in the four counties of the First Judicial District of Tennessee, as well as Sullivan County which comprises the Second Judicial District of Tennessee the United States Bankruptcy Court Eastern Division of Tennessee and the Social Security Office of Hearings and Appeals.

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

I was licensed to practice law in Tennessee in 1999. My Tennessee Board of Professional Responsibility Number is 019867.

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.

State of Tennessee, April 22, 1999; BPR# 019867.

United States District Court, Eastern District of Tennessee, December 6, 1999

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).

No, I have never been denied admission to, suspended or placed on inactive status by the Bar of any State.

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).

September 1, 2014 to present, Solo Practitioner, Regina L. Shepherd, Attorney at Law, Elizabethton, Carter County, Tennessee.

January 1, 2009 to September 1, 2014, Rice & Shepherd, Attorneys at Law, Elizabethton, Carter County, Tennessee.

May 3, 1999 to December 31, 2008, Solo Practitioner at the David Crockett Law Office,

Elizabethton, Carter County, Tennessee.

September 1998 to March 1999 and April 1999 to December 1999, Law Clerk, LaPorte and Norris, Attorneys at Law, in Elizabethton, Carter County, Tennessee.

January 1998 to August 1998, Law Clerk, Daniel A. Pawluk, Attorney at Law, Lansing, Ingham County, Michigan.

May 1998 to August 1998, Internship, 55<sup>th</sup> Judicial District Court, Mason, Michigan. Ingham County.

June 1989 to December 1995, Sundries Manager, Southeastern Apparel Finishing, Johnson City, Tennessee. I started as a Seconds Grader and shipping department clerk then was promoted to Sundries Manager. We stone washed, inspected, repaired, and shipped Levis, Lee and Wrangler blue jeans, shorts and skirts to distribution warehouses.

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.

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.

I practice civil law in the four counties of the First Judicial District of Tennessee as well as in the Second Judicial District of Tennessee. The largest portion of my practice is in the Circuit and Chancery Courts for the First and Second Judicial Districts of Tennessee. However, I practice Law in the General Sessions and Juvenile Courts of the First and Second Judicial Districts of Tennessee. I mainly practice Domestic law, which constitutes Eight Percent (80%) of my total practice. Domestic Law includes Contested Divorces and Uncontested, Custody Disputes, Annulments, Paternity and Legitimation, Child Support issues, Orders of Protection and Name Changes. I also am involved in Termination of Parental Rights and Adoptions, Conservatorships, and Guardianships. My practice also includes Partition suits, Personal Injury, Wrongful Death, Probate and Estates, as well as preparing Last Wills and Testaments, Powers of Attorney, Contracts, Deeds and Leases, which totals Five Percent (5%). I also represent Adults and Children in their Social Security Disability Claims. I also practice Creditor Bankruptcy by filing Reaffirmations and Adversary Proceedings in the United States Bankruptcy Court Eastern Division of Tennessee, which constitutes Five Percent (5%) of my practice. I also do collections for a local credit union and title examinations, which totals Five Percent (5%) of my total practice. As a Mediator, I mediate primarily domestic cases, but I have mediated a few land dispute cases. Mediations equal Five Percent (5%) of my total practice.

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.

I have practiced law for sixteen years in the East Tennessee Courts of the First and Second Judicial Districts, the Social Security Office of Hearings and Appeals located in Kingsport, and in the United States District Court Eastern Division Bankruptcy Court. During the first four years of my practice, I practiced General Law, which included Criminal cases in the General Sessions Court and the Criminal Courts in the First Judicial District and occasionally in the Second Judicial District as well as Civil Law. Further, the Civil Cases I have been involved in include Divorces, Annulments, Custody and Parenting Time disputes, Worker's Compensation, Personal Injury, Probate, Guardianships, Conservatorships, Guardian ad Litem appointments, Land Disputes and Employment Law, Termination of Parental Rights and Adoptions, Orders of Protections, Name Changes in the Circuit Court, Chancery Court, Juvenile Court, and General Sessions Court. I also have practiced Creditor Law, which includes Collections and Creditor Bankruptcy in the United States District Court Eastern Division Bankruptcy Court. I have also searched titles and conducted numerous closings on behalf of lending institutions and individuals. I represent clients in their Social Security disability claims in the Kingsport Office of Hearings and Appeals.

Over the last twelve years, I have tailored my practice to be primarily a Circuit Court and Chancery Court practice. I have tried over 300 Civil Cases. These have included Contested Divorces, Custody Cases, Termination of Parental Rights Cases, Land Disputes, Conservatorships, post-divorce issues, civil and criminal contempt and one Adversarial Proceeding in Bankruptcy Court. These trials have been non-jury/bench trials.

I also have had the privilege and honor to serve as a Special Master in Chancery Court in eight cases. I was appointed Special Master for two different issues in one case. Those cases ranged from property division in a divorce, modification of child support, parental relocation and post divorce matters. In this capacity, I served in a Quasi-Judicial capacity making recommendations to the Court as to what the ruling in the case should be.

I have been appointed as Guardian ad Litem for children approximately 200 times. I consider it an honor to be appointed by any of the First Judicial District Judges to serve in this capacity because children are our future and the elderly and disabled persons need to be protected. These classes of people need someone to be their voice. Most Guardian ad Litem appointments revolve around custody disputes between parents or when a child has been abused in some way, or the disabled and elderly wards involved in a Conservatorship case. I have been asked to serve as Guardian ad Litem by the Circuit, Chancery, Juvenile and Criminal Judges of the First Judicial

District.

I have also served as a mediator since January 2008. I primarily mediate domestic cases, which include Divorces, Custody Cases, and Conservatorships, but I have also mediated property disputes. I have served as mediator approximately 350 times. As a mediator, one must be impartial and hear all sides of a case and then assist people in making a decision that is best for them and the facts and the circumstances of their case. However, as a mediator, I do not make a decision in the case, but assist the parties in resolving their case. Being a mediator is similar to being a Judge because you must be impartial and listen to the parties and help bring a resolution to the case.

I also represent adults and children in their Social Security Disability Claims for SSI Social Security Supplemental Income or Title II Disability. This includes Social Security Supplemental Income and Title II Disability in the Office of Hearings and Appeals located in Kingsport, Tennessee.

Earlier in my legal career, I was involved in hearings regarding the seizure of vehicles with the Tennessee Department of Safety. I now represent a Creditor when they hold the lien of a seized vehicle.

As a Creditor's Attorney, I have also participated in numerous Meeting of Creditors that are held in the Tennessee Eastern Division Bankruptcy Court. I have also filed numerous Reaffirmations with the Court, which is now done electronically. I have filed several Adversarial Proceedings in Bankruptcy Court and had one trial before Federal Bankruptcy Judge Marsha Parsons.

I believe that my past involvement serving as an Attorney practicing in First Civil District as a Special Master, Guardian ad Litem and Mediator will assist me in moving into a judicial role. I have extensive research and writing skills after serving as a Special Master and Guardian ad Litem, as well as writing a brief for the Tennessee Court of Appeals, Sixth Circuit. Since I have been involved in so many civil trials, I know how to build a proper record and make findings of fact and conclusions of law. I have always been prepared for trial, especially when it involves a Termination of Parental Rights Case, which is the most frequent area of the law addressed by the Appellate Courts. I believe a good trial record is important in maintaining the Court's decision if later scrutinized by a higher Court.

In conclusion, I primarily have a Circuit Court practice, but I do practice in the Civil Section of the General Sessions Courts, Juvenile Courts and Chancery Courts in the First and Second Judicial Districts, the Social Security Office of Hearings and Appeals in Kingsport and the United States District Court Eastern Division Bankruptcy Court. Since I have had a Circuit Court practice for the majority of my professional career, I am now seeking the Judicial appointment to be the Circuit Court Judge, Part 1 for the First Judicial District of Tennessee.

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

I have been appointed by the Circuit, Chancery, and Juvenile Courts in the First Judicial District to serve as a Guardian ad Litem approximately 200 times over the past sixteen years for children, the disabled and elderly wards.

There are several cases which revolved particularly egregious circumstances, which include children who have been physically or sexually abused as well as children who have been “caught in the middle” of their parents’ divorce. Those cases were as follows:

- (1) Physically and/or sexually abused children are especially important. I have represented children who suffered from “shaken baby syndrome” as infants. They suffer from hematomas as well as broken bones in their legs and arms. My role was to ensure that their best interest was maintained and that they were in a safe home, either with their parents, once returned to their care; with their Foster family or with an adoptive family.

There have been children I have represented that were also sexually abused by a parent, step-parent, sibling or caregiver. Insuring that these children receive proper treatment and therapy for emotional trauma was important to me because their futures were at stake and I wanted them to have a healthy and happy future with healthy relationships.

Lastly, there have been children who were exposed to Methamphetamine. The manufacture and use of Methamphetamine is an unfortunate problem in our society that is growing. Being exposed to Methamphetamine can cause many medical, social and vocational problems for children. When representing a child exposed to the manufacture of Methamphetamine, the child did not ask to be near the manufacture of this highly dangerous drug. Being an advocate for children in these cases has been important to me because they are innocent victims and require protection from these situations.

- (2) While representing clients in their divorce or parenting time cases, and serving as Guardian ad Litem, I have seen children get caught in the middle of their parents’ divorce. This is another area that is close to my heart. It is important for parents to follow the law on not making disparaging remarks about the other parent and encouraging and facilitating a good relationship with the other parent.

One case in particular that illustrated the unfortunate extremes of this problem occurred when I was Guardian ad Litem for a child from a prominent home. The parents could not agree on the time of the day and the Mother wanted the child to be “on her side.” The Mother had alienated the child so bad that the child accused the Father of sexually assaulting her. I recommended to the Court (under the Old Supreme Court Rule 40A) that the child be removed from the Mother and be placed in the custody of another family member. Further, I recommended Family Counseling. Over the course of about a year, the Father/Daughter relationship was repaired and now their relationship is normal and meaningful.

Another example of a case I was involved in, wherein one parent forced the child to tell a lie to the presiding Judge in order to help that parent get their way in Court. I represented a parent in this case, but I believed that the best interest of the child was to be with my client. Since the other parent was talking in a derogatory manner about the other parent, the child asked if he could to live with the other parent.

The future of children can be greatly influenced by their upbringing and how their parents/caretakers act around them. I count it as a privilege to have represented so many children

and help shape their future in a positive way.

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.

I have served as a State of Tennessee Supreme Court Rule 31 Mediator from January 2008 to the present. I have been appointed to serve as a mediator from the Circuit and Chancery Courts. Although Juvenile Courts do not require mediation, I have also mediated cases filed in Juvenile Courts. I have mediated divorces with and without children, custody cases, conservatorships as well as land disputes.

I have served as Special Master eight times, beginning in 2003 to the present. The issues have been from personal and real property division and debt division in divorces, parental relocation, child support modification and whether or not someone is in contempt of Court for violating an Order of the Court. All of the appointments have been in the Circuit and Chancery Court for the First Judicial District of Tennessee.

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 served as Executrix of three estates from 2007 to the present. These were the Estate of John Dickson; Washington County Chancery Court Number P00229 in 2007, the Estate of Betty Lucile Shouse; Carter County Chancery Court Number P120144 from November 13, 2012 to the present and the Estate of Betty Jo Chambers; Carter County Chancery Court Number P130063 from April 11, 2013 to present. In this capacity I have had to carry out the wishes of the Decedent according to their Last Will and Testament or follow intestate law if someone died without a will. These estates were all less than One Million Dollars. One Estate also included setting up a Trust for a minor child.

I have served as Guardian ad Litem in approximately 200 cases. Most of these have included children, but they also have included representing the elderly or disabled wards in a conservatorship. It has been important role for me to have because I must focus on the best interest of the child and the adult, as well as make sure they are not being taken advantage of or harmed. I was even appointed as Guardian ad Litem by a Criminal Court Judge on one occasion because a Mother had fallen victim to her son abusing his fiduciary duty to her under a Power of Attorney. The son was facing Criminal Charges for depleting her assets for his own use. It is my understanding that the Criminal Court Judge was aware of my prior experience and dedication as a Guardian ad Litem and asked me to serve in this capacity, even though it is not a typical Criminal Court appointment. This particular case has now evolved to my appointment as Administratrix of the Mother's estate.

Lastly, I recently served as a Conservator for a twenty-seven year old woman. She suffered a Traumatic Brain Injury as a result of a motor vehicle accident in 2010. This young lady's family was not willing to serve as her Conservator, so I was pleased to serve when asked by the Sullivan County Chancery Court in the Second Judicial District to serve in such capacity. I made all decisions for the ward, including her placement, medical treatment and financial issues until she passed away on June 3, 2013.

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

I represented a Father who discovered that his minor daughter was being raped by her step-father. I filed a Motion to Modify the Parenting Time and assisted in the Father becoming the primary residential parent of the child.

On one occasion, I represented a Father who had supervised parenting time with his son. When he came to see me, he was extremely defeated and did not trust the judicial system. I assisted him in building up his life and rehabilitated himself case so that he later received unsupervised parenting time. The Mother abandoned the child later and left the child with the Father. He had remarried and his new wife was able to adopt his son. After the adoption occurred, the Mother came back in the picture and asked the Chancery Court to set aside the termination of her parental rights and the Adoption. After a lengthy trial, the Chancellor upheld his decision. This case was one of the greatest accomplishments I have experienced as an Attorney because this Father, when I began representing him was so distrusting of the judicial system that he had no faith a good result could occur. He had no hope of becoming a Father who was able to have his Wife later adopt his child.

I also have addressed the City of Elizabethton council meetings to assist in rezoning and parking issues for a commercial client and the Carter County Commission to move the Probate Court Clerk from the Carter County Court Clerk's Office to the Carter County Clerk and Master's Office.

Lastly, I represent the Carter County Emergency Communications District (Carter County 911) in Carter County, Tennessee. I attend all Board meetings, as well as meet with the Director and Assistant Director. I have also attended committee meetings of the Carter County Commission while representing the Carter County Emergency Communications District and met with the Finance Director for Carter County, Tennessee regarding the funding for the Carter County Emergency Communications District. I have assisted in hearings for termination of employees and with the drafting of Employee policies.

13. List all prior occasions on which you have submitted an application for judgeship to the Governor's Council for Judicial Appointments 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.



I previously submitted an application for the position of Chancellor for the First Judicial District of Tennessee to the Judicial Nominating Commission on May 29, 2013. The Judicial Nominating Commission held a public hearing to select three nominees to be interviewed by Governor Bill Haslam, on June 14, 2013. The Judicial Nominating Commission submitted my name as a nominee to Governor Haslam during the first round of voting. I was later interviewed by Governor Haslam on July 10, 2013. Chancellor John C. Rambo was appointed by Governor Bill Haslam as Chancellor on August 5, 2013.

### EDUCATION

14. List each college, law school, and other graduate school that 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.

January 1995-August 1998-The Thomas M. Cooley Law School-Juris Doctor awarded on September 19, 1999, Cum Laude. I was the Assistant Editor of Screening for The Thomas M. Cooley Law School Law Review from January 1998 to August 1998. I received the Book Award for Contacts I and the Certificate of Writing in Research and Writing.

East Tennessee State University-January 1994 to December 1995. I began my Master's Degree in Criminal Justice but did not complete the program because I enrolled in Law School.

East Tennessee University-August 1991 to December 1993-Bachelor of Science in Criminal Justice and Political Science.

Northeast State Technical Community College- August 1990 to May 1991-I did not receive a degree because I was transferred to East Tennessee State University to complete my degree.

University of Tennessee Knoxville-August 1987 to May 1990-I did not complete my degree because I had met my now husband who lived in Elizabethton. I did not want to be away from him so I transferred to Northeast State Technical Community College to complete some more classes required by East Tennessee State University before transferring to ETSU.

### PERSONAL INFORMATION

15. State your age and date of birth.

I am forty five years old and my date of birth is October 5, 1969.

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

I have lived continuously in the State of Tennessee, except when I attended law school in Lansing, Michigan from January 1996 to September 1998.

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

I have lived continuously in Carter County, except when I attended law school in Lansing, Michigan from January 1996 to September 1998.

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

Carter County.

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.

I received a speeding ticket in Johnson City, Tennessee on February 4, 2000. I received a speeding ticket in Elizabethton, Tennessee while attending East Tennessee State University, but I do not recall the exact date.

I received a citation for Financial Responsibility on December 17, 2013 because I did not have my insurance card in my car. The case was dismissed once I showed the Johnson City Police my insurance card showing that I did have coverage on December 17, 2013.

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.

No.

22. Please state and provide relevant details regarding any formal complaints filed against you with any supervisory authority including, but not limited to, a court, a board of professional responsibility, or a board of judicial conduct, alleging any breach of ethics or unprofessional conduct by you.

I have received a Private Informal Admonition on June 17, 2010 from the Board of Professional Responsibility for violating RPC 1.3 Diligence and RPC 1.5 Fees. I had asked a client to pay the \$22.00 stop payment-fee of a check I had written for the filing fee that had gotten lost in the mail, which caused his Petition to be filed later than I had intended, which was the lack of

diligence on my part. I also billed time for issuing a stop-payment with my bank. I should not have asked my client to pay the fee and not billed time for going to my bank. I reimbursed my client the \$22.00 stop-payment fee along with the entire fee that he had paid me because of my error in judgment. I also apologized to my client for my error.

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.

No.

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

No.

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.

I have participated as a Petitioner to open an Estate when I was named as the Executrix of an Estate. I have served in that capacity three times in the following Estates: The Estate of John Dickson; Washington County Chancery Court Number P00229 in 2007; the Estate of Betty Jo Chambers; Carter County Chancery Court Number P130063 from April 11, 2013 to May 8, 2014; and the Estate of Betty Lucile Shouse, Carter County Chancery Court Number P120144 from November 13, 2012 to present.

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 that you have held in such organizations.

Good Shepherd Baptist Church-Sunday School Teacher and Vacation Bible School Teacher 2003 to present; Pulpit Committee March 1, 2015 to present; Youth Director 2009 to current. Church Recorder 2000 to 2003;

Hope House- Board Member 2001 to present; Secretary from August 2014 to present.

West Side Elementary School-Parent Teacher Action Committee Member and Contributor- 2008

to May 2014.

T. A. Dugger Junior High School-Parent Teacher Action Committee Member and Contributor- August 2014 to the present.

Cyclone Wrestling Booster Club December 2014 to the present.

Cub Scout Leader-Sequoyah Counsel, Johnson City, Tennessee 2009-2010.

Mock Trial Competition for Northeast Tennessee January 2013 (served as Juror).

Carter County Women's Republican Party- January 2013 to present.

Soon to be a member of Julius Dugger Chapter of the Daughters of the American Revolution (DAR). I am in the process of completing the application to become a member. I have attended meetings from January 2013 to the present.

27. Have you ever belonged to any organization, association, club or society that 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.

- a. If so, list such organizations and describe the basis of the membership limitation.
- b. 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.

Carter County Women's Republican Party -It is only open to women because it is a branch of the Carter County Republican Party.

### 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 that you have held in such groups. List memberships and responsibilities on any committee of professional associations that you consider significant.

Tennessee Bar Association-1999 to Present.

Carter County Bar Association-1999 to Present-Treasurer/Secretary 1999 to 2001; Bar President -2001 to September 2006-During the time I was President of the Carter County Bar, I was instrumental in moving the Carter County Law Library from the Carter County Public Library to the Jury Room at the Carter County Courthouse. This includes the purchase of two laptops, wireless internet and Lexis Nexis for the attorneys to use and conduct research. I was also assisted in the relocation of Probate Court Clerk from the Carter County Court Clerk's Office to the Clerk & Master's Office. This required my attendance and presentation to the Carter County commission which held the power to vote on the relocation of the Probate Court Clerk.

The Board of Professional Responsibility of the Supreme Court of Tennessee Hearing Committee Member from 2001 to 2007. I sat on a panel that heard and decided the discipline for ethical complaints filed against attorneys.

District One Committee Member for the Board of Law Examiners of Tennessee-July 2011 to present. I interview candidates who have taken the Tennessee Bar Exam and are asking to be admitted to practice law in Tennessee. After the interview, I send a correspondence electronically to the Board of Law Examiners stating whether or not I believe that the candidates I interviewed should be admitted to practice law in Tennessee.

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

BV Rating-from the Lexis Nexis Martindale-Hubbell Peer Review Ratings.

Certificate of Appreciation for serving as a Hearing Committee Member for The Board of Professional Responsibility of the Supreme Court of Tennessee from 2001 to 2007.

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

Not Applicable.

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.

Not Applicable.

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.

Not Applicable.

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 that reflect your personal work. Indicate the degree to which each example

reflects your own personal effort.

I have attached a Special Master's Report that I filed in July 2013 in the Chancery Court for Carter County, Tennessee. The issue that I heard related to a Motion for Contempt that alleged that the Defendant blocked the Plaintiff's easement with a steel cable and a lock across a driveway; that the Defendant had removed most of the remains of the home that had burned without her permission; and that the Defendant trespassed and destroyed her property and yard in doing so.

I have also attached a Special Master's Report that I recently filed in the Chancery Court in Carter County, Tennessee. The issue in the Special Master's Report involved a Father's request to modify his child support obligation and whether or not the Father had over paid his child support.

I was the only person that drafted these two Special Master's Reports.

### ESSAYS/PERSONAL STATEMENTS

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

I am seeking the position of the First Judicial District Circuit Court Judge, Part 1 because this is a once in a life time opportunity. The position of Circuit Court Judge in the First Judicial District has been filled for the last 30 years. Over the course of my sixteen year practice I have practiced almost every issue within the law that can be heard in the Circuit Court. It will be very easy for me to transition from being a litigator to Judge of the Court in which I have substantial experience. I believe my experience in this Court will be beneficial in being Judge. I also believe that my temperament and experience as a Mediator and Special Master will be valuable to serve as a Circuit Court Judge. I would be honored to serve as Circuit Court Judge for the First Judicial District in the Court that I have loved and enjoyed practicing in for the past sixteen years.

36. State any achievements or activities in which you have been involved that 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)*

I have represented clients in uncontested and contested divorces and mediated pro bono, which is important because people who are not able to afford representation/mediation still need the services of an Attorney/Mediator. I have been appointed by numerous Courts to serve as an Attorney, a Guardian ad Litem and mediator at a reduced rate or pro bono.

Over the course of my sixteen year practice, I have represented clients in many different walks of life: from infants to the elderly; indigent people; to people who are wealthy. I have always treated each one with the same respect. I have been equally zealous in my representation of all clients.

Conducting over 300 mediations is also an important position. As a mediator, you must even the playing field between the parties and insure that each party is getting the same respect and

attention as the other, despite their financial status.

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 position of Circuit Court Judge, Part 1 in the First Judicial District serves the four counties of Carter, Johnson, Unicoi and Washington. Circuit Court has jurisdiction to hear Divorces, Adoptions, Termination of Parental Rights, Name Changes, Conservatorships, Guardianships, Contract Disputes, Personal Injuries, Wrongful Death, Contempt, Child Support, Worker's Compensation, Child Support cases including modifications of Child Support, Registering Foreign Judgments, Removal of Minority, Minor Settlements, Property Damages, Civil Rights, Tax Disputes, Debt Collection, and Appeals from the four counties' General Sessions Courts.

I would efficiently hear cases before me. Moving the child support cases to 1:00 p.m. creates less interaction between inmates who are incarcerated for their child support arrears and perhaps other criminal charges and the public, which assists the officers in the four counties in transporting these individuals. I would also schedule the docket at different times throughout the day to decrease the wait for cases to be heard. Some dockets are so full, that the parties sit all day without being heard if there is a contested matter scheduled before their case. I would schedule more days to have Court in Johnson and Unicoi Counties. Currently, there is only one day each month scheduled for those two counties. Having additional Court dates should help control the dockets in a more efficient manner. Lastly, I believe that there needs to be Scheduling Orders entered in the jury cases in order to keep those cases moving along. There are some jury cases that are several years old that need to be heard and disposed of in a more efficient manner.

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)*

I have been married for 16 years. I have an eleven year old son. I will continue to be involved in every aspect of his life. I will continue to assist the PTAC at my son's school. I was a member of the Jr. Cyclone Wrestling Booster Club. I foresee helping with the clubs and organizations that he join as he gets older.

I will continue to be a Sunday School, Vacation Bible School Teacher and Youth Leader at my church. I will also continue to serve as a Board Member of Hope House, which is a ministry that assists young, unwed pregnant women. I have donated and will continue to donate adult and children's clothing and children's toys to Assistance Resource Ministries (ARM), Inc.

I will continue to be involved in the Julius Dugger Chapter of the Daughter's of American Revolution and the Carter County Republicans Women's Group.

I will continue to participate in the local mock trial competition in whatever capacity is needed.

I will continue to participate in the Carter County Bar and Tennessee Bar Associations.

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

My life experiences and personal relationships have brought me to a place where I am very humble and treat others with respect. I have always strived to be a person of high integrity. I treat everyone like I want to be treated. Although I am a zealous advocate for my clients, I always treat the other attorney and party with respect. Most of my clients do not have extravagant lifestyles or large bank accounts, but I treat them with the upmost respect. When I was going to East Tennessee State University, I worked at a factory that stone washed blue jeans. I stood on my feet for eight hours in a warehouse without air conditioning. I understand what it is like to have to work hard for your money. I have never taken my client's fees lightly because they have likewise worked hard for their money.

Being respectful also includes being respectful to the Clerks and their staff and the Judges and their assistants. The Clerks and their assistants help maintain the filings and the dockets and assist Attorneys a great deal. The Judges' assistants must also have respect because they are instrumental in getting cases on the dockets. The Judges should also be respected as people and for the decisions they make.

I believe my demeanor and temperament would be important in being the Circuit Court Judge, Part 1, because I am also considerate to everyone. I would honestly and honorably hold up the position of Circuit Court Judge, Part 1 with integrity.

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)*

I will uphold all laws, even if I disagree with the substance of the law. An example would be that I disagree that there is an absence in the law that requires a primary residential parent to show an accounting of how they spend the child support they receive. Some children do not get the benefit of the child support because the parent spends the child support on themselves. Some parents spend the support on tattoos or drugs. Children are neglected when this happens. It is frustrating that the children do not get the benefit from the child support that is meant for them. I have told my clients that have to pay child support that they just need to follow the law and pay the support and hope that the other parent uses it for the benefit of the child. When I have clients that are frustrated when this happens, I tell them to talk to their legislators about the necessity of a law being passed to prevent this from occurring.

#### 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 Council or someone on its behalf may contact these persons regarding your application.



A. Honorable Jean A. Stanley, Circuit Court Judge, Washington County Justice Center,
B. Honorable Lisa Rice, Criminal Court Judge, Citizens Bank Plaza,
C. Honorable John W. Walton, (Retired Carter County General Sessions Court Judge).
D. Richard VanHuss, Assistant Superintendent of Elizabethton City Schools,
E. Jerry Gentry, Compliance Manager, Northeast Correctional Complex,


**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 Circuit Court for the First Judicial District of Tennessee, and if appointed by the Governor and confirmed, if applicable, under Article VI, Section 3 of the Tennessee Constitution, 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 Council 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 Council may publicize the names of persons who apply for nomination and the names of those persons the Council nominates to the Governor for the judicial vacancy in question.

Dated: April 10, 2015.

  
Signature

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



**THE GOVERNOR'S COUNCIL FOR JUDICIAL APPOINTMENTS  
ADMINISTRATIVE OFFICE OF THE COURTS**

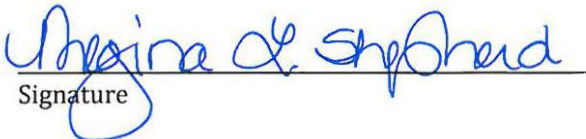
511 UNION STREET, SUITE 600  
NASHVILLE CITY CENTER  
NASHVILLE, TN 37219

**TENNESSEE BOARD OF PROFESSIONAL RESPONSIBILITY  
TENNESSEE BOARD OF JUDICIAL CONDUCT  
AND OTHER LICENSING BOARDS**

**WAIVER OF CONFIDENTIALITY**

I hereby waive the privilege of confidentiality with respect to any information that concerns me, including public discipline, private discipline, deferred discipline agreements, diversions, dismissed complaints and any complaints erased by law, and is known to, recorded with, on file with the Board of Professional Responsibility of the Supreme Court of Tennessee, the Tennessee Board of Judicial Conduct (previously known as the Court of the Judiciary) and any other licensing board, whether within or outside the State of Tennessee, from which I have been issued a license that is currently active, inactive or other status. I hereby authorize a representative of the Governor's Council for Judicial Appointments to request and receive any such information and distribute it to the membership of the Governor's Council for Judicial Appointments and to the Office of the Governor.

Regina L. Shepherd  
Type or Print Name

  
Signature

APRIL 10, 2015  
Date

019867  
BPR #

Please identify other licensing boards that have issued you a license, including the state issuing the license and the license number.

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Motion for Contempt on October 17, 2012 alleging that the Defendant blocked her easement with a steel cable and a lock across the driveway from Brown's Branch Road. She stated that the cable and lock kept her from entering the residential property and one (1) acre of land she received in the June 24, 2002 Judgment. Prior to that time, the Plaintiff's home that is located at 126 Brown's Branch Road had partially burned. The Plaintiff alleged that after the fire, the Defendant had removed most of the remains of the home without her permission. Then the Plaintiff claimed that the Defendant trespassed and destroyed her property and yard in doing so. The Defendant filed an Answer to the Motion for Contempt on November 26, 2012 and denied that he was in Contempt of Court.

The December 12, 2012 Order was entered on January 24, 2013, whereby this Honorable Court appointed Regina L. Shepherd as Special Master to hold a hearing and submit a report to the Court concerning the issue of whether the Defendant is in Contempt of Court. A Special Master's Hearing was held on February 8, 2013, whereby the parties and respective counsel submitted their proof to the Special Master.

#### FINDINGS

Ms. Willis testified that in February 2011, the house that was located on her real property in which she holds a life estate, caught fire and one end of the house burned. The fire caused the home to be uninhabitable. On October 9, 2011, Ms. Willis went to the property to get some flowers when she found a steel cable with a lock across the road leading into the driveway. There were two signs on the cable: (1) "No Trespassing" and (2) "No Hunting", with her son's name listed on them. There was also a metal sign posted on the side of the road with the same wording. She went back on October 11, 2011 and took photographs of the cable with the lock across the road. At that time, she noticed that the house had been torn down except the top of the home, which was laying on the foundation.

She testified that she had to walk onto the property because the cable prevented her from driving onto the property. Ms. Willis submitted photographic evidence of the cable and lock, which was marked as Exhibits #1 and #2.

During her cross examination, Ms. Willis stated that she had been to the property two (2) months prior to October 9, 2012 and she knew that one end of the house had fallen down and that there was water coming in because of the weight on the eaves of the home. She stated she went to the property because she knew Mr. Willis was out of town. She agreed that the property is located in a remote, isolated section of the county and that protection of her property is important. Further, Ms. Willis stated that she and Mr. Willis share the road access and that there is only one road going into the property. Ms. Willis further stated that she had recorded the parties' Divorce Decree in the Carter County Register of Deeds Office. Ms. Willis also testified that she recognized the tax print out of the property from the Carter County Tax Assessor's Office, which was marked as Exhibit #3.

Mr. Willis then testified in his defense against the Motion for Contempt. Mr. Willis testified that in the 1970s, he put a cable with a lock across the road to keep people out of there because he did not live on the property until after he built the home there. Mr. Willis submitted photographic evidence which showed the property which was marked Exhibit #4. He then submitted a photograph of the home which was marked Exhibit # 5. Exhibit #6 to Mr. Willis' testimony was a photograph of the home after a portion of it had fallen. Another photograph showed debris to the side of the home, which was marked as Exhibit # 7. A photograph which shows the debris on Mr. Willis' trailer was admitted as Exhibit # 8. Exhibit #9 showed two women, Sandra and Teresa, one of which was Ms. Willis' sister,

getting rocks out from the side of the house and deck while pilfering through the side and walls which had fallen to the ground. At that time, Ms. Willis began laughing at Mr. Willis' exhibits, which was noted in the record.

Mr. Willis went on to testify that Ms. Willis had been to the property from time to time and that he had not bothered her while she was there nor had he done anything to intimidate her or to give her a hard time. He stated that he did not intend to be disrespectful of Ms. Willis and did not intend to be non-compliant with the Court's Orders. He stated that he left her alone in her use of the property she owned.

Mr. Willis testified that he received a letter from Carter County, Tennessee which required him to either clean up the debris after the fire or to remodel the property within Willis do to the property after the fire was to send her sister to get rocks. She did not make any effort to rebuild, remodel or repair the home. Mr. Willis stated that he was concerned that he would be fined or be in trouble for not repairing or remodeling the burned home. He was also concerned about people coming in and getting hurt on the property. He stated that Larry Estep and Jerry Estep, which are Ms. Willis' brothers-in-law, came twice to the property to look at and retrieve the old heat pump to the home. He was concerned that people would get hurt with the open access to the building that had partially fallen down. He stated that Dave Maple and Brian Norris came and took out the switch box from the basement and the conduit off from the outside where the meter base was located. At that time, the middle portion of the home had caved in. The home continued to deteriorate after the fire. He then began to clean up some of the debris around the property. Some of the debris even came over onto his property. Specifically, some shingles blew off and hit his new truck and scratched off some paint.

Mr. Willis later testified that the Order of Protection Ms. Willis filed against their son had been dismissed. The dismissed Order of Protection was marked as Exhibit # 10.

Mr. Willis did admit to installing the cable over the road. He stated that he was going to be gone from the property for a week and he wanted to keep people from being there and prowling around and getting hurt. He stated he put the cable up for safety reasons, in order to keep people out and that he knew he would not be at the property for one (1) week. He stated his son does not live on the property and his son would not be there to check on the property either.

Before he put up the cable, he knew that Ms. Willis had been on the property in June and more time before October, but that she had not been there in between that time frame. He stated that when he installed the cable and Ms. Willis objected to the cable being there, he took it down. He then testified that he put it back up when he went to another sale in Virginia because he would be gone a couple of days. When he came back, he took it down, because she objected to it again. He stated that he was not trying to keep her out of the property. Further, he stated the gate was not secured and it was possible to walk in. He had the cable there to keep people from driving their trucks onto the property. He had a problem with people coming in and drinking on the property, if the property was not secured. He stated this would happen when people knew he was not at home.

Mr. Willis went on to testify that Ms. Willis had violated the Mutual Restraining Order by coming up to him in "Lon & Teresa's Restaurant" in Hampton, Tennessee and at the "Water Wheel Restaurant" on Whitehead Hill in June. Mr. Willis testified that he got up and left when she came in. Further, she also came to the place where he was hooking up

his mules. He stated that he has not tried to hurt or intimidate Ms. Willis. He stated that he has stayed away from her. Further, he stated that he wanted Ms. Willis to clean up the deteriorated house so that he would not have trespassers and people coming and going.

Further, Mr. Willis testified Ms. Willis was supposed to pay one-half of the rock bill for the driveway, which would cost \$1,600.00 to \$2,000.00, but she has not. He stated that the property is still not in compliance with the Carter County zoning law that requires homes to be cleaned up or remodeled after a fire.

Ms. Willis then cross-examined Mr. Willis and she asked him why he went to her property and messed up the house. He stated that he went there to clean up because the county ordinance required him to do.

On redirect, Ms. Willis testified that she registered her Divorce Decree in the Register of Deeds Office in 2005, in Miscellaneous Book 17, Page 237 which was entered into evidence as Exhibit # 11.

#### PROPOSED ORDERS

Mr. Willis did place a cable with a lock across the road leading to the property. However, Ms. Willis was able to walk onto the property, even though she could not drive onto the property. Mr. Willis did not put the cable up to keep Ms. Willis out, but instead to keep others out that may cause damage to the property or otherwise get injured on the property. Although Mr. Willis did go onto Ms. Willis' property in which she holds a life estate, he did not do so with the intent to harm, intimidate or otherwise violate the Court's Order. Mr. Willis did remove some debris from the burned home, but once again, he did not have the intent to violate the Court's Orders, but instead was attempting to comply with Carter County's request to clean up the property. Mr. Willis should have sent Ms. Willis a



copy of the correspondence from Carter County so she would have had knowledge of their request to clean up the property. Therefore, I find that Ms. Willis has failed to prove that Mr. Willis is in Contempt of Court and propose that her Motion for Contempt be dismissed with the Court costs taxed to her.

The Special Master submits Fee Petition herewith in the amount of \$1,102.50. The parties have already paid \$500.00 each. Thus, the Special Master would ask that the fee of \$102.50 be paid to her and be taxed as Costs in this Cause.

That the Court Reporter fee is \$251.00 and is owed to Linda Horton and the fee should be equally divided between the parties.

This the 26<sup>th</sup> day of July, 2013.

Respectfully Submitted,



REGINA L. SHEPHERD  
Special Master  
300 North Main Street  
Elizabethton, TN 37643  
(423) 542-6300  
BPR# 019867

CERTIFICATE OF SERVICE

I, Regina L. Shepherd, do hereby certify that I have delivered a true and exact copy of the foregoing Special Master's Report by the United States Postal Service with sufficient postage to:

Lois Shults-Davis  
Shults & Shults  
111 Gay Street  
P. O. Box 129  
Erwin, TN 37650

Sandra M. Willis  
P.O. Box 404  
Hampton, TN 37658

This the 26<sup>th</sup> day July, 2013.



REGINA L. SHEPHERD  
Attorney At Law



**IN THE CHANCERY COURT FOR CARTER COUNTY**  
**AT ELIZABETHTON, TENNESSEE**

INNA LOUBSKAIA ALLEN ]

Plaintiff, ]

vs. ]

Civil Action No.: 27290 ]

PHILIP EDWIN HYER ]

Defendant. ]

**SPECIAL MASTER'S REPORT**

NOW COMES, REGINA L. SHEPHERD, Special Master in this cause by Virtue of an Order dated April 10, 2014, which was entered on May 1, 2014 and would file her Report regarding the issue of whether or not there should be a child support modification, as set out by statute, of the past child support from September 3, 2010 to September 2013 and if there has been an overage payment in child support by the Father from October 2013 until the Wage Assignment went into effect, setting forth her Findings with regard to proof adduced and suggesting proposed Orders based upon the evidence presented.

**STATUS OF CASE**

The parties were divorced on October 28, 2009, with a Final Decree of Divorce and Final Parenting Plan being entered on October 30, 2009. That the October 30, 2009 Final Parenting Plan states that the Mother is the primary residential parent of the parties' two (2) minor children, Nicholas Phillip Hyer and Alexander "Sasha" Philip Hyer. The Final Parenting Plan also set out that the Father was to have parenting time the first (1<sup>st</sup>) and third (3<sup>rd</sup>) weekends of each month and every fifth (5<sup>th</sup>) weekend (4 per year) except as affected by summer vacation and fall or spring break. Further, the Final Parenting Plan states that the Father shall have the children on Saturdays during the hours that the Mother works and such other times as the parties may agree. The Father also has the children two

(2) evenings per week from 6:30 p.m. to 8:00 p.m. on 24 hours advance notice to the Mother of the evening the Father wants to have the children. The Final Parenting Plan requires the parties to alternate all holidays, including the Christmas vacation. During the summer, the Mother has the month of July every year and the Father has four (4) consecutive or non-consecutive weeks of vacation with the children to be exercised during the summer, fall or spring school breaks. The parenting time split results in the Father having the children eighty-five (85) days a year and the Mother having the children 280 days per year. Lastly, the Father's income was \$5,278.00 and the Mother's income was \$1,866.61. Therefore, the Father was ordered to pay child support at the rate of \$913.00 per month.

On September 3, 2010, the Father filed a Motion to Modify Child Support. The Mother filed an Answer to the Father's Motion to Modify Child Support on October 27, 2010. Then on December 23, 2010, the Father filed a second Petition for Modification. The Father alleged the Mother's income increased from \$1,866.61 per month to \$3,780.96 per month. Later on April 2, 2013, the Father filed a third Motion for Modification of Child Support. The Mother filed an Answer to the Father's third Motion to Modify Child Support on April 22, 2013.

The Mother filed her Notice of Intent to Relocate on March 15, 2013. On April 12, 2013, the Father filed a Petition in Opposition to Relocate and filed his Proposed Parenting Plan, which states that he should be the Primary Residential Parent of the children. On April 22, 2013, the Mother filed an Answer to the Petition in Opposition to Relocate and her Proposed Parenting Plan. The Mother's Proposed Parenting Plan states that she should be the Primary Residential Parent of the parties' minor children.

On September 12, 2013, the Court entered a new Final Parenting Plan which allowed the Mother to relocate to Pennsylvania with the minor children and allowed the Father Ninety-Four (94) days of parenting time. The Father was also ordered to pay child support

at the rate of \$343.00 per month. Lastly, the Father filed an Amended Motion to Modify Child Support on March 17, 2014. However, the Court has not yet ruled on the Father's three (3) Motions to Modify the Child Support.

In the April 10, 2014 Order, which was entered on May 1, 2014, this Honorable Court appointed Regina L. Shepherd as Special Master to hold a hearing and submit a report to the Court resolving the issue of whether or not there should be a child support modification, as set out by statute, of the past child support from September 3, 2010 to September 2013 and if there has been an overage payment in child support by the Father from October 2013 until the Wage Assignment went into effect. The parties cooperated and submitted their financial information to the Special Master.

#### FINDINGS

(a) On July 1, 2010, the Mother began working at East Tennessee State University. Her earnings from East Tennessee State University were \$23,276.65 and she received \$10,444.00 from an Investment, which resulted in a monthly income of \$7,494.86. The Father worked at Comcast and he earned \$63,304.70 or \$5,275.39 per month. The Mother paid health insurance for the parties' minor children in the amount of \$50.56 and the Father paid \$128.00 for the children's health insurance. Pursuant to the attached child support worksheet and the parties' W-2s and the Mother's Income Tax Return, which are marked Exhibit Number 1, the Father's child support obligation would be \$671.00 per month beginning on September 3, 2010. The \$671.00 is less than the \$913.00 that the Father was previously ordered to pay, and it does meet the 15% significant variance.

The Father owed child support in the amount of \$931.00 until he filed his Motion to Modify on September 3, 2010. From September 3, 2010 until December 31, 2010, he owed child support in the amount of \$671.00 per month. Since the Father's Motion to Modify was filed on September 3, 2010, the child support for the month of September should be pro-

rated. The child support rate of \$931.00 per month equates to \$30.02 per day ( $\$931.00 \times 12 = \$$  divided by 365 = \$30.02). Therefore, the Father owed child support in the amount of \$60.04 ( $30.02 \times 2$ ) from September 1, 2010 to September 2, 2010.

From September 3, 2010 to September 30, 2010, the Father's child support was \$671.00 per month or \$22.06 per day ( $671 \times 12 = \$8,052.00$  divided by 365 = \$22.06). For the 28 days left in September, 2010, the Father owed \$617.68 ( $22.06 \times 28 = 617.68$ ). Therefore, for the entire month of September, 2010, the Father owed \$647.70 ( $\$60.04 + \$617.68$ ).

The Father should have paid \$647.70 for September and \$617.00 for October, November and December, 2010, which totals \$2,498.70 ( $\$647.70 + \$1,851.00$ ). The Father paid \$913.00 from September through December 2010, which totals \$3,652.00. Therefore, the Father overpaid \$1,153.00 for 2010.

(b) In 2011, the Mother still worked at East Tennessee State University. Her earnings were \$46,232.34 per year or \$3,852.70 per month. The Father's income from Comcast was \$5,542.81 per month. The cost of insurance was the same as 2010. The Father's child support would be \$856.00 per month pursuant to the attached child support worksheet and the parties' W-2s, which are marked Exhibit Number 2. This amount results in a significant variance from the child support obligation from 2010 in the amount of \$671.00. Therefore, the child support should be modified for 2011.

The Father paid \$913.00 per month the entire year of 2011, which totals \$10,956.00. However, he should have only paid \$856.00 per month, which totals \$10,272.00. The difference is \$684.00, which represents what the Father overpaid for 2011.

(c) In 2012, the Mother was employed by East Tennessee State University and she earned \$4,032.90 per month or \$48,383.94 per year. The Father earned \$6,036.24 per month from Comcast. The Father's insurance cost was still \$128.00. However, the Mother's cost of

insurance increased to \$60.67 per month. The Father's child support would be \$917.00 pursuant to the attached child support worksheet marked as Exhibit Number 3. This amount does meet the fifteen percent (15%) variance. Therefore, the child support should increase to \$917.00 for the year 2012.

The Father paid \$913.00 per month the entire year of 2012, which is \$4.00 less less than what he should have paid each month. Therefore, the Father has child support arrearage in the year 2012 of \$48.00.

(d) In 2013, the Mother worked at East Tennessee State University until July 20, 2013 and she earned \$27,608.28, which is \$4,177.87 per month. On August 8, 2013, the Court entered a new Final Parenting Plan and the number of days was changed per month to 271 days for the Mother and 94 days for the Father. The Father's income was \$6,537.55. The Mother's cost for insurance was still \$60.67. However, the Father's insurance increased to \$130.00. From January 1, 2013 until August 7, 2013, the Father's child support would have been \$968.00, pursuant to the attached child support worksheet marked as Exhibit Number 4. However, that amount does not equal the amount for a significant variance. Therefore, the Father's child support obligation would remain at the rate of \$917.00 per month. From August 8, 2013 until September 30, 2013, the Father's child support should have been \$949.00 per month pursuant to the child support worksheet which is attached hereto as Exhibit Number 5. However, that amount does not meet the significant variance. Therefore, the Father's child support obligation would still be \$917.00 per month.

The Father paid \$913.00 per month the entire year of 2013, which is \$4.00 less than what he should have paid each month. Therefore, the Father has child support arrearage in the year 2013 of \$48.00.

(e) The Father over paid a total of \$1,741.00 from September 3, 2010 through September 30, 2013. Therefore, the Father should receive a credit for that amount on his

future child support obligation.

2. Overage Payment. From October 1, 2013 until the Wage Assignment took effect, the Father paid the following payments in child support: \$421.38 on October 12, 2013 and \$158.31 on October 31, 2013 which was the first payment pursuant to the Wage Assignment for a total of \$579.69, pursuant to the attached child support pay history which is marked as Exhibit Number 6. Therefore, Mr. Hyer has over paid \$236.69 in the month of October 2013 and he should also receive a credit in that amount.

3. The Father sent the Special Master numerous correspondences regarding other issues such as who should receive the children as a tax deduction. Since the Court did not order me to make a report and findings about which parent would receive the children as a tax deduction, the Special Master is not going to address those issues, unless the Court later orders the Special Master to do so.

The Father also brought to the Special Master's attention that the Mother had cashed in her investment accounts throughout the years. After a review of the Mother's income tax returns, the Special Master only found that the Mother had cashed in investments in the year 2010 and that amount was included as income to her and used to calculate the Father's child support.

#### PROPOSED ORDERS

The Special Master recommends that the Father's Motion's to Modify Child Support be granted. In order for child support to be modified, there must be a significant variance. Pursuant to the attached child support worksheets, a significant variance exists for there to be a reduction of child support and the Father's child support should be modified as set forth above in the amount of \$1,741.00.

On the issue of the overage payment, the Special Master recommends that Mr. Hyer receive a credit of \$236.69 for the child support overage for the month of October,




2013.

The total that the Father should receive a credit for is the amount of \$1,977.69 from his future child support obligation.

The Special Master submits her Fee Petition herewith in the amount of \$1,365.00. Each party has paid the \$500.00 as they were previously ordered by the Court. Thus, the Special Master would request that the fee of \$182.50 be paid to her by each of the parties and that the Special Master's fee be taxed as Costs in this Cause.

This the 10<sup>th</sup> day of April, 2015.

Respectfully Submitted,

  
REGINA L. SHEPHERD,  
Special Master  
300 North Main Street  
Elizabethton, TN 37643  
(423) 542-6300  
BPR # 019867

CERTIFICATE OF SERVICE

I, Regina L. Shepherd, do hereby certify that I have delivered a true and exact copy of the foregoing Special Master's Report by the United States Postal Service with sufficient postage to:

Janie Lindamood  
234 E. Main Street  
Johnson City, TN 37604

Phil Hyer  
P.O. Box 615  
Hampton, TN 37658

This the 10<sup>th</sup> day April, 2015.

  
REGINA L. SHEPHERD