

**IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

BANZELL SMITH,	*	
	*	
Plaintiff,	*	
	*	CIVIL ACTION
v.	*	
	*	FILE NO.
ERIC SMITH	*	22-A-00410-7
	*	
Defendant.	*	

FINAL JUDGMENT & DECREE OF DIVORCE

The above-styled matter came before the Court on the 7th day of July, 2022. The Plaintiff BANZELL SMITH, (hereinafter, "Wife"), appeared with counsel E. Nicole Harrison. The Defendant, ERIC SMITH (hereinafter, "Husband") failed to appear. Having received the evidence, heard the testimony, reviewed the record and being otherwise sufficiently advised, the Court hereby finds, orders, adjudges, and decrees as follows:

I. FINDINGS OF FACT:

The above-styled matter was filed January 14, 2022. The Husband was served March 29, 2022. The Husband has not filed an Answer or other responsive pleadings in the above-styled matter. Counsel for Wife e-mailed Husband the July 7, 2022 Trial Calendar on June 14, 2022.

The parties married August 18, 1995, separated August 24, 2021, and have lived in a bona fide state of separation since that time. Gwinnett county was the residence of both parties at the time of separation.

Jurisdiction and venue are proper before this Court.

The parties' marriage is irretrievably broken with no hope of reconciliation as contemplated by O.C.G.A. Section 19-5-3 (13).

The parties purchased the following vehicles during the marriage: 2003 Volvo XC90 VIN YV1CZ91H131001937, 2005 Hummer H2 VIN 5GRGN22U45H113534, 2010 Porche Panamera VIN WP0AB2A71AL06258, and 2011 Audi A8L VIN WAURVAFD8BNN018287.

The parties purchased the following real estate during the marriage:

All that tract or parcel of land lying and being in Land Lot 3 of the 3rd District of Gwinnett County, being Lot 33 of Block 4, Unit One of Millhaven Landing Subdivision as per Plat recorded in Plat Book 65, Page 164 which is incorporated by reference herein, and commonly known as 4730 Millhaven Circle, Auburn, Georgia 30011.

The Husband in IBEW Local 613 Defined Contribution Pension Plan No. 092118 (a/k/a Pension Benefit Trust Fund through IBEW/NECA) administered by Vanguard during the marriage.

II. ORDER OF COURT:

1.

GRANT OF DIVORCE

Upon consideration of this case and the evidence submitted as provided by law, it is the judgement of this Court that a total divorce be granted, that is to say a divorce a vinculo matrimonii, between the parties in the above stated case upon legal principles.

It is considered, ordered and decreed by the Court that the marriage contract heretofore entered into between the parties of this case, from and after this date, be and is set aside and dissolved as fully effectually as if no such contract had ever been made or entered into, and Plaintiff and Defendant in the future shall be held and considered as separate and distinct persons all together unconnected by any nuptial union or civil contract, whatsoever, and both shall have the right to remarry.

2.

REAL ESTATE

The Wife is awarded as her own real property free and clear of any right, title, and interest of the Husband the real estate commonly known as 4730 Millhaven Circle, Auburn, Gwinnett County, Georgia 30011, more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 3 of the 3rd District of Gwinnett County, being Lot 33 of Block 4, Unit One of Millhaven Landing Subdivision as per Plat recorded in Plat Book 65, Page 164 which is incorporated by reference herein.

The Wife shall refinance the mortgage within twelve months of entry of this Final Judgment & Decree to terminate Husband's mortgage liability. The Husband shall cooperate in the refinance and execute the documents necessary to effectuate the refinance. The Husband shall execute a Quit-Claim Deed on presentment. The Wife shall be responsible for the mortgage, taxes, utilities, expenses, and costs associated with said real estate. The Wife shall be entitled to claim all interest paid on the mortgage and all property taxes as a deduction on her federal and state income tax returns.

3.

AUTOMOBILES

(a) The Husband is awarded exclusive use, title and possession of the 2003 Volvo XC90 VIN YV1CZ91H131001937, 2005 Hummer H2 VIN 5GRGN22U45H113534, and 2010 Porche Panamera VIN WP0AB2A71AL06258 automobiles. The Husband shall be responsible for and shall make each and every payment due and payable for any lien against said vehicles and the insurance for said vehicles.

(b) The Wife is awarded exclusive use, title and possession of the 2011 Audi A8L VIN WAURVAFD8BNN018287, automobile. Wife shall be responsible for and shall make each and every payment due and payable for any lien against said vehicle and the insurance for said vehicle.

4.

DIVISION OF PROPERTY

(a) The Husband shall have as his exclusive property free and clear of any right, title, or interest of the Wife his personal belongings and effects and personal property in his possession.

(c) The Wife shall have as her exclusive property free and clear of any right, title, or interest of the Husband her personal belongings and effects and personal property in her possession.

5.

DIVISION OF DEBTS

(a) The Husband shall be responsible for paying the indebtedness incurred in his name during and after the marriage and any debt acquired by Husband after the date of separation.

(b) The Wife shall be responsible for paying the indebtedness incurred in her name during and after the marriage and any debt acquired by her after the date of separation.

(c) Except for the mortgage, the parties do not have any joint debts.

6.

FINANCIAL ASSETS

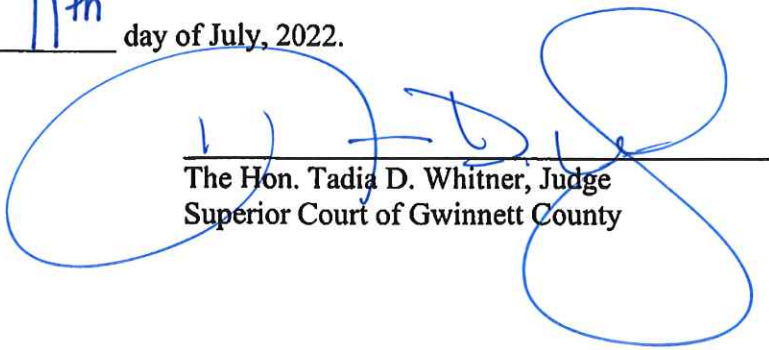
(a) The Husband and the Wife currently have separate bank accounts. All deposits within those accounts shall remain the sole property of the respective account holder.

(b) The Wife shall be entitled to receive an amount equal to fifty percent (50%) of the marital share of Husband's IBEW Local 613 Defined Contribution Pension Plan No. 092118 (a/k/a Pension Benefit Trust Fund through IBEW/NECA) administered by Vanguard. The months of

marriage shall be September 1, 1995 or the date Husband commenced participation in the Plan, whichever is later, through the last day of the month in which this Agreement is signed. The one-half of the marital interest shall be determined as follows: [(months of marriage) / (months of participation in plan by Husband)] * .5 = Wife's %. If necessary, a Qualified Domestic Relations Order (QDRO) shall be prepared with both parties cooperating in its preparation and equally dividing the cost. The party awarded an interest in a plan herein shall be also referred to as an Alternate Payee. The party who is the employee beneficiary under the plan shall be also referred to as the Plan Participant. The Plan Participant shall retain any remaining interests in said plan free and clear of any claim either present or in the future of the Alternate Payee. If Wife is able to receive her interest as a lump sum under the plan, Wife share shall be subject to any interest and investment earnings or losses attributable thereon until the date of final distribution of said interest.

(c) Except as provided for above, any pension, profit sharing plan, stocks, individual retirement account, and/or similar accounts now owned by the Husband shall remain the property of the Husband. Any pension, profit sharing plan, stocks, individual retirement account, and/or similar accounts now owned by the Wife shall remain the property of the Wife.

SO ORDERED, this 11th day of July, 2022.



The Hon. Tadia D. Whitner, Judge
Superior Court of Gwinnett County

Prepared by:

DEMING, PARKER, HOFFMAN,
CAMPBELL & DALY, LLC

/s/ E. Nicole Harrison

E. NICOLE HARRISON

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