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April 23, 2015

Via Hand-Delivery

James R. LaFevor, Esquire
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APR 27 2015

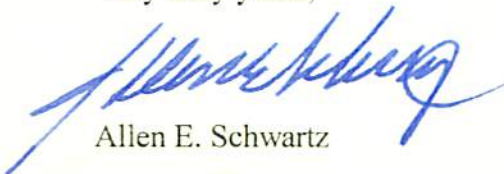
Re: Joshua Morgan vs. Kristin Morgan (Pridemore)
Union County Chancery Court Docket No. 6214

Dear Jim:

Please find enclosed the Order which I prepared pursuant to the hearing held in this matter on March 23, 2015. I would request your review of the enclosed and my permission to sign the same. Alternatively, I will have the original Order delivered to you for your personal approval. If there are corrections, etc., relative to the document, please give me a call. In any event, please give me a call as to your preference.

With kindest regards, I remain

Very truly yours,


Allen E. Schwartz

AES/mbp
Enclosures
Cc: Ms. Kristin Morgan

COPY

IN THE CHANCERY COURT FOR UNION COUNTY, TENNESSEE

JOSHUA J. MORGAN,

Petitioner/Movant,

vs.

KRISTIN N. (MORGAN) PRIDEMORE,

Respondent.

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DOCKET NO: 6214

Notice of Entry Requested

ORDER

This cause came on for hearing on the 23RD day of March 2015, before the Honorable Elizabeth C. Asbury, Chancellor of the Union County Chancery Court, upon the Motion For Reconsideration Or To Alter or Amend filed by the Father, Joshua J. Morgan, and after hearing argument of counsel, the Court finds, as set forth in the Opinion of The Court filed on April 6, 2015, and attached hereto and marked "Exhibit I",

It Is, Therefore, ORDERED as follows:

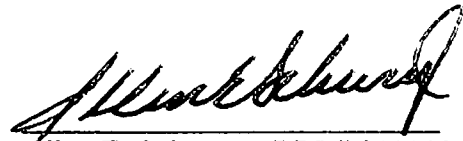
1. That the Petitioner, Joshua J. Morgan, did in fact fail to show a material change in circumstances that would allow the Permanent Parenting Plan previously entered to be modified.
2. The Motion For Reconsideration Or To Alter or Amend is therefore dismissed.
3. The cost of this matter shall be taxed to the Petitioner/Movant, Joshua J. Morgan, c/o James R. LaFevor, 800 S. Gay Street, Suite 1900, Knoxville, TN 37929.

ENTER this ___ day of April, 2015, *nunc pro tunc to March 23, 2015.*

ELIZABETH C. ASBURY, CHANCELLOR

APPROVED FOR ENTRY:


James R. LaFevor, BPR# 001051
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- (2) Weekend Possession Extended by a Holiday-Except as otherwise explicitly provided in this Possession Order, if a weekend period of possession by the Father begins on a Friday that is a school holiday during the regular school term or a federal, state, or local holiday during the summer months when school is not in session, or if the period ends on or is immediately followed by a Monday that is such a holiday, that weekend period of possession shall begin at the time the child's school is regularly dismissed on the Thursday immediately preceding the Friday holiday or school holiday or end at 6:00 p.m. on that Monday holiday or school holiday, as applicable.
- (3) Thursdays-On Thursdays of each week during the regular school term, beginning at the time the child's school is regularly dismissed and ending at the time of the child's school resumes on the immediately following Friday.
- (4) Spring Break in Even-Numbered Years-In even numbered years, beginning at the time the child's school is regularly dismissed on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.
- (5) Extended Summer Possession by the Father-With Written Notice by April 1-If the Father gives the Mother written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, the Father shall have possession of the child for thirty days beginning

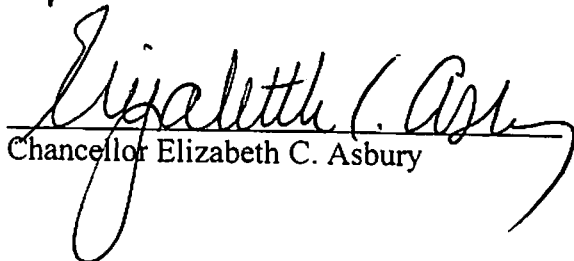
no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 p.m.

Without Written Notice by April 1-If the Father does not give the Mother written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, the Father shall have possession of the child for thirty consecutive days in that year beginning at 6:00 p.m. on July 1 and ending at 6:00 p.m. on July 31.

3. That since moving to Tennessee, it appears from a review of the record that Father has been exercising parenting time with the child from Thursday to Sunday one weekend and from Friday to Sunday the following weekend in an alternating manner.
4. After the hearing on the 16th day of September, 2013 Chancellor Tillman found as follows: "I do not think the Petitioner here carried burden of demonstrating a material change in circumstances... It seems to me this - - all these matters were dealt with in the Texas Judgment and were anticipated...The arguable change is the work...He is doing the same thing." Further, the Court noted that the Father was not entirely forthcoming in this testimony. (See Transcript Page 82)
5. That the case of Armbrister vs. Armbrister (Tenn Supreme Court 2013) Opinion was issued on the 21st day of October, 2013, 35 days after the Opinion of this case.
6. That the case of Armbrister stands for the proposition, among other things, that a material change in circumstances does not have to be unanticipated.

7. Armbrister cites T.C.A. §36-6-101(a)(2)(c) & states the Court may look at significant changes in the parents' living or working conditions that affect parenting; failure to adhere to the Parenting Plan or other circumstances so that the Plan will be in the child's best interests.
8. In the case at hand, it does not appear that the Father's work schedule, accommodations, or lifestyle have changed. The only thing that has changed is that he moved from Texas to Tennessee, within 100 miles of the child's residence.
9. That, clearly, the Texas Court determined that if Father moves to Tennessee within 100 miles of the child/mother, that the best interests of the child would be served by the Parenting Plan hereinabove referenced and set by the Texas Court.
10. That whether anticipated or unanticipated, it does not appear that there has been a material and substantial change in circumstances to justify modification of the prior Court Order.
11. That, further, it appears to this Court that neither party currently resides in Union County, Tennessee.
12. That T. C.A. §36-5-3001 et seq. sets forth the procedure should either party desire to transfer this case for future proceedings to another appropriate county.
13. That Father, Joshua J. Morgan, shall be responsible for payment of any court costs incurred in this matter.
14. That each party shall be responsible for payment of his or her own attorney fees.

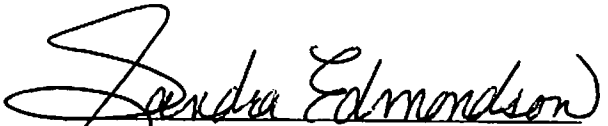
Ordered this 2 day of April, 2015.


Chancellor Elizabeth C. Asbury

CERTIFICATE

The undersigned certifies that a true and exact copy of the foregoing **OPINION OF THE COURT** was this date mailed, postage prepaid, Mr. James R. LaFevor, Attorney at Law, 800 S. Gay Street, Suite 1900, Knoxville, TN 37929 and Mr. Allen E. Schwartz, 800 S. Gay Street, Suite 1650, Knoxville, TN 37929.

This 6th day of April, 2015.


CLERK