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Shelby Cnty Judge of Probate, AL
02/28/1972 12:00:00 AM FILED/CERT

HYTHEN JENKINS WINFREY,
COMPLAINANT,

VS.

THOMAS JACKSON WINFREY,
RESPONDENT.

1589
IN THE CIRCUIT COURT
OF
SHELBY COUNTY, ALABAMA
EQUITY DIVISION
CASE NO. 4902

FINAL DECREE OF DIVORCE

This cause coming on to be heard by the Court, was submitted upon the pleadings and proof as noted by the Register and Solicitor of Record for the Complainant, and, upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in her Bill of Complaint.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony existing between the Complainant and the Respondent be and the same are hereby dissolved, and the said Hythen Jenkins Winfrey is forever divorced from the said Thomas Jackson Winfrey for and on account of cruelty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the said Hythen Jenkins Winfrey and the Thomas Jackson Winfrey be and hereby are permitted to again contract marriage upon the payment of cost in this case, but not until after sixty (60) days from the rendition of this divorce decree except to each other, and if an appeal is taken within sixty (60) days from the date hereof, neither the Complainant or the Respondent shall marry again except to each other during the pendency of said appeal.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, Hythen Jenkins Winfrey, is awarded permanent care custody and control of the eight (8) minor children born to the marriage of the parties hereto, namely, Thomas Dewayne Winfrey, whose date of birth is October 29, 1952; Patricia Ann Winfrey, whose date of birth is August 26, 1955; Donald Earl Winfrey, whose date of birth is May 27, 1958; Carolyn Louise Winfrey, whose date of birth is October 11, 1959; Terry Delane Winfrey, whose date of birth is July 26, 1963; Tammy Jenina Winfrey, whose date of birth is September 16, 1966; Rebecca Ann Winfrey, whose date of birth is April 23, 1969; and Roger Murry Winfrey, whose date of birth is January 23, 1972. The Respondent is granted the right to visit said children at reasonable times and places, the reasonableness of such visits to be at Complainant's discretion.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Respondent shall pay to the Complainant for the support and maintenance of said eight (8) minor children the sum of Fifty and No/100 (\$50.00) Dollars per week, payable on Saturday of each week, beginning on Saturday, February 26, 1972, and to continue



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on Saturday of each week thereafter until all of said minor children shall reach the age of 21 years or sooner become married and are no longer dependant upon Complainant for support. So long as said child support payments are current, Respondent may claim as exemptions for Federal and State Income Tax purposes each of said minor children that are not employed and claiming his or her own exemption.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant be, and she is hereby awarded all household furniture, furnishings and appliances and all other household goods and personal property located in the residence of the parties.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Respondent be and he is hereby awarded the Dodge automobile presently in his possession and any other vehicles presently owned by him and in his possession.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, Hythen Jenkins Winfrey, be and, she hereby is, awarded fee simple title to the following described homestead property occupied by the Complainant and the Respondent prior to their separation and owned jointly by them with the right of survivorship under that certain Survivorship Warranty Deed recorded in Deed Book 255, at Page 387 in the Office of Judge of Probate of Shelby County, Alabama, and the Respondent, Thomas Jackson Winfrey, be and he hereby is divested of his interest in said jointly owned real estate and his interest is hereby awarded and invested in the name of the Complainant, Hythen Jenkins Winfrey, said real estate lying and being situated in Shelby County, Alabama and described as follows, to-wit:

A parcel of land consisting of the $E\frac{1}{2}$ of the $S\frac{1}{2}$ of Lot 11, Block 1, according to the Survey of Pelham Estates, as recorded in Map Book 3, at Page 57, in the Office of the Probate Judge of Shelby County, Alabama, more particularly described as follows: Beginning at the Southwest corner of said lot and run East 125 feet to the true point of beginning; thence continuing East 125 feet to a point; thence North 50 feet; thence West 125 feet; thence South 50 feet to the point of beginning, subject to all easements of record.

It is the further order of the Court that the said Hythen Jenkins Winfrey may not and is prohibited from selling or conveying said real estate or any interest therein or from mortgaging the same or from making any substantial improvement thereto without first obtaining the further order of this Court and this Court retains jurisdiction of this cause for the purpose of insuring that the said Hythen Jenkins Winfrey uses the homestead property to the best interest of the minor children of the parties.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this Final Decree of Divorce be recorded by the Register in the Probate Office of Shelby County, Alabama in order to effectuate of record this judicial conveyance.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Respondent be and he is hereby solely responsible for paying all indebtedness of the parties due or incurred prior to their separation on June 26, 1971, including the \$65.00

bill due the Big Saver Grocery in Helena, Alabama and the Complainant is expressly relieved from any legal obligation to pay the same; further, the Respondent is hereby ordered to pay and is solely responsible for the payment of all medical expenses in connection with the birth of the last child of the parties, namely, Roger Murry Winfrey, whose date of birth is January 23, 1972, including the \$135.00 bill due to Shelby Memorial Hospital and the \$100.00 bill due to Dr. Harry Philips, and the Complainant is expressly relieved from any legal obligation to pay the same.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the restraining order or temporary injunction entered by this Court in this cause on August 20, 1971 and on August 27, 1971 be made final and permanent forever restraining and enjoining the Thomas Jackson Winfrey from molesting, threatening, assaulting or intimidating Hythen Jenkins Winfrey and/or any of the minor children of the parties hereto in any manner of by any means whatsoever, and forever enjoining and restraining the said Thomas Jackson Winfrey from going to or entering upon the homstead property herein awarded to the Complainant, except with Complainant's prior permission and approval.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Respondent pay the Register of the Circuit Court of Shelby County, Alabama, In Equity, the sum of Three Hundred and No/100 (\$300.00) Dollars for solicitors fee to Wade H. Morton, Jr., Solicitor of Record for Complainant, within 10 days from the date hereof, for which let execution or garnishment issue.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Respondent pay the cost of this suit, for which let execution or garnishment issue.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Register cause a copy of this Final Decree of Divorce to be served upon the Respondent.

ORDERED AND DECREED this the 28th day of February, 1972.



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James H. Sharbutt
Circuit Judge, In Equity Sitting

FILED IN OFFICE, This the 28th day
of February 1972

Kyle Linsford

Register Circuit Court of
Shelby County, Alabama

BOOK 272 PAGE 777

RECORDED & INDEXED
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SHELBY COUNTY, ALABAMA