

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

IN RE: MARRIAGE OF)

STELLA JO NEWMAN)

VS.)

ROBERT DeBARRON NEWMAN)

649
CIVIL ACTION

CASE NO. E-1063-76

FINAL DECREE OF DIVORCE

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This cause coming on to be heard was submitted upon Bill of Complaint, filed by the plaintiff on the 7th day of April, 1976 and Testimony taken in open court and upon consideration thereof, the Court is now of the opinion that the plaintiff is entitled to certain relief prayed for in said Bill, the Court being satisfied from all the testimony that there exists such a complete incompatibility of temperament that the parties can no longer live together. Oral testimony was taken from both parties on April 13, 1976, and May 7, 1976. Subsequent to a final hearing in this cause on the 7th day of May, 1976, plaintiff failed and refused to be bound by her counsel's agreement with counsel for the defendant and with the court, whereupon the defendant filed a motion to reopen the case and take further testimony. This motion was granted by the Court on the 31st day of May, 1976, and the Court set the same for hearing at 1:00 o'clock p.m. on the 21st day of June, 1976. On the 17th day of June, 1976, the Honorable Joel C. Watson, counsel for the plaintiff, withdrew as plaintiff's attorney of record, whereupon the defendant withdrew his motion for the court to reopen the cause and take additional testimony. The court issued this judgment based on testimony taken in open court before the parties and their respective counsel of record on April 13, 1976 and May 7, 1976. Based upon said testimony of the parties the court finds that the parties are entitled to the following relief:

It is hereby ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the plaintiff and defendant be and the same are hereby dissolved, and that the said Stella Jo Newman is hereby divorced from the said Robert DeBarron Newman for and on account of incompatibility of temperament between the parties.

It is further ordered, adjudged and decreed that the defendant, Robert DeBarron Newman, shall be granted full, complete, permanent and legal custody of the parties four children, namely John Ray Newman, Lisa Ann Newman, Stellena Marie Newman, and Robert Michael Newman. It is further ordered, adjudged and decreed that plaintiff Stella Jo Newman shall have the privilege of visitation at reasonable times and places with said four children.

It is further ordered, adjudged and decreed that the temporary support payments made by the defendant, Robert DeBarron Newman, to the plaintiff, Stella Jo Newman, for the support and maintenance of said minor children be and is forever terminated as of June 21, 1976.



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Shelby Cnty Judge of Probate, AL
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It is further ordered, adjudged and decreed that the plaintiff, Stella Jo Newman be divested of all right, title and interest and that the defendant, Robert DeBarron Newman, be invested of all right, title and interest in the following described real estate, including the house located thereon:

From the northeast corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 34, Township 20 South, Range 3 West run southerly along the east boundary line of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 34, Township 20 South, Range 3 West for 250.0 feet; thence turn an angle of 91 deg. 13 min. 39 sec. to the right and run westerly 325.0 feet to the point of beginning of the land herein described and conveyed; thence continue westerly along the last said course for 100.0 feet; thence turn an angle of 91 deg. 13 min. 39 sec. to the left and run southerly 200.0 feet; thence turn an angle of 88 deg. 46 min. 21 sec. to the left and run easterly 100.0 feet; thence turn an angle of 91 deg. 13 min. 39 sec. to the left and run northerly 200.0 feet to the point of beginning. This land being a part of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 34, Township 20 South, Range 3 West and being 0.459 acres, more or less.

In the event the aforesaid real estate is sold to a third party within three (3) years from this date, the proceeds therefrom are to be used as follows: (1) any outstanding mortgage or mortgages on said real estate are to be paid out of the first proceeds; (2) any debts contracted by the plaintiff and defendant during their marriage are to be paid off out of the remaining proceeds from the sale of said real estate; (3) the balance, if any, remaining after the satisfaction of items 1 and 2 above shall be used for the support and maintenance of the parties own child, Robert Michael Newman and their adopted children, John Ray Newman, Lisa Ann Newman, Stellina Marie Newman, who are to be in the custody of the defendant, Robert DeBarron Newman.

It is further ordered, adjudged and decreed that the Circuit Court Clerk of Shelby County, Alabama should cause a certified copy of this decree to be filed with the Probate Judge of the Shelby County Probate Court for the purposes of affecting the legal transfer of this property.

It is hereby ordered, adjudged and decreed by the Court that the plaintiff, Stella Jo Newman, is hereby awarded the 1974 Oldsmobile Station-wagon owned by the parties to this cause.

It is hereby ordered, adjudged and decreed by the court that the plaintiff, Stella Jo Newman, is hereby awarded the following items of personal property: (1) the electric dryer, (2) the food freezer (plus the meat contained therein), (3) the 30 gallon fish tank, (4) dining table and chairs, (5) 8 lawn chairs, (6) kitchen counter, (7) boston rocker chair, (8) vacuum cleaner, (9) pingpong table, (10) 5 lamps, (11) outboard motor, (12) television, (13) 2 bedroom suits, (14) other assorted items, held in the possession of the plaintiff, Stella Jo Newman, at the time of the final hearing on this cause, including kitchen utensils, small appliances, dishes, etc.

It is hereby ordered, adjudged and decreed by the court that the plaintiff, Stella Jo Newman, is hereby awarded all photographic equipment used in the business of Newman's Photography.

It is further ordered, adjudged and decreed that the defendant, Robert DeBarron Newman, is hereby awarded the Volkswagon automobile owned by the plaintiff, Stella Jo Newman, at the time of this decree.

It is further ordered, adjudged and decreed that the defendant, Robert DeBarron Newman, is hereby awarded all personal property belonging to the plaintiff and defendant prior to this divorce decree, not otherwise awarded in this decree.

It is further ordered, adjudged and decreed that the defendant, Robert DeBarron Newman, is hereby awarded the sum of Four Hundred and Twelve Dollars (\$412.00) due from the United States Treasury to the parties in this cause as in 1975 Federal Income Tax refund. It is further ordered by this court that the Circuit Court Clerk of Shelby County shall cause a certified copy of this decree to be filed with the United States



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Treasury through the defendant's attorney, John N. Ferree, Jr., for purposes of affecting this award. It is also ordered, adjudged and decreed by this Court that the defendant, Robert DeBarron Newman, is awarded the sum of One Hundred and Thirty-Two Dollars and Seventy-Two Cents (\$132.72) due from the Alabama State Treasury to the parties in this cause as in 1973 State Income Tax refund. It is further ordered by this Court that the Circuit Court of Shelby County shall cause a certificate copy of this decree to be filed with the State of Alabama, Department of Revenue, through the defendant's attorney, John N. Ferree, Jr., for purposes of affecting this order.

It is further ordered, adjudged and decreed that the plaintiff, Stella Jo Newman, is hereby ordered and enjoined from contracting any further debts or using the defendant's credit in any manner whatsoever without further order of this Court.

It is further ordered, adjudged and decreed that neither party shall marry again, except to each other, until sixty (60) days after the date of this divorce decree and if an appeal is taken (which must be instituted within forty-two (42) days from this decree or from the date that a post trial motion is denied, then neither party shall again marry except to each other during the pendency of the appeal.

It is further ordered that Robert DeBarron Newman, the defendant, pay the costs herein to be taxed, for which let execution issue.

DONE this 30th day of June, 1976.



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James H. Sharbutt
James H. Sharbutt, Judge
Circuit Court Shelby County, Alabama

FILED IN OFFICE, This the 30th day

of June 1976

Kyle Sanford

Register Circuit Court of
Shelby County, Alabama

FILED IN OFFICE, This the 7th day

of July 1976

Kyle Sanford

Register Circuit Court of
Shelby County, Alabama

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Certified a true and complete copy
Kyle Sanford
Register of Circuit Court

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1976 JUL -7 AM 11:03

Carol M. Broun
JUDGE OF PROBATE