

ELEANOR FAYE HARRIS,

Plaintiff,

vs.

DAVID CLARK HARRIS,

Defendant.

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IN THE CIRCUIT COURT OF

SHELBY COUNTY, ALABAMA

CASE NO. DR-82-129

FINAL JUDGMENT OF DIVORCE

This cause coming on to be heard upon the complaint filed by the plaintiff, defendant's answer and counterclaim, the testimony taken before this Court ore tenus on May 27, 1982, and the pleadings and proof as noted and after consideration thereof, the Court finds as follows:

That the Plaintiff and Defendant are each over the age of 19 years, and are bona fide resident citizens of Shelby County, Alabama and have been such for a period of more than six months preceding the filing of the complaint in this matter.

The parties were married to each other on March 28, 1970 and lived together as husband and wife until March 23, 1982, at which time they separated in Shelby County, Alabama.

There were two minor children born as a result of this marriage, namely, David Clark Harris, III, and Keith Allen Harris, who were respectively 12 and 7 years of age at the time of the separation.

The Court further finds from the evidence that there has been a complete incompatibility of temperament developed between the parties to such an extent that they can no longer live together as husband and wife.

It is therefore ORDERED, ADJUDGED and DECREED by the Court as follows:

1. That the bonds of matrimony heretofore existing between the parties are dissolved and the said Eleanor Faye Harris and David Clark Harris are divorced from each other.

2. That neither party shall marry again except to each other until sixty (60) days after this judgment of divorce, and if an appeal is taken (which must be instituted within forty-two (42) days from this judgment 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.

3. It is further ordered that Eleanor Faye Harris and David Clark Harris be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

4. That the care, custody, and control of the minor children born of the marriage, namely, David Clark Harris, III and Keith Allen Harris, is hereby awarded to the plaintiff subject to the rights of the defendant to have reasonable visitation rights with the minor children as hereinafter set out below.

5. Defendant shall have the right of visitation of said minor children as follows:

a. Every other week-end of each month from 6:00 p.m. on Friday until 6 p.m. the following Sunday.

b. For one week during Christmas commencing December 26th of each year.

c. Two weeks during the summer at a time to be selected by the defendant, but upon written notice to the plaintiff at least thirty (30) days in advance of such visitation.

6. That the defendant shall pay to the plaintiff as child support the sum of \$160.00 every two weeks, until such time as each child reaches 19 years of age or becomes self-supporting, whichever occurs first in time.

7. It is further ordered, adjudged and decreed that the defendant pay for the Day Care or other child care arrangements for the minor children during the summer months of June, July and August, 1982, or, in the alternative, the defendant may pay an additional

\$150.00 per month to the plaintiff for said child care during said summer months. This additional payment is only for the year 1982 and does not extend past August, 1982.

8. It is further ordered, adjudged and decreed that the defendant, David Clark Harris, is to maintain medical and dental insurance for the two minor children born of this marriage furnishing to the plaintiff satisfactory proof of such medical and dental insurance. It is further ordered, adjudged and decreed that the defendant be responsible for payment of all medical or dental bills incurred for said minor children which are not covered by said insurance.

9. The defendant is further ordered to maintain \$25,000.00 of his existing life insurance policies in force and effect and to designate the minor children of the parties as beneficiaries of proceeds of the policies and to furnish the plaintiff a list of all policies and satisfactory proof of the change of beneficiaries, if any.

10. It is further ordered, adjudged and decreed that the defendant, David Clark Harris, shall have the right to claim said children as dependants for State and Federal income tax purposes.

11. The Court further finds from the testimony that the defendant purchased during the marriage, a 1977 Ford LTD. It is ORDERED, ADJUDGED and DECREED that the Court awards to the Plaintiff all right, title and interest in the 1977 Ford LTD automobile and it is further ORDERED that the Plaintiff be responsible for and pay all indebtedness existing on said automobile.

It is further ORDERED, ADJUDGED and DECREED, that all other motor vehicles shall remain the property of the Defendant and he shall be responsible for any indebtedness on said vehicles.

12. The Court further finds from the testimony that certain personal property was accumulated by the parties during the course of their marriage. The Court finds that the vast majority of said

personal property is in the possession of the Plaintiff. It is, therefore, ORDERED, ADJUDGED and DECREED, that the Plaintiff be awarded the personal property in her possession at the time of trial with the exception of any specific items of personal property specifically awarded to the Defendant in this decree.

It is further ORDERED, ADJUDGED and DECREED that the Defendant be awarded the personal property in his possession at the time of trial with the exception of any specific items of personal property specifically awarded to the Plaintiff in this decree.

It is further ORDERED, ADJUDGED and DECREED that the Court specifically awards to the Plaintiff, the following items of personal property that are in the possession of the Defendant:

1. Diamond earrings
2. Silver ware set
- 3 Gold, rope chain necklace
4. One-half of family pictures

It is further ORDERED, ADJUDGED and DECREED that the Court specifically awards to the Defendant, the following items of personal property that are in the possession of the Plaintiff:

1. Antique clock
2. All of Defendant's fishing equipment and tools

The Court further finds from the testimony that the parties purchased a mobile home and 1.41 acres of real estate in the year 1981. The Court further finds that the indebtedness on said real estate and mobile home is substantial, and that the Defendant currently resides in said mobile home on said real estate. Title to the 1978 Sunshine mobile home, Serial No. 6225, is hereby awarded to the Defendant, and the Plaintiff is divested of any right, title and interest therein. The Defendant is to assume the indebtedness on said mobile home.

It is further ORDERED, ADJUDGED and DECREED that title to the 1.41 acres of real estate is hereby awarded to the Defendant, and the Plaintiff is divested of any right, title and interest therein.

The Defendant is to assume the indebtedness on said real estate.

Said real estate being described as follows:

Commence at the Northwest corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 7, Township 20 South, Range 2 West, Shelby County, Alabama; thence run Southerly along the West line of said  $\frac{1}{4}$ - $\frac{1}{4}$ , 837.55 feet to a point on the North right-of-way line of Alabama Power Company Transmission Line right-of-way; thence 89 deg. 06 min. 44 sec. left and run Easterly along the said right-of-way line 301.20 feet to a point on the South right-of-way line of Shelby County Highway No. 33 and the point of beginning of the property being described; thence continue along last described course, Easterly along said right-of-way line, 440.46 feet to a point; thence 44 deg. 40 min. 17 sec. left and run Northeasterly 38.08 feet to a point; thence 90 deg. 0 min. 0 sec. left and run Northwesterly 313.06 feet to a point on the South right-of-way line of said Highway 33; thence 90 deg. 0 min. 0 sec. left and run Southwesterly along said right-of-way line of said highway 200.0 feet to the P.C. (Point of Curvature) of a highway curve to the left having a central angle of 2 deg. 33 min. 10 sec. and a radius of 3396.92 feet; thence continue Southwesterly along the said highway right-of-way an arc distance of 151.35 feet to the point of beginning. Containing 1.41 acres and being marked on the corners with iron pins as shown on the plat.  
Situating in Shelby County, Alabama.

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12. It is further ORDERED, ADJUDGED and DECREED that the Defendant be responsible for and pay all debts of the marriage prior to the date of separation.

13. The Plaintiff is hereby awarded and the Defendant is hereby ordered to pay to the Plaintiff's attorney of record, the Honorable Patricia Yeager, the sum of \$750.00 for attorney's fees for service rendered on behalf of the Plaintiff in this cause.

14. That the costs of court accrued herein are taxed against the Defendant.

DONE THIS 28 DAY OF JUNE, 1982.

  
HAROLD E. WALDEN  
CIRCUIT COURT JUDGE

I, Kyle Lansford, Register of the Circuit Court for Shelby County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit

FILED IN OFFICE THIS THE 28 DAY  
OF June, 19 82



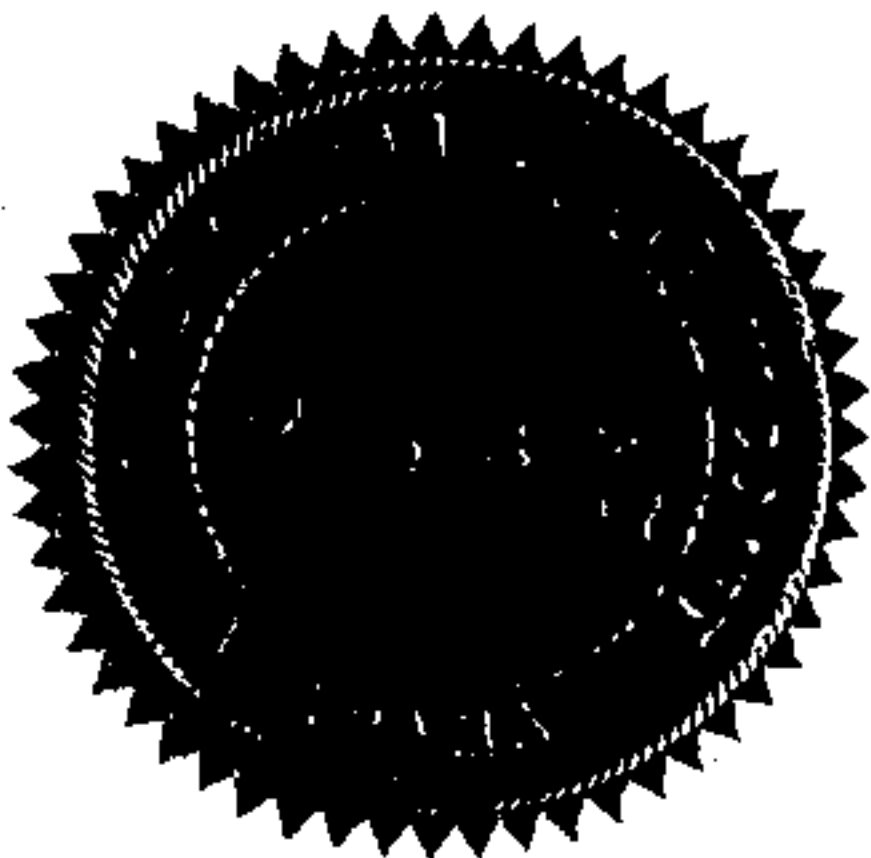
Clerk of Circuit Court  
Shelby County, Alabama

Court in the above stated cause, which said decree is on file  
and enrolled in my office, and the cost has been paid.

Witness my hand and seal this the 28 day of June,

1982.

Kyle Hansford  
Register of Circuit Court



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STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
NOTICE WAS FILED  
1982 DEC 30 PM 8:17

Thomas A. Shumaker, Jr.  
JUDGE OF PROBATE

Rec 9.00  
Ind 1.00  
10.00