

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

WILLIAM EASON MITCHELL,
PLAINTIFF,

VS.

JANICE KAY MITCHELL,
DEFENDANT.

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)
) CIVIL ACTION NO. DR-83-227
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)

FINAL DECREE

This cause coming on to be heard was submitted to the Court on the complaint, answer of the defendant and testimony taken orally before the Court, and with the parties and their respective counsel present and announcing ready for trial, whereupon the Court considers all the evidence offered and finds as follows:

That the parties are entitled to a decree of divorce, that the Court should determine custody of the minor children, visitation privileges and distribution of real and personal property, it is therefore;

CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court as follows:

1. That the bonds of matrimony heretofore existing between the plaintiff and defendant be and the same hereby are dissolved and the said William Eason Mitchell and the said Janice Kay Mitchell are, hereby and forever, divorced from each other.

2. That neither party shall marry again, except to each other, until Sixty (60) days after the Final Decree of Divorce, and if an appeal is taken (which must be instituted within forty-two (42) days

File

from this judgment or from the date that any post trial motion is denied), then neither party shall again marry, except to each other, during the pendency of the appeal.

3. That it would be in the best interest of the minor children that their primary care, custody and control shall be with their mother, Janice Kay Mitchell, subject to the hereinafter detailed visitation privileges to the father, William Eason Mitchell.

4. That the Plaintiff, William Eason Mitchell, shall have the right of visitation with the minor children on the first and third week-ends of each month beginning at 5:00 p. m. on Friday and ending at 5:00 p. m. the following Sunday. The first weekend in each month is designated as being the week-end that follows the first Monday in each month.

Additionally, the Plaintiff shall have the right of visitation with the minor children from 5:00 p. m. on Thanksgiving Day, 1984 until 5:00 p. m. the following Sunday and a like period of visitation in each successive year thereafter.

Additionally, the Plaintiff shall have the right of visitation with the minor children from 2:00 p. m. on December 25, 1984 until 5:00 p. m. December 31, 1984 and a like period of visitation in each successive year thereafter.

Additionally, the Plaintiff shall have the right of visitation with the minor children on Father's Day of each year. The Defendant shall have the right of visitation with the minor children on Mother's Day of each year. Said visitation shall occur whether or not said date falls on the week-ends when the father or mother would normally have the children.

Additionally, each year the Plaintiff shall have the right of visitation with the minor children beginning at 5:00 p. m. on Friday preceding AEA week until 2:00 p. m. on Sunday which marks the conclusion of AEA holiday.

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BOOK Additionally, the Plaintiff shall have the right of visitation with the minor children beginning at 5:00 p. m. on June 10, 1984 until 5:00 p. m. on August 10, 1984 and a like period of visitation in each successive year thereafter. That during the summer when the Plaintiff will have the children with him, the Defendant will have the right of visitation with the minor children on the second and forth weekends beginning at 5:00 p. m. on June 29, 1984 and ending on July 1, 1984 at 5:00 p. m. until custody is restored to the defendant, on August 10, 1984, and a like period of visitation in each successive year thereafter.

BOOK That the Plaintiff and Defendant shall agree as to the place of exchange and transportation of the minor children when the visitation privileges are exercised.

5. That the Plaintiff, William Eason Mitchell, shall pay child support in the amount of Two Hundred and fifty Dollars (\$250.00) per child per month until each child reaches the age of 19 or otherwise reaches her majority. Such payment shall be paid to the Clerk of the Circuit Court in Columbiana, Alabama, not later than 5:00 p. m. on the 10th day of May, 1984, and on the 10th day of each successive month thereafter until November 1, 1984, when such payments shall be increased to Three Hundred Dollars (\$300.00) per child per month during the child's minority.

6. That the Plaintiff shall maintain medical insurance on

the minor children of this marriage during their minority.

7. That the Plaintiff shall have the right to claim the two minor children of this marriage for income tax purposes each year.

8. (a) That all of the right, title and interest in the following described real property is hereby divested from William Eason Mitchell and vested in Janice Kay Mitchell:

Lot 10, the 1971 addition to Shelby Shores according to plat thereof recorded in Map Book 5, page 96, of the records of the Office of the Judge of Probate, Shelby County, Alabama, situated in Shelby County, Alabama

That the hereinabove described real property is the residence of the parties at the time of their separation and is awarded to the Defendant as alimony in gross. That Plaintiff shall pay all indebtedness on such property to full satisfaction of any mortgage instrument, and that upon full payment, such mortgage shall be marked satisfied and delivered to defendant.

(b) That in addition to the alimony in gross, plaintiff shall pay defendant periodic alimony in the amount of Four Hundred Dollars (\$400.00) per month beginning on May 1, 1984, and continuing a like amount each month through the October 1984 payment after which, such payments shall cease. The purpose of this is to provide financial assistance to defendant while she obtains employment as a school teacher or other employment.

9. That the following personal property is awarded to the defendant.

Her personal items of property,
Video Cassett Recorder (VCR)
Washing Machine and Dryer
1982 Pontiac Automobile

That the household items located in the Lay Lake Home, the residence of the parties at the time of their separation, including a bedroom suite, two couches, two stuffed chairs, one dining room

suite, one television, dishes, kitchen utensils, dishwasher, trash compacter, refrigerator, and miscellaneous items of like kind as well as miscellaneous furniture and household items are hereby awarded to the Defendant.

10. That any and all right, title and interest in the following described real property is hereby divested from Janice Kay Mitchell and vested in William Eason Mitchell:

Surface rights in and to the SE 1/4 of the SE 1/4, Section 31, Township 24, North, Range 10E, containing (40) acres more or less, situated in Bibb County, Alabama;

Also:

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A parcel of land situated in the NE 1/4 of the NW 1/4, Section 23, Township 24 North, Range 15 East, more particularly described as follows: Begin at the NE corner of said NE 1/4 of NW 1/4 thence South along East line of said forty a distance of 441 feet, more or less, to the intersection of said forty line with the North bank of a branch; thence run Westerly along the North bank of said branch a distance of 180 feet to the SW corner of the Clifton and Eva Lee Jones lot, and which is the point of beginning of the lot herein described and conveyed; thence run North along the West boundary of said Clifton Jones lot a distance of 100 feet to a point; thence run in a Westerly direction parallel with the North bank of the branch constituting the South boundary of the lot herein conveyed, a distance of 50 feet to a point; thence run South parallel with the East boundary of said Quarter Quarter Section a distance of 100 feet, more or less, to the North bank of said branch; thence run Easterly along the North bank of said branch to the point of beginning, situated in Shelby County, Alabama.

Also:

The Southeast Quarter of the Southeast Quarter of Section 27, Towhship 22, North, Range 3 East, Containing 40 acres, more or less, situated in Hale County, Alabama.

Also;

Lot No. 32 in Allendale Subdivision, according to map of said Subdivision which is recorded in the Probate Office of Shelby County, Alabama, in Map Book 4, Page 78; situated in Shelby County, Alabama

And further consideration for this conveyance grantee assumes and agrees to pay as the same comes due that certain mortgage in favor of W. B. Leedy and Co., but which is referred to in deed recorded in Deed Book 250, Page 57 in the Probate Records of Shelby County, Alabama.

Also:

The NW 1/4 of Section 2, Township 24 North, Range 15 East, in Shelby County, Alabama.

Also:

Limited partnership property utilized as office space for plaintiff's law firm.

Also:

Lot No. 13 in Block 1 according to Dunstan's Map and Survey of the Town of Calera, Alabama, described as commencing on the North line of 18th Avenue, also being Montevallo Highway, at the Southwest corner of Lot 12 in said Block 1 and run West along the North line of said 18th Avenue 130 feet to the Southwest corner of said Block 1; thence North 30 feet to the Northwest corner of said Block 1; thence in a northeasterly direction and parallel with the right-of-way of the Southern Railway Company 115 feet to the Northwest corner of said Lot 12; thence in a Southerly direction along the West line of said Lot 12, 85 feet to the point of beginning, being situated in Shelby County, Alabama.

Also:

Lot #17 in Block #1 according to the map or plat of the Blue Creek Lodge Subdivision, second addition, as the map or plat of said subdivision is found in Map Book 4, page 8, Office of the Judge of Probate, Chilton County, Alabama, situated in Chilton County, Alabama.

Martha Love Johnston is the same as Martha Mitchell, grantee of a deed to a 1/2 interest in the above property executed by a Gullett in 1960, and also grantee of a deed to a 1/2 interest in the above property executed by William S. Mitchell on 5 December 1963, recorded in Book 513, page 389 of the Chilton County probate records on 23 December 1963.

11. That Plaintiff is entitled to all immediate possession of the following items of personal property:

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Mounted animals and fish

Metal gun vault

Gun collection

Tools

Reloading equipment, including tools, bench, storage bins, etc.

Fishing equipment and sporting goods, including a jon boat and 6 h.p. motor

Draft beer refrigerator

Antique Coca-Cola refrigerator

Clothing and other personal items

Hunting equipment and hunting items

Personal items presently in his possession

1978 Bass boat

1979 G.M.C. Truck

Jon Boat and 25 h.p. motor

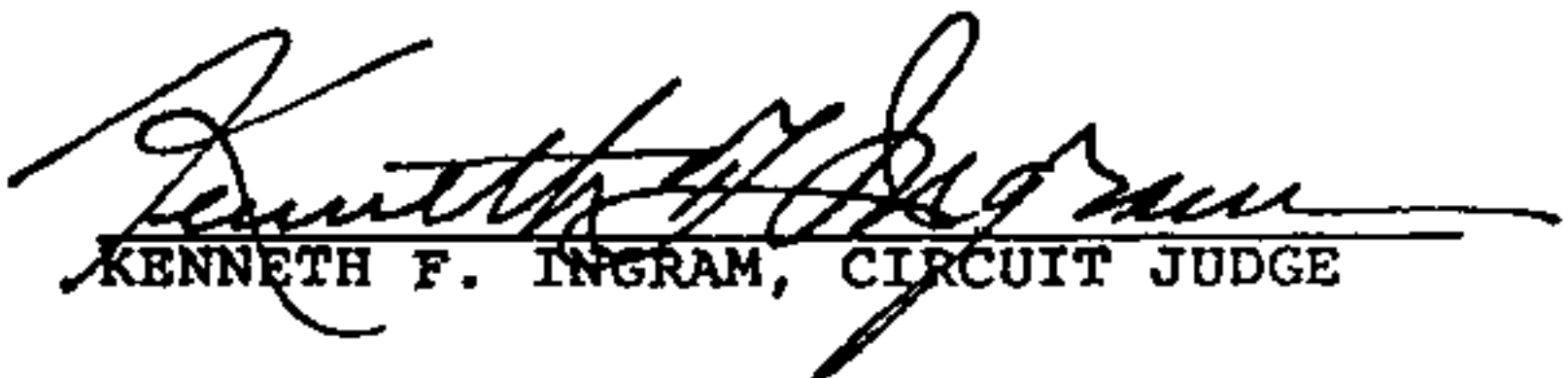
Law office fixtures, equipment and supplies

12. That an attorney's fee in the amount of Six Thousand Dollars (\$6,000.00) is allowed defendant's attorney of record for his services to her in this case and such fee is taxed to plaintiff as part of the costs of this case.

13. That the Clerk of this Court is directed to file a copy of this decree in the Probate Records of Shelby County, Alabama, deed records, for listing in both the direct and indirect indexes (indices).

14. That the Costs in this case are taxed to the Plaintiff.

Done and Ordered this 23rd day of April, 1984.


KENNETH F. INGRAM, CIRCUIT JUDGE

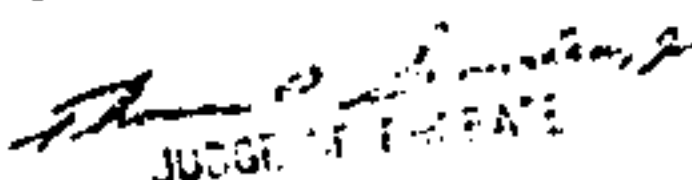
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I, Kyle Lansford, Register of the Circuit Court for Shelby County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office, and the cost has been paid.

Witness my hand and seal this the 23rd day of April, 1984.

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

1984 AUG 16 AM 9:54


JUDGE OF PROBATE

Rec. 20⁰⁰
Ind. 1⁰⁰
21.00

KYLE LANSFORD, CIRCUIT CLERK &
REGISTER

FILED IN OFFICE THIS THE 23 DAY

OF April 19 84



Clerk of Circuit Court
Shelby County, Alabama