

OMA RAY PEOPLES,
Plaintiff,
vs.
PERLESS E. PEOPLES,
Defendant.

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IN THE CIRCUIT COURT OF
SHELBY COUNTY, ALABAMA
CASE NO. DR-80-260

DIVORCE DECREE

This cause coming on to be heard was submitted for final decree upon the bill of complaint, answer of the defendant, testimony of the parties and parties' witnesses taken under oath orally in open court, and testimony as noted by the Register, and upon consideration thereof, the Court is of the opinion that the plaintiff is entitled to the relief prayed for in said complaint. The Court being satisfied from all the evidence and testimony that there exists such a complete incompatibility of temperament that the parties can no longer live together. The Court now, therefore, makes its findings of facts and orders as follows:

FINDINGS OF FACTS

The Court finds the following facts in this cause:

1. That the plaintiff and the defendant are presently husband and wife, having married on July 8, 1975, in the State of Georgia; there have been no children born to the marriage of the parties;
2. That at the time of the marriage of the plaintiff and the defendant, neither party had any substantial property or assets, either real or personal;
3. That in May of 1979, the defendant received a check for Nineteen thousand four hundred and four and no/100 (\$19,404.00) Dollars from the United States of America for Black Lung benefits, a substantial portion of which would not have been received by defendant except for the fact that he was married; that subsequent to the marriage of the parties, the parties acquired a house and real estate in Oklahoma which has been sold to the son of the defendant with a remaining indebtedness owed by said son to the plaintiff and the defendant in the approximate amount of Thirty-two hundred and no/100 (\$3200.00) Dollars; that in the purchase of said property and improvement thereof, the plaintiff and the defendant relied substantially on

OMA RAY BUTLER
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Columbus, Ga.
35051

money borrowed by using the credit of plaintiff's father, Floyd Ray;

4. That after moving from Oklahoma back to Alabama, the present home of the parties was purchased for approximately Four thousand and no/100 (\$4,000.00) Dollars, which house is currently occupied by the plaintiff;

5. That the parties acquired various items of personal property which has been described in the complaint; that the plaintiff has severe health problems and is totally disabled;

6. That the plaintiff's sole income is approximately Two hundred one and no/100 (\$201.00) Dollars per month and that the defendant's monthly income is in excess of One thousand and no/100 (\$1,000.00) Dollars per month.

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony existing between the plaintiff and the defendant, he and the same are hereby dissolved, and that the said Oma Ray Peoples is forever divorced from the said Perless E. Peoples for and on account of incompatibility of temperament between the parties.

It is further considered, ordered, adjudged and decreed by the Court as follows:

1. That the house and real estate of the parties located in Shelby County, Alabama, should be and the same is hereby awarded to the plaintiff, Oma Ray Peoples, and all right, title and interest of every kind and character, including any contingent interest therein, is hereby divested out of the defendant, Perless E. Peoples, and is vested in the plaintiff, Oma Ray Peoples, said property being more particularly described as follows:

A part of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32, Township 21 South, Range 1 East, described as follows: Commence at the SW corner of said $\frac{1}{4}$ - $\frac{1}{4}$ Section and run East along South boundary of said $\frac{1}{4}$ - $\frac{1}{4}$ Section, 210 feet to point of beginning of tract herein described; thence run North, parallel with the West boundary of said $\frac{1}{4}$ - $\frac{1}{4}$ Section 210 feet; thence run East and parallel with South boundary of said $\frac{1}{4}$ - $\frac{1}{4}$ Section 105 feet; thence run South and parallel with the West boundary of said $\frac{1}{4}$ - $\frac{1}{4}$ Section 210 feet; thence run West along the South boundary of said $\frac{1}{4}$ - $\frac{1}{4}$ Section 105 feet to point of beginning. Situated in Shelby County, Alabama.

2. The defendant, Perless E. Peoples, is hereby awarded any and all remaining interest in the house or property in Oklahoma including but not being limited to any indebtedness due and remaining owed to the parties

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from Jack Peoples, which said indebtedness is in the approximate amount of Thirty-two hundred and no/100 (\$3200.00) Dollars and all right, title and interest of the plaintiff, Oma Ray Peoples, in and to said Oklahoma property or said money owed by said Jack Peoples is hereby divested out of her and vested in the defendant.

3. Said wife is further awarded her clothes, personal effects, the 1974 Dodge pickup truck including the attached camper, the ski boat including the motor and trailer, the deep freeze and food contents, washing machine and dryer, color t.v., love seat, chest of drawers, new set of cookware, kitchen knives, electric mixer, electric coffee pot, all other household furniture, furnishings and personal property located in the house or residence of the parties and one-half of the linens, towels, bedspreads and quilts.

4. The defendant should be and he is hereby awarded the Chevrolet Van, fiber glass fishing boat, 1979 Ford Pickup truck with camper attached, one-half of the linens, towels, bedspreads and quilts, his clothes and personal effects, any cash on hand which he has or cash in banks, including but not being limited to any claim which he may have to the Twelve thousand and no/100 (\$12,000.00) Dollars which he placed in his children's name prior to the hearing in this cause.

5. It is further ordered that this Court denies plaintiff's request for permanent periodic alimony but the Court does order that the defendant shall pay to the plaintiff the sum of Eighteen hundred and no/100 (\$1800.00) Dollars payable at the rate of One hundred and no/100 (\$100.00) Dollars per month commencing April 1, 1981.

6. It is further ordered that the defendant pay to Frank Ellis, Jr., attorney of record for the plaintiff in this cause the sum of Seven Hundred Fifty and no/100 (\$750.00) Dollars to be applied to the attorney fee of said attorney for representing the plaintiff in this cause.

It is further ordered, adjudged and decreed that neither party shall marry again except to each other until 60 days after the date of this divorce decree and if an appeal is taken (which must be instituted within 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.

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It is further ordered that plaintiff and defendant be and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Perless E. Peoples, the defendant, pay the cost herein to be taxed, for which execution may issue.

This 11 day of March, 1981.

Herald B. Holden
Judge, Circuit Court

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 7th day of January, 1985

Kyle Lansford
Register of Circuit Court

FILED IN OFFICE, this the _____ day
of MAR 11 1981

Kyle Lansford
Register of Circuit Court of
Shelby County, Alabama

STATE OF ALABAMA
SHELBY COUNTY
REGISTER OF CIRCUIT COURT

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JUDGE: *[Signature]*
CLERK: *[Signature]*

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