

Wife

CHARLOTTE THORNTON, 136 \*

Plaintiff, \*

vs \*

JAMES FREDERICK THORNTON, \*

Defendant. \*

IN THE CIRCUIT COURT FOR

SHELBY COUNTY, ALABAMA

DOMESTIC RELATIONS

DR-84-239

DIVORCE DECREE

An entry of default was taken against James Frederick Thornton on August 8, 1985. Whereupon plaintiff, Charlotte Thornton, came before the court and gave sworn testimony.

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It is, therefore, ORDERED, ADJUDGED and DECREED that the bonds of matrimony heretofore existing between Charlotte Thornton and James Frederick Thornton are hereby dissolved, and the said parties are forever divorced from one another by decree a vinculo matrimonii on the ground of incompatibility.

Neither party shall again marry except to each other until sixty (60) days after the date of this decree. If an appeal from this decree is taken within forty-two (42) days, neither party shall marry again except to each other during the pendency of said appeal.

It is further ORDERED, ADJUDGED and DECREED that:

(1) The plaintiff, Charlotte Thornton, shall have full interest in and title to the following described real estate and further that the defendant, James Frederick Thornton, is hereby divested of any interest in and title to the said following described real estate which is situated in Shelby County and more particularly described as follows:

From the northeast corner of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 23, Township 19 South, Range 2 West, run westerly along the north boundary line of the said SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 23, Township 19 South, Range 2 West for 561.74 Feet; thence turn an angle of 134 degrees 54 min. to the left and run southeasterly 819.86 feet, more or less, to a point on the southeast right-of-way line of the Cahaba Valley Road; thence turn an angle of 91 degrees 18 min. 20 sec. to the right and run southwesterly along the southeast R.O.W. line of said road for 420.00 feet to the point of beginning of the land herein described; thence turn an angle of 90 deg. 00 min. to the left and run southeasterly for 210.0 feet; thence turn an angle of 90 deg. 00 min. to the right and run southwesterly for 210.0 feet; thence turn an angle of 90 deg. 00 min. to the right and run northwesterly for 210.0 feet to a point on the southeast R. O. W. line of the Cahaba Valley Road; thence turn an angle of 90 deg. 00 min. to the right and run northeasterly along the southeast R.O.W. line of said road for 210.0 feet to the point of beginning. This land begin a part of the SW $\frac{1}{4}$

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of the NE $\frac{1}{4}$  of Section 23, Township 19 South, Range 2 West and being one acre, more or less. This real estate has further been described in a deed dated January 15, 1949, and recorded in Deed Book 150 Page 280 in the Probate Office of Shelby County, Alabama, and which was more properly described in a correction deed dated June 12, 1965.

(2) Charlotte Thornton is awarded all right, title to and interest in two additional acres located on Highway 119 in Shelby County, Alabama, near the intersection of Highway 119 and Caldwell Mill road. It is further ORDERED that James Frederick Thornton execute a complete and proper warranty deed conveying all his title and interest, unencumbered, to the plaintiff in this subject property within sixty (60) days of the date of this decree.

(3) Charlotte Thornton is awarded full title and interest in one of the beach-front lot that the parties own in the State of Florida, and that the defendant, James Frederick Thornton, is awarded full title and interest in the other and only remaining beach-front lot that the parties own in the State of Florida. Charlotte Thornton shall take the lot of her choice and James Frederick Thornton is ORDERED to execute a proper statutory warranty deed conveying all of his interest in such beach lot to the plaintiff, which beach lot shall be conveyed unencumbered and free and clear of any liens. Charlotte Thornton is ORDERED to execute proper statutory warranty deed conveying all of her interest in the other lot to James Frederick Thornton, which such lot shall be conveyed unencumbered and free and clear of any liens.

(4) Charlotte Thornton shall have a life estate in the following described real estate which is located in Shelby County, Alabama, to-wit:

A parcel of land located in the southwest  $\frac{1}{4}$  of the north-east  $\frac{1}{4}$  of Section 12, Township 20 South, Range 3 West, Shelby County, Alabama, more particularly described as follows: Commence at the southeast corner of said  $\frac{1}{4}$   $\frac{1}{4}$  Section, thence in a northerly direction, along the east line of said  $\frac{1}{4}$   $\frac{1}{4}$  section, a distance of 378.87 feet, thence 88 degrees 34 minutes left, in a westerly direction, a distance of 254.63 feet to the point of beginning, thence continue along last described course a distance of 166.25 feet, thence 69 degrees 00 minutes left, in a southwesterly direction a distance of 103.25 feet, thence 89 degrees 39 minutes 22 seconds left, in a southeasterly direction, a distance of 155.22 feet, thence 90 degrees 20 minutes 38 seconds left, in a northeasterly direction, a distance of 163.75 feet to the point of beginning.

It is further ORDERED that James Frederick Thornton may sell and convey the above property. If Mr. Thornton sells the above residence, he does not have to furnish Mrs. Thornton with a residence equal in value to the sale of the residence, but he must provide her with a life interest in a residence whose house is comparable to the home in which she is now living in a residential area within a reasonable distance of her place of business.

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(5) Charlotte Thornton is awarded all furniture, appliances, household items, linens and other household effects located in the parties home in Shelby County, Alabama.

(6) Charlotte Thornton is awarded her automobile and the wrecked automobile which is presently kept at the parties' home.

(7) Charlotte Thornton is awarded one-half ( $\frac{1}{2}$ ) of the coin collection which the parties are presently storing in a safe-deposit box.

(8) The plaintiff and defendant shall both have and receive an undivided one-half ( $\frac{1}{2}$ ) interest in the One Hundred Twenty (120) acres owned by the defendant in Shelby County, Alabama, between Alabaster and Columbiana. Both parties are hereby divested of any right of survivorship that may have existed between these parties as to this property.

(9) James Frederick Thornton shall pay to Charlotte Thornton the sum of Five Thousand Dollars (\$5,000) as contribution toward attorney's fees for Eason Mitchell, incurred by Mrs. Thornton after the separation and through this divorce action, for which also let execution issue. Further, judgment is hereby entered in favor of Charlotte Thornton and against James Frederick Thornton in that amount.

(10) James Frederick Thornton shall be responsible for and shall pay all of the debts and indebtednesses incurred by the parties prior to this decree, including all amounts owed to Shelby Bank, Alabaster Bank, his debts and the parties' tax liabilities for the year 1984.

(11) James Frederick Thornton shall take ownership and title to the parties' travel mobile home located in the state of Florida and in which he has been previously residing, together with all the furniture and household effects located in that mobile home.

(12) Charlotte Thornton shall take ownership and title to the parties' travel trailer which is presently located in the state of Florida and has been kept at a KOA travel trailer park.

(13) James Frederick Thornton shall take the fifteen (15) acres in which the parties have an interest and which real property is located in the City of Alabaster, Shelby County, Alabama, and that the plaintiff shall execute to the defendant a warranty deed conveying all interest she may have to the said property.

(14) James Frederick Thornton is awarded his one-half ( $\frac{1}{2}$ ) interest in the four acres of commercial property located near Highway 31 in Pelham, Shelby County, Alabama, and Charlotte Thornton is hereby divested of any right, title to or interest in this property.

(15) James Frederick Thornton is awarded the three vans presently in his possession.

(16) Charlotte Thornton is awarded the parties' business including all inventory, pictures, goodwill, name and other business assets from the parties' business located in Shelby County, Alabama. The defendant

is ORDERED to furnish the plaintiff with the business premises presently occupied by the plaintiff, rent free, and to maintain said premises in a good state of condition and repair. The defendant may cause the plaintiff to vacate the business premises, providing that he gives her sufficient notice and provides her with a similar or better business facility and location and further gives her reasonable notice and pays her expenses of moving and advertising to inform the public of her new business location. The defendant is further ORDERED and enjoined from competing with the plaintiff's business, and is further ORDERED and enjoined from assisting or developing any competing business which would compet with or lessen the value of the plaintiff's business.

(17) James Frederick Thornton is awarded all goodwill, interest, stock, inventory and other assets located in or associated with the parties' business located in the state of Florida and further that he assume and pay any of the indebtednesses or obligations located with that business and hold the plaintiff harmless from any loss therefrom including making payment of the debt and expense which has previously been incurred by the parties for the operation of said businesses, which indebtedness is presently owed to Alabaster Bank. It is further ORDERED that the defendant shall reimburse the plaintiff for any of the principal or interest payments which she has made on the aforesated loan since the parties' separation.

(18) Each party is ORDERED to execute any document requested by the other in order to reflect the awards of this decree.

Costs of this action are taxed as paid.

DONE and ORDERED this 28 day of August, 1985.

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*Robert R. Armstrong, Jr.*  
 Robert R. Armstrong, Jr.  
 Circuit Judge

FILED IN OFFICE THIS THE 28 DAY  
 OF August, 1985

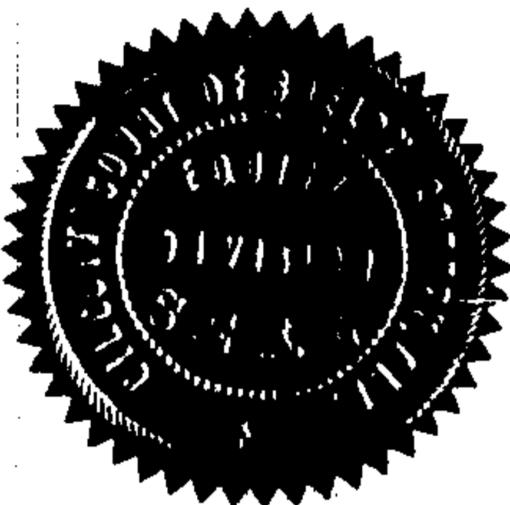
*Kyle Lansford*  
 Clerk of Circuit Court  
 Shelby County, Alabama

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

1985 SEP -4 AM 10:00

*Thomas W. ...*  
 JUDGE OF THE COURT

Rec. 10.00  
 Adv. 1.00  
 11.00



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 duly filed and enrolled in my office, and the cost has been paid.

Witness my hand and seal this the 29 day of  
August, 1985  
*Kyle Lansford*