

534

GEORGENE F. BEVERLY,

Plaintiff,

vs

PHILLIP BEVERLY,

Defendant.

IN THE CIRCUIT COURT FOR

SHELBY COUNTY, ALABAMA

DOMESTIC RELATIONS

DR-86-367

DIVORCE DECREE

This cause came on for trial and the court took testimony from the plaintiff and the defendant in open court. The requirements of residence, age and grounds for the divorce were satisfied.

Wherefore, it is hereby ORDERED, ADJUDGED and DECREED that the bonds of matrimony heretofore existing between Georgene F. Beverly and Phillip L. Beverly 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 as follows:

(1) Phillip L. Beverly is hereby awarded the marital residence, and Georgene F. Beverly is hereby divested of any right, title to or interest in the marital residence.

(2) Out of the \$69,400.00 in Mr. Beverly's employee savings plan, Georgene F. Beverly is awarded \$61,500.00 of that amount.

(3) Georgene F. Beverly is awarded one-half of the money in the Credit Union, both savings and checking.

(4) Georgene F. Beverly is awarded one-half of the IRA accounts.

(5) Phillip L. Beverly is awarded all of the timberland located in Shelby County, and Georgene F. Beverly is hereby divested of any right, title to or interest in the same.

(6) Georgene F. Beverly is awarded the following property: the maple rocker; the salmon colored rocker; brocade sofa bed linens; brass single bed with mattress and box springs; maple bed; one floor lamp; antique white dress, mirror and night stand;

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*Kyle Sanford*  
Register of Circuit Court

*Mitchell, Green Pius*

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sewing machine; two crewel pictures; eyelet curtains; cooking and baking pans; and dishes.

(7) Except as stated above, Phillip Beverly is awarded all contents of the marital residence.

(8) Georgene F. Beverly is awarded the Spitfire automobile.

(9) Phillip L. Beverly is awarded the 1976 Oldsmobile and the truck.

(10) Phillip L. Beverly is awarded his gun collection. (Mrs. Beverly is ORDERED to do whatever is reasonably necessary to retrieve the gun collection for Mr. Beverly.)

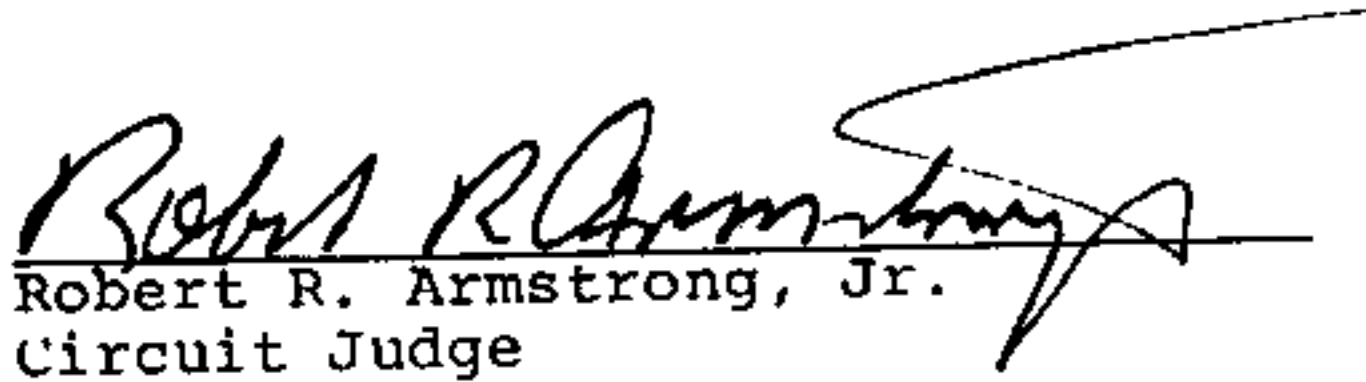
(11) Each party is ORDERED to do whatever is reasonably requested by the other to accomplish or reflect the awards of this decree.

(12) Phillip L. Beverly shall pay to Georgene F. Beverly the sum of \$1,000.00 per month as periodic alimony. (Mrs. Beverly should attempt to obtain employment as soon as possible.)

(13) The court finds that a reasonable amount of attorney's fee and expenses incurred in this case is \$2,500.00. It is the court's opinion, however, that considering the awards of this decree, each party is responsible for his or her own attorney's fee.

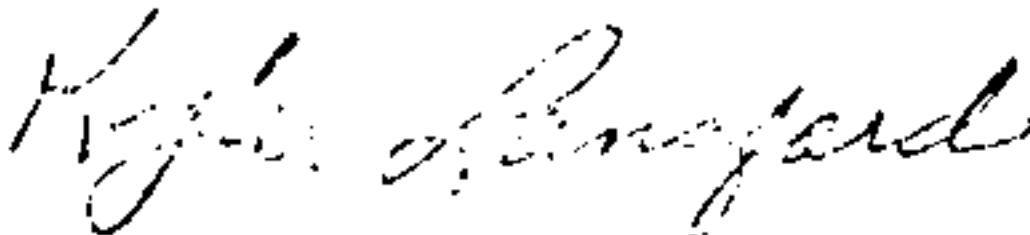
Costs of this action are taxed as paid.

DONE and ORDERED this 16 day of December, 1986.

  
Robert R. Armstrong, Jr.  
Circuit Judge

FILED IN OFFICE THIS THE 16 DAY

OF Dec, 1986



Clerk of Court and Registrar  
Shelby County, Alabama



GEORGENE F. BEVERLY,  
Plaintiff,

v.

PHILLIP L. BEVERLY,  
Defendant.

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IN THE CIRCUIT COURT FOR  
SHELBY COUNTY, ALABAMA  
DOMESTIC RELATIONS

DR 86-367

AMENDED DECREE

A hearing was had on the defendant's motion for a new trial. In that hearing, which was on the record, the parties agreed to certain changes in the divorce decree relating to division of property. The court hereby approves that agreement, and amends the divorce decree as follows:

(I) Paragraph (2) is changed as follows: Mrs. Beverly shall receive \$20,000.00 immediately, and the sum of \$38,545.20 shall be paid to her by Mr. Beverly on January 2, 1988, from the employee savings plan of Mr. Beverly with the Southern Company of Alabama Power.

(II) Paragraph (3) is expanded as follows: Mrs. Beverly shall receive one-half of the credit union savings and checking accounts in the amount of \$19,803.10 to be paid immediately.

(III) Paragraph (4) is changed as follows: Mrs. Beverly shall also receive one-half of the IRA accounts which total \$14,500.00

The IRA account owned by Mrs. Beverly shall be transferred to her, and Mr. Beverly given credit for his one-half share of that amount, to avoid tax consequences of early withdrawal.

Further, he has the right to pay any amount still owing her, for her one-half share, in cash to avoid suffering any early distribution penalty.

4-29-87  
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*Kyle Landford*  
Register of Circuit Court

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(IV) Periodic alimony shall be paid in full by April 16, 1987, after giving Mr. Beverly credit for the payments that he has already made, by Mr. Beverly paying Mrs. Beverly \$2,400.00.

(V) Mrs. Beverly shall execute a power of attorney to Mr. Beverly for the purpose of filing a 1986 joint tax return. Mr. Beverly shall be responsible for any taxes or expenses associated with this return.

\* \* \* \* \*

The parties reached no agreement as to item (12). The defendant talked about the periodic alimony payments as being equivalent to "an annuity." The alimony order is not an annuity order. The award of alimony will be terminated upon the application of 30-2-55 of the Code of Alabama, or any other provision of law which terminates alimony. Further, the court is always open to entertain a petition to modify the alimony award.

The court will not, however, change the alimony item. The court is of the opinion that the award is proper under the <sup>(1)</sup>present circumstances. The court will, however, again say that Mrs. Beverly is expected to make all reasonable efforts to obtain employment as soon as possible.

\* \* \* \* \*

Everything in the divorce decree not inconsistent with this amended decree remains the same.

DONE and ORDERED this 8 day of April, 1987.  
(1) evidence and the

FILED IN OFFICE, This the 5 day  
of April 1987.

*W. R. [Signature]*

County Court of  
Shelby County, Alabama

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

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
1987 MAY -7 AM 8:44

*Thomas A. [Signature]*  
CLERK

1. Recording Fee \$ 10.00  
2. Indexing Fee 1.00  
TOTAL 11.00