

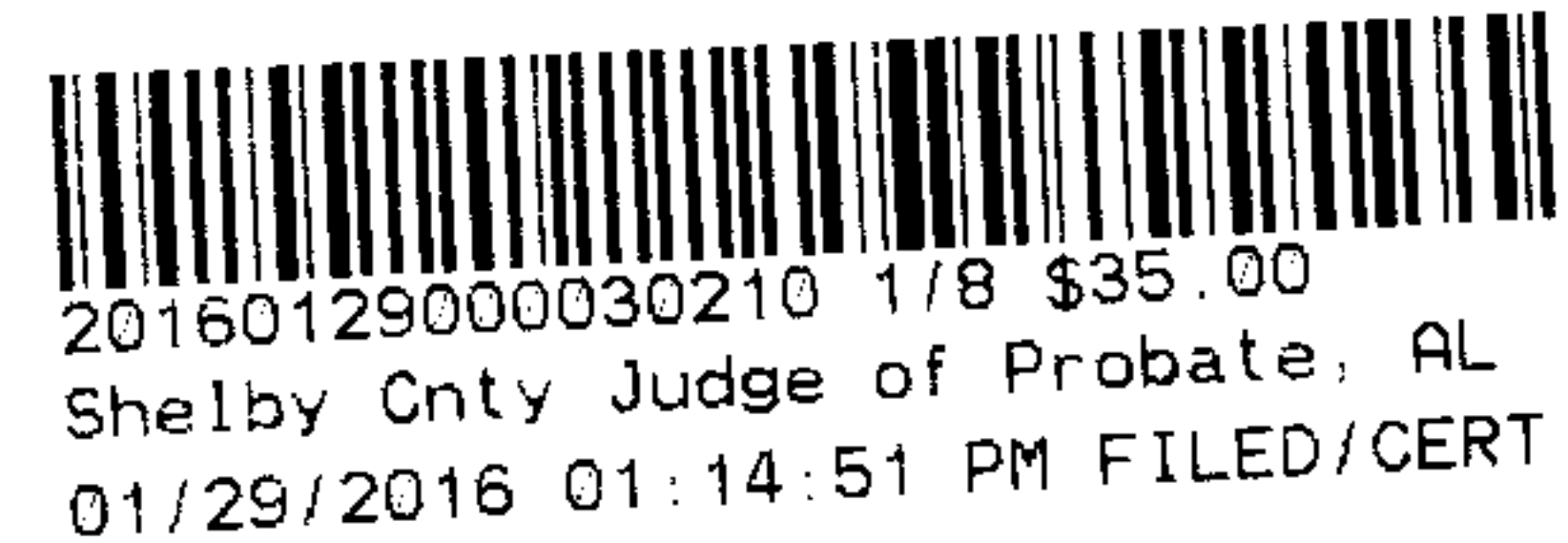
IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

**DAVID JAMES PHILLIPS,
PLAINTIFF**

CASE NO.: DR 2006-155

VS.

**RENA B. PHILLIPS,
DEFENDANT.**



JUDGEMENT OF DIVORCE

This action coming on to be heard, was submitted upon the Complaint, Answer, (Counterclaim) and oral testimony of the parties and other evidence, and upon consideration thereof, the parties David James Phillips, the Plaintiff, represented by Ginette A. Dow and Rena B. Phillips, Defendant, represented by Christopher Smitherman, agree that the Plaintiff is entitled to the relief prayed for in said Complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT as follows:

1. The bonds of matrimony existing between the Plaintiff David James Phillips and Defendant Rena D. Phillips are hereby dissolved, and the said Plaintiff, David James Phillips is forever divorced from the said Defendant, Rena B. Phillips on the ground of incompatibility.

CUSTODY

2. The parties shall enjoy joint custody of the minor child and each shall confer with the other regarding all issues as the parties agree that it is in the best interest of the child for parties to work together to make all decisions relating to the child. If the parents cannot agree to a decision then the parent having custody for said period will make the decision. The father shall have primary placement with the child during the school year and the mother shall have primary placement with the child during the summer. Said agreement will remain in effect until the child is nineteen years of age.
3. The mother shall enjoy the following custodial/visitation periods during the school year; every other weekend from 7:30 p.m. Friday until 7:30 p.m. Sunday; every Spring Break from Saturday 6 p.m. to Saturday 6 p.m. and every Monday night from 7:30 p.m. until 7:30 Tuesday.

4. The father shall enjoy the following custodial/visitation periods during the summer: every other weekend from 6:30 p.m. Friday to 6:30 p.m. Sunday; every Thursday night from 6:30 p.m. until 6:30 p.m. Friday; and one week as determined by the father provided that father provides the mother with 1 week notice in advance. The person having visitation is responsible for transportation.
5. The custodial/visitation periods specified above shall be superceded by the holiday periods identified below hereinafter.

CHRISTMAS

6. Defendant shall have custodial/visitation Christmas Holidays in odd numbered years beginning at 6:00 p.m. on the first day of the school holiday season as set out in the school calendar until 3:00 p.m. Christmas Day. Even years, the Defendant, shall have her visitation from 3:00 p.m. Christmas Day until 6:00 p.m. on the following January 1.

Plaintiff shall have custodial/visitation Christmas Holidays in even numbered years beginning at 6:00 p.m. on the first day of the school holiday season as set out in the school calendar until 3:00 p.m. Christmas Day. Odd years, the Plaintiff, shall have his visitation from 3:00 p.m. Christmas Day until 6:00 p.m. on the following January 1.

THANKSGIVING

7. The Defendant shall have custodial/visitation on even numbered years on the week of Thanksgiving from 4:00 p.m. on Wednesday afternoon until 6:00 p.m. Sunday.

The Plaintiff shall have custodial/visitation on odd numbered years on the week of Thanksgiving from 4:00 p.m. on Wednesday afternoon until 6:00 p.m. Sunday.

EASTER

8. The Defendant shall have her custodial/visitation on even numbered years from 6:00 p.m. on the Saturday before Easter until Easter Sunday at 6:00 p.m.

The Plaintiff shall have his custodial/visitation on odd numbered years from 6:00 p.m. on the Saturday before Easter until Easter Sunday at 6:00 p.m.



FATHER'S DAY

9. The father shall have the right of custodial/visitation period with the child for Father's Day of each year. Said custodial/visitation period shall begin at 4:00 p.m. on the Saturday prior to Father's Day and shall end no later than 6:00 p.m. on Father's Day.

MOTHER'S DAY

10. The mother shall have the right of custodial/visitation period with the child for Mother's Day of each year. Said custodial/visitation period shall begin at 4:00 p.m. on the Saturday prior to Mother's Day and shall end no later than 6:00 p.m. on Mother's Day.

CHILD'S BIRTHDAY

11. Both parents will have visitation on said day.

OTHER VISITATION

12. The custodial/visitation periods as provided herein are intended by the Court to be the minimum to which each parent is entitled. The parties are encouraged to extend such periods, as herein allowed, as the child grows older, and as may be in the best interest of said child, and to reschedule, by mutual agreement, any custodial/visitation period which is inconvenient for the parties or interferes with the child's extra curricular activities, with both parties keeping in mind the best interest of the child.
13. Each party shall give the other party the right of first refusal for child care during his or her custodial/visitation period, in the event the custodial parent is required to be out of town for an overnight stay or is otherwise in need of extended child care.

SUPPORT

14. Because of said custody arrangements there shall be no child support.

NOTIFICATION OF ILLNESS OR ACCIDENT

15. In the event that the child become seriously ill or requires hospitalization due to an illness or accident, the party having the actual physical custody of the child at the time of such occurrence shall promptly notify the other party



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of such occurrence. Such notification shall include the nature of the illness or accident, the location of the child, and the name of the child's treating physician.

16. Neither party shall in any way attempt to harass, harm, hinder, decrease or destroy the natural love of the child for the other parent. Neither parent shall make disparaging remarks or otherwise speak badly of the other parent to another party, to, or in the presence of, the child and both parents shall make every effort to prevent others from doing so. Further, the parties shall strive harmonious relations for the benefit of the parties' child.
17. Neither party shall be under the influence of alcohol, during any custodial/visitation period, or when in the presence of the minor.
18. Neither party shall at any time allow an unrelated person of the opposite sex to remain with the minor after 10:00 p.m. when the child is present at the residence of said party.

TELEPHONE ACCESS

19. Each party shall have reasonable telephone access with the minor child while in the physical control of the other parent. The child shall also have reasonable telephone access to both parents at all reasonable times. Each party shall provide the other party with the address and telephone number where the minor child may be located during their respective visitation periods.

NOTICE

20. Except as provided with respect to the extended summer time custodial/visitation period specified herein above, no advance notice shall be required of the parent exercising his or her custodial/visitation period. However, that party shall notify the other party, as soon as practicable, if that party is unable to visit with the child at the scheduled time and place.

Child'S ACTIVITIES

21. Neither party shall schedule activities for the minor child which will preclude the other party from having the child with him or her at the times and places set forth herein above. In the event that it is necessary to schedule activities for the child, the parties shall jointly confer and shall make joint decisions concerning those activities as much as possible, and it shall be the



responsibility of the party who is exercising his or her custodial/visitation period to transport the child to those activities. The scheduling of activities shall not be utilized to deprive either party of any custodial/visitation periods.

ACCESS TO INFORMATION

22. Both parties shall have access to information concerning the child, including, but not limited to medical, dental, and hospital records, school records, report cards, and any other information concerning the parties' minor child.

This order shall be deemed to be release, thereby allowing school officials and/or medical providers to furnish both parties with any of the child's school, medical, dental, hospital or psychological records

MEDICAL AND DENTAL EXPENSES:

23. The Father (Plaintiff) will provide medical and dental insurance for the minor child. The parties agree that each of them shall pay one half(50%) of the child's medical, dental and hospitalization expenses for the benefit of the child which are not covered by health insurance, such expenses shall include co-pays ,prescription medication, glasses and any other medical/dental related expenses. The paying party shall provide the other with proof of payment within thirty (30) days of the same being paid and the other party shall reimburse said paying party within ten (10) days of receiving notice of the same.

TAX DEDUCTION

24. The father shall claim the minor child for income tax exemption

HOME PLACE

25. Title of the home place of the parties located at 377 Old Cahaba Trail Helena, AL 35080 is hereby vested in Plaintiff/David James Phillips and the same is divested out of Rena B. Phillips. Said property is more particularly described as follows: Lot 720, according to the Survey of Old Cahaba, Cedar Crest Sector, as recorded in Map Book 24, Page 11, in the Probate Office at Shelby County, Alabama. The Plaintiff, David James Phillips shall be responsible for payment of all insurance, taxes and mortgage payments relating to said property and shall hold Defendant/Rena B. Phillips harmless



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from any liability thereon. The Plaintiff will refinance/mortgage said residence within 1 year. The Defendant/Rena B. Phillips is ordered to execute a quit claim deed conveying her interest to Plaintiff/ David James Phillips within thirty (30) days from this order.

MARITAL DEBT:

26. Each party shall be solely responsible for their own individual indebtedness and he/she shall indemnify and hold the other party harmless for all such indebtedness.

AUTOMOBILES:

27. The husband (Plaintiff) shall retain the car in his actual possession. He will accept responsibility and indebtedness on said vehicle and he shall indemnify and hold the wife harmless from such debt.

The wife (Defendant) shall retain the car in her actual possession. She will accept responsibility and indebtedness on said vehicle and she shall indemnify and hold the husband harmless from such debt. Defendant will refinance/remortgage her car within 6 months. The Plaintiff to provide extra set of car keys within 10 days. (Provided in open court)

PERSONAL PROPERTY:

28. The Plaintiff will keep possession of all personal property already in his possession and that the Defendant will keep possession of all personal property already in her possession marital property.
29. The father is to copy child's birth certificate and social security card and provide same to Mother within thirty (30) days.

CHANGE OF ADDRESS OR TELEPHONE NUMBER

The provisions of Section 30-3-166 Code of Alabama, 1975, a copy of which is attached hereto and incorporated herein shall be binding on both parties.

That the notice required under the Alabama Parent-Child Relationship Protection Act is set out in full as follows:

Alabama law requires each party in this action who has either custody of or the right of visitation with a child to notify other parties who have custody



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of or the right of visitation with the child of any change in his or her address or telephone number, or both, and of any change or proposed change of principal residence and telephone number or numbers of a child. This is a continuing duty and remains in effect as to each child subject to the custody or visitation provisions of this decree until such child reaches the age of majority or becomes emancipated and for so long as you are entitled to custody of or visitation with a child covered by this order. If there is to be a change of principal residence by you or by a child subject to the custody or visitation provisions of this order, you must provide the following information to each other person who has custody or visitation rights under this decree as follows:

- (1) The intended new residence, including the specific street address, if known.
- (2) The mailing address, if not the same as the street address.
- (3) The telephone number or numbers at such residence, if known.
- (4) If applicable, the name, address, and telephone number of the school to be attended by the child, if known.
- (5) The date of the intended change of principal residence of a child.
- (6) A statement of the specific reasons for the proposed change of principal residence of a child if applicable.
- (7) A proposal for a revised schedule of custody of or visitation with a child, if any.
- (8) Unless you are a member of the Armed Forces of the United States of America and are being transferred or relocated pursuant to a non-voluntary order of the government, a warning to the non-relocating person that an objection to the relocation must be made within 30 days of receipt of the notice or the relocation will be permitted.

You must give notice by certified mail of the proposed change of principal residence on or before the 45th day before a proposed change of principal residence. If you do not know and cannot reasonably become aware of such information in sufficient time to provide a 45-day notice, you must give such notice by certified mail not later than the 10th day after the date that you obtain such information.

Your failure to notify other parties entitled to notice of your intent to change the principal residence of a child may be taken into account in a modification of the custody of or visitation with the child.

If you, as the non-relocating party, do not commence an action seeking a temporary or permanent order to prevent the change of principal residence of a child within 30 days after receipt of notice of the intent to change the principal residence of the child, the change of principal residence is authorized.

REMARRIAGE

30. That neither party shall again marry except to each other until sixty days after the date of this decree. If an appeal from this decree is taken (which must be instituted within 42 days (42) days from this Judgement, or from the date that a post trial motion is denied), then neither party shall marry again except to each other during the pendency of said appeal.

COURT COST

31. That the costs of Court accrued herein are hereby taxed as paid by the Plaintiff.

The clerk is directed to serve a copy of this Judgement on the parties as follows:

Attorney for Plaintiff
Ginette A. Dow
1821 3rd Ave North
Bessemer, AL 35020

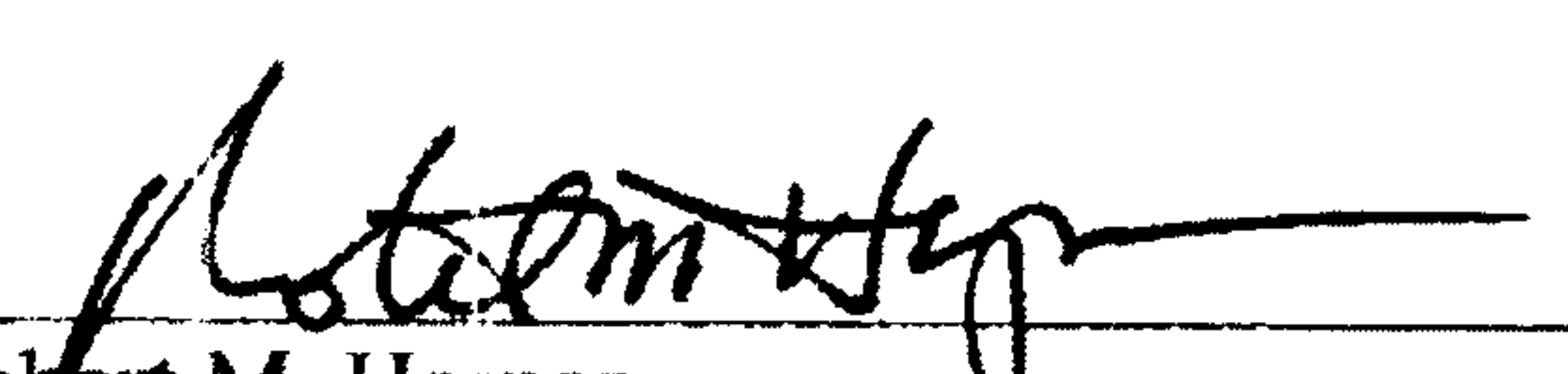
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MARY H. HARRIS

MAR 19 2009

CIRCUIT & DISTRICT
COURT CLERK
SHELBY CO

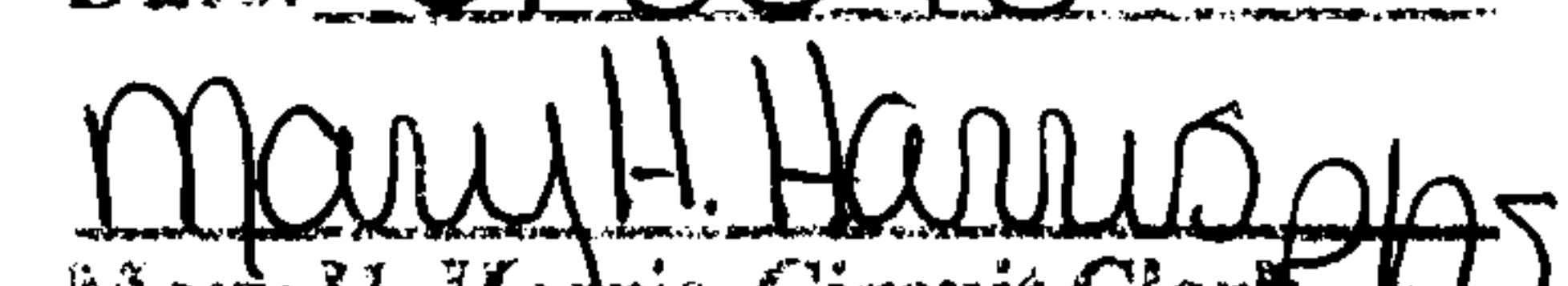
Attorney for Defendant
Christopher R. Smitherman
P.O. Box 261
Montevallo, AL 35115


DONE AND ORDERED this the 3rd day of March, 2009.


Robert M. Harper
Circuit Judge

Certified a true and correct copy

Date: 01-08-16


Mary H. Harris, Circuit Clerk
Shelby County, Alabama


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