

**IN THE CIRCUIT COURT
OF LIMESTONE COUNTY, ALABAMA**

JAIMES KENT HARRIS, JR.,

Plaintiff,

vs.

LEE SKEEN HARRIS,

Defendant.

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Case No: DR-07-190.01

MOTION TO REVIVE JUDGMENT


COMES NOW the Petitioner, Lee Skeen Harris, now known as Lee Skeen Hyde, and moves this Court to revive the judgment entered on the 30th day of April, 2009, in the case entitled *James Kent Harris, Jr. vs. Lee Skeen Harris*, Case Number DR-07-190.01 WKB, Circuit Court of Limestone County, Alabama ("Exhibit A"). As grounds for her motion, Petitioner states as follows:

1. On April 30, 2009, the Court entered a judgment in favor of the Petitioner.
2. The judgment has not been satisfied.
3. Alabama Code 6-9-191 (1975) states:

"If 10 years have elapsed from the entry of the judgement without issue of execution or if 10 years have elapsed since the date of the last execution issued, the judgement must be presumed satisfied, and the burden of proving it not satisfied is upon the plaintiff. "

ALA CODE 6-9-191 (1975).

4. Alabama Code 6-9-192 states:


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'No execution shall issue on a judgment of the district or circuit court on which an execution has not been sued out within 10 years of its entry *until the same has been revived by appropriate motion* or action under the Alabama Rules of Civil Procedure.'

ALA CODE 6-9-192 (1975) (emphasis added).

5. As set forth in Petitioner's affidavit ("Exhibit B"), the Court granted the following relief, which has not been satisfied:

- a. Respondent has not paid the periodic alimony obligation imposed on him in the amount of \$750.00 per month as of September 1, 2007; through September 2019, the month which Lee Skeen Harris remarried and became Lee Skeen Hyde.
- b. Respondent has not paid the sum of \$815.00 for payments made by Petitioner, Lee Skeen Hyde, on credit card accounts that the Respondent, James Kent Harris, Jr., was ordered to Pay;
- c. Respondent has not paid the sum of \$6,513.71 that Respondent, James Kent Harris, Jr., was found by this Court to be delinquent in the payment of child support;
- d. Respondent has not paid the sum of \$19,670.00 which Respondent, James Kent Harris, Jr., was found delinquent in the payment of periodic alimony;
- e. Respondent has not paid the sum of \$2,170.00 for the orthodontic expense incurred for the parties' minor daughter, which Respondent James Kent Harris, Jr., was ordered to pay;
- f. Respondent has not paid the sum of \$2,062.50 for college expenses paid by the Petitioner, Lee Skeen Hyde, which was ordered to be paid by Respondent, James Kent Harris, Jr.;
- g. Respondent has not paid the sum of \$9,434.00 for college tuition for the parties' son, which was paid by obtaining of a student loan for the parties' son. Payment of this judgment was applied first to any outstanding balance owing on the student loan, with any remaining sums paid on the judgement to be paid to the Petitioner, Lee Skeen Hyde; and
- h. Respondent has not paid the sum of \$2,209.00 to the Petitioner, Lee Skeen Hyde, which amount Respondent, James Kent Harris, Jr., was required to pay Petitioner, Lee Skeen Hyde for her attorney's fee.

6. Interest on the above amounts has not been paid. Petitioner claims post-judgement interest as allowed by Alabama law.

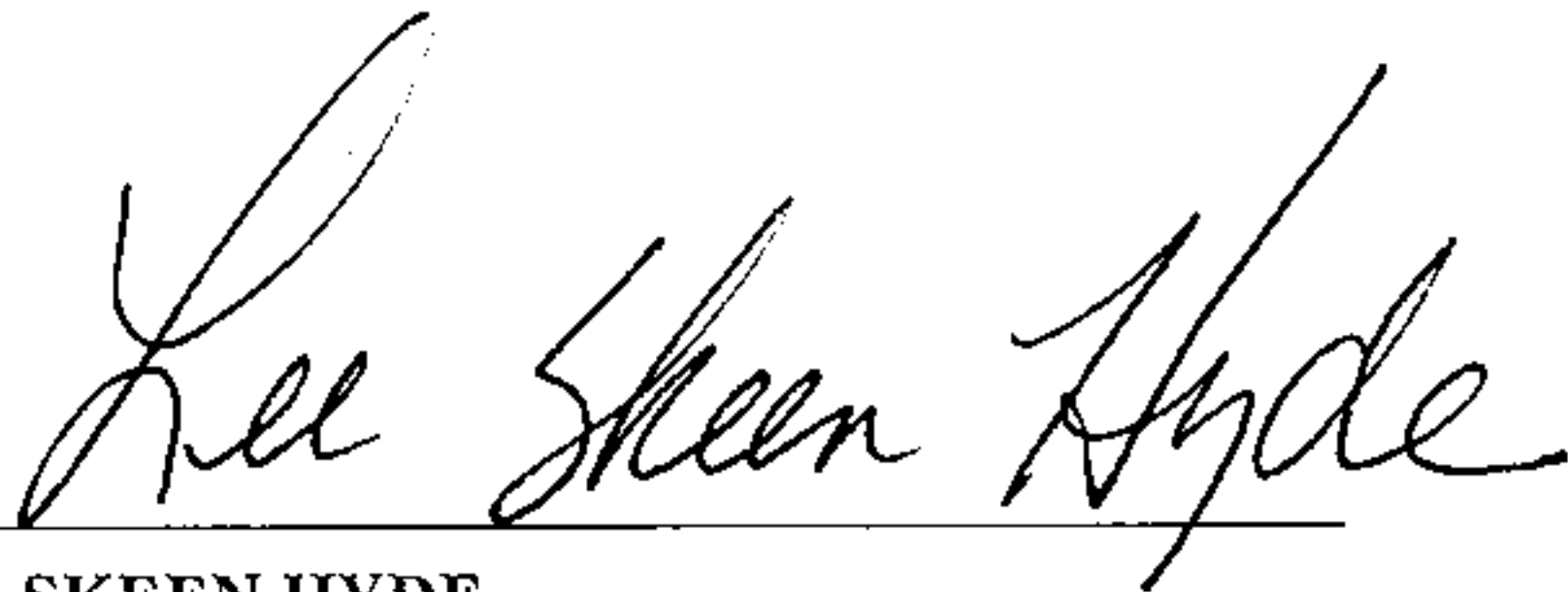
WHEREFORE, based upon the above, Petitioner requests that this Court revive the April 30, 2009, judgment as to those amounts unpaid by Respondent, James Kent Harris, Jr.


This the 24th day of April 2019.

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BRAD CURNUTT, CLERK
LIMESTONE COUNTY ALABAMA


LEE SKEEN HYDE


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IN THE CIRCUIT COURT
OF LIMESTONE COUNTY, ALABAMA

JAIMES KENT HARRIS, JR.,

*

Plaintiff,

*

vs.

*

case No: DR-07-190. 01

LEE SKEEN HARRIS,

*

Defendant.


AFFIDAVIT

Before me, the undersigned notary public in and for said state, personally appeared Lee Skeen Harris, now known as Lee Skeen Hyde, who, being by me first duly sworn, deposes and says as follows:

My name is Lee Skeen Hyde ("Petitioner"), and I am an adult resident citizen of Limestone County, Alabama. I am the former wife of James Kent Harris, Jr. and I am filing a Motion to Revive Judgement against James Kent Harris, Jr. ("Respondent"). I am over nineteen (19) years of age and I have personal knowledge of the following facts:

On April 30, 2009, Judge William K. Bell entered an Order granting me the following relief, which has not been satisfied as of the date this Affidavit is being executed by me:

- a. Respondent has not paid the periodic alimony obligation imposed on him in the amount of \$750.00 per month as of September 1, 2007; through September 1, 2018 which is the month Lee Skeen Hyde married.
- b. Respondent has not paid the sum of \$815.00 for payments made by Petitioner, Lee Skeen Hyde, on credit card accounts that the Respondent, James Kent Harris, Jr., was ordered to pay;
- c. Respondent has not paid the sum of \$6,513.71 that Respondent, James Kent Harris, Jr., was found by this Court to be delinquent in the payment of child support;
- d. Respondent has not paid the sum of \$19,670.00 which Respondent, James Kent Harris, Jr., was found delinquent in the payment of periodic alimony;


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- e. Respondent has not paid the sum of \$2,170.00 for the orthodontic expense incurred for the parties' minor daughter, which Respondent James Kent Harris, Jr., was ordered to pay;
- f. Respondent has not paid the sum of \$2,062.50 for college expenses paid by the Petitioner, Lee Skeen Hyde, which was ordered to be paid by Respondent, James Kent Harris, Jr.;
- g. Respondent has not paid the sum of \$9,434.00 for college tuition for the parties' son, which was paid by obtaining of a student loan for the parties' son. Payment of this judgment was applied first to any outstanding balance owing on the student loan, with any remaining sums paid on the judgement to be paid to the Petitioner, Lee Skeen Hyde; and
- h. Respondent has not paid the sum of \$2,209.00 to the Petitioner, Lee Skeen Hyde, which amount Respondent, James Kent Harris, Jr., was required to pay Petitioner, Lee Skeen Hyde for her attorney's fee.

i. This Affidavit is hereby executed on this 24th day of April, 2019.

Lee Skeen Hyde
LEE SKEEN HYDE- AFFIANT

STATE OF ALABAMA,

LIMESTONE COUNTY.

I, the undersigned, a Notary Public in and for said County and State, hereby certify that Lee Skeen Hyde, whose name is signed to the foregoing, and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, on this the 24th day of April, 2019.

Shelby C. Curnutt
NOTARY PUBLIC

Affix Seal Here.

My Commission Expires:

NOTARY PUBLIC
LEIGH ANN HUGHES
ALABAMA, STATE AT LARGE
Expires February 19, 2020

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LIMESTONE COUNTY ALABAMA

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IN THE CIRCUIT COURT OF LIMESTONE COUNTY, ALABAMA

JAMES KENT HARRIS, JR.,

PLAINTIFF,

VS

CIVIL ACTION NO. DR07-190.01HWKB

LEE SKEEN HARRIS,

DEFENDANT.

ORDER

This case came before the undersigned Circuit Judge, having been appointed as a Circuit Judge of Limestone County, Alabama, by Chief Justice Sue Bell Cobb of the Alabama Supreme Court, for final hearing on the Petition to Modify Divorce Decree filed by the Plaintiff, James Kent Harris, Jr., and the Answer thereto and Counterclaim Petition for Rule Nisi filed by the Defendant, Lee Skeen Harris, with both parties being personally present and represented by their respective attorneys of record. This Court having considered the testimony presented ore tenus, the exhibits admitted into evidence, and the arguments and contentions of the parties and counsel enters the following orders:

1. This Court finds from the evidence that there has been a material change in circumstances since entry of the Divorce Decree between the parties on April 12, 2007; and as a result, the Divorce Decree entered between the parties is modified as follows:

(a) The child support obligation imposed on the Plaintiff, James Kent Harris, Jr., is modified to the sum of \$633.09 per month for the support of the parties' minor child, Beverly Ann, who is presently 13 years of age, having been born on August 3, 1995. The modification herein ordered is made retroactive to September 1, 2007, which is the next installment of child support which came due following the date of filing of the Petition to Modify Divorce Decree by the Plaintiff, James Kent Harris, Jr., in this Court. Said modified amount of child support shall begin in the month of April, 2009, beginning on the fifth day with the first payment being due not later than five days from the date of entry of this Order and being due on the fifteenth day of each month thereafter until the parties' minor daughter reaches the age of majority according to the law of the state of Alabama, marries, dies, or otherwise becomes emancipated by law.

The amount of child support ordered herein has been calculated in accordance with Rule 32, Alabama Rules of Judicial Administration, as evidenced by the CS-42 Guideline Worksheet attached hereto and marked as Exhibit 1.



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LIMESTONE COUNTY, AL

Pursuant to Sec. 30-3-61, *Code of Alabama* (1975), there is entered by the Court on this date a Continuing Child Support Withholding Order, which is made a part of this Order. Said Order shall remain in the Court file. The Husband shall pay the monthly child support through the Alabama Child Support Payment Center, P. O. Box 244015, Montgomery, Alabama 36124-4015, with the first payment being due not later than five days from the date of entry of this Order, and being due on the fifteenth day of each month thereafter.

(b) The periodic alimony obligation imposed on the Plaintiff, James Kent Harris, Jr., in said Divorce Decree is modified to the sum of \$750.00 per month. The modification herein ordered is made retroactive to September 1, 2007, which is the next installment of periodic alimony which came due following the date of filing of the Petition to Modify Divorce Decree by the Plaintiff, James Kent Harris, Jr., in this Court. Said modified amount of child support shall begin in the month of April, 2009, with the first payment being due not later than five days from the date of entry of this Order, and being due on the fifteenth day of each month thereafter.

2. This Court finds from the evidence that the Plaintiff, James Kent Harris, Jr., has failed to pay certain sums as ordered to be paid by him, either to or on behalf of the Defendant, Lee Skeen Harris, in the following amounts, for each of which judgment is entered in favor of the Defendant, Lee Skeen Harris, against the Plaintiff, James Kent Harris, Jr., for which execution may issue as provided by law:

(a) The sum of \$815.00 for payments made by the Defendant, Lee Skeen Harris, on credit card accounts that the Plaintiff, James Kent Harris, Jr., was ordered to pay.

(b) The sum of \$6,513.71 that he is found by this Court to be delinquent in the payment of child support as ordered to be paid by him. In making said calculation, this Court has taken into account the retroactive modification of his child support obligation ordered above.

(c) The sum of \$19,670.00 which this Court finds he is delinquent in the payment of periodic alimony as ordered to be paid by him. In making said calculation, this Court has taken into account the retroactive modification of the periodic alimony obligation ordered above.

(d) The sum of \$2,170.00 for the orthodontic expense incurred for the parties' minor daughter.

(e) The sum of \$2,062.50 for college expenses paid by the Defendant, Lee Skeen Harris, which were ordered to be paid by him.

(f) The sum of \$9,434.00 for college tuition for the parties' son, which was paid by the obtaining of a student loan for the parties' son. Payment of this judgment shall be applied first to any outstanding balance owing on the student



loan, with any remaining sums paid on the judgment to be paid to the Defendant, Lee Skeen Harris.

3. The Plaintiff, James Kent Harris, Jr., shall be responsible for and pay the sum of \$2,209.00 to the Defendant, Lee Skeen Harris, as reimbursement to her for the attorney's fees incurred by her for the services of her attorney in this case, for which amount judgment is entered in favor of the Defendant, Lee Skeen Harris, against the Plaintiff, James Kent Harris, Jr., for which execution may issue as provided by law.

4. The costs of court incurred in this case are taxed to the Plaintiff, James Kent Harris, Jr., for which execution may issue as provided by law, if not prepaid by him upon the filing of this action.

5. All other claims presented in this case are denied.

6. All other terms and provisions of the Divorce Decree entered between the parties on April 12, 2007, not modified above, shall remain in full force and effect.

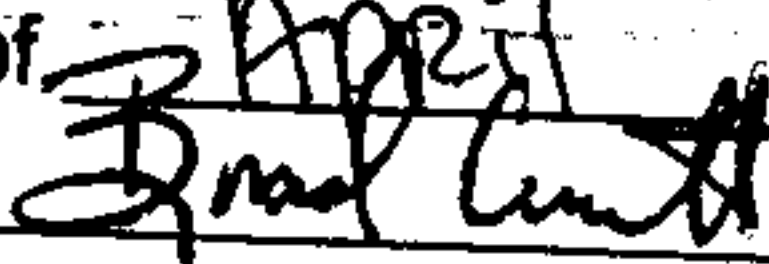
Entered this 28th day of April, 2009.




WILLIAM K. BELL
CIRCUIT JUDGE

Harlan D. Mitchell
Brian C.T. Jones

A true and correct copy this 26
day of April 2019.


Clerk of the Court, Limestone Co., AL

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CHARLES PAGE JR., CLERK
LIMESTONE COUNTY, AL


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CIRCUIT COURT OF
LIMESTONE COUNTY, ALABAMA
BRAD CURNUTT, CLERK

IN THE CIRCUIT COURT OF LIMESTONE COUNTY, ALABAMA

HARRIS JAMES KENT JR,
Plaintiff,

V.

HARRIS LEE SKEEN,
Defendant.

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Case No.: DR-2007-000190.01

ORDER

MOTION TO REVIVE JUDGMENT filed by the Attorney for HARRIS LEE SKEEN is hereby set for the 29th day of July, 2019 at 9:00 am.

DONE this 26th day of April, 2019.

/s/ B. CHADWICK WISE
CIRCUIT JUDGE



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