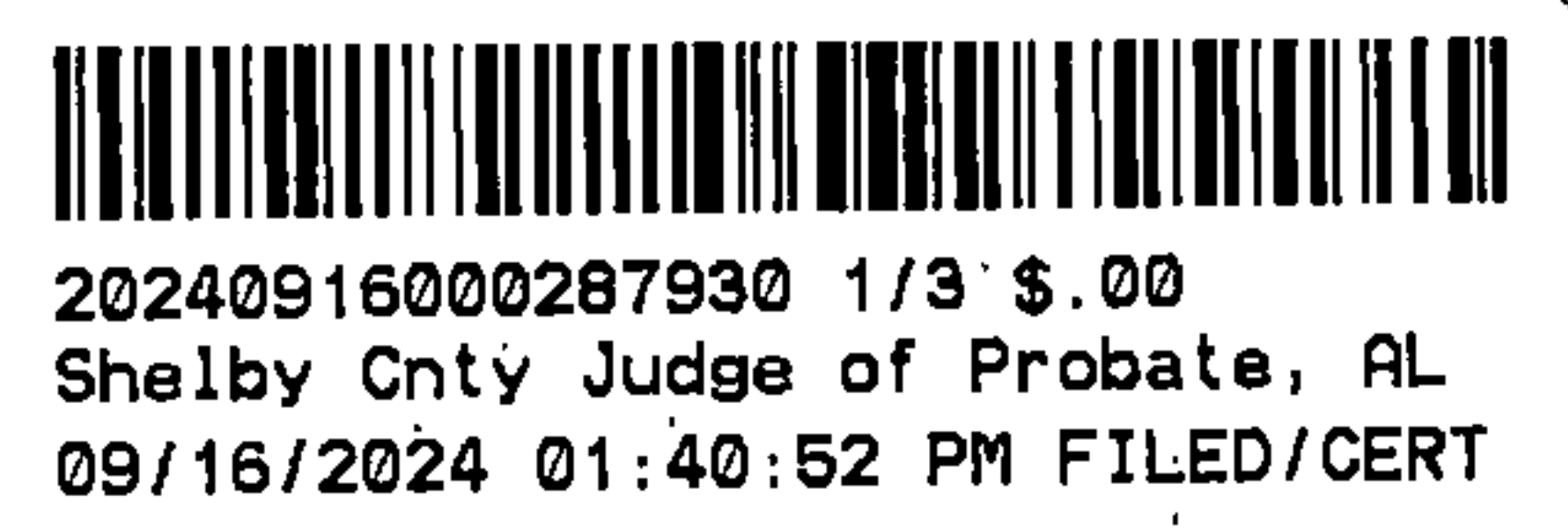


IN THE PROBATE COURT OF SHELBY COUNTY, ALABAMA

IN THE MATTER OF THE CHANGE OF NAME OF:)
KYLAN AVERY MURDOCK,)
A MINOR;)

CASE NO. PR-2023-000363



ORDER

This cause came before the Court on September 11, 2024 on the Motion of Jarrien L. Murdock filed on August 5, 2024. Proper notice was given to all necessary parties. Present in court were: Nekesha Patrice McClinton (the "Mother"), who appeared pro se; and Jarrien L. Murdock (the "Father"), who appeared pro se. The Court attempted service on the Notary, Jennifer Meryl Russo (the "Notary"), by certified mail at the address listed on her notary commission, but service was refused. A copy of the notice of hearing and Motion were mailed via us mail to the address listed and were not returned. Jennifer Meryl Russo was not present for the hearing. The case was called and the Court proceeded to take ore tenus testimony.

The Mother filed a Petition And Declaration For Change Of Name Of A Minor Child on April 7, 2023. The Petition appeared on its face to have been a joint filing by both the Mother and Father as indicated by their notarized signatures on the Petition. Several documents were filed along with the Petition as supporting evidence, specifically: a copy of the minor's birth certificate evidencing the Mother and Father as the legal parents of the child; evidence that the minor resides in Shelby County; and a letter containing the notarized signature of the Father evidencing his consent to the name change. Both the Petition and the supporting letter were notarized by Jennifer Meryl Russo, a Notary for the State of Alabama whose commission is noted to expire on November 2, 2025. Based upon the Petition and supporting evidence submitted to the Court, an Order granting the name change was entered on April 7, 2023.

On August 5, 2024, the Father filed correspondence which not styled as such is in substance a Motion for Relief From Judgment or Order under Rule 60 of the Alabama Rules of Civil Procedure alleging fraud on the part of the Mother. The Father testified that he only recently became aware of the legal name change which is what prompted him to file the correspondence with the Court. He testified that he did not sign the Petition or supporting letter and did not appear before the named Notary either in person or by use of electronic means.

The Mother testified that the 11 year old child had requested to have his name change and that she discussed this request with the Father several times, each of which resulted in an argument. The last time she discussed the name change with the Father his response to her was to just go ahead and change it. The Mother took that statement as authorization to sign the Father's name to the joint petition and the letter in support of the petition. The Mother testified that the notary did not witness the signature, but had been the same notary who had witnessed the couple's divorce agreement so was familiar with the couple. The Mother testified that she was aware that the document was not properly notarized as she has been commissioned as a Notary and has completed mandatory notary training as recently as April 2024 when she made application to be commissioned as a Notary in Shelby County.

Based upon the evidence presented and the pleadings and papers on file, the Court **FINDS** as follows:

1. The Petition and supporting evidence filed on April 7, 2023 contains fraudulent information, including signatures which were admittedly forged by Nekesha Patrice McClinton and improperly notarized by Jennifer Meryl Russo who took the acknowledgement or affirmation without the principal appearing in person before the notary or following the procedures for remote notarization.



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2. The Father did not consent to the name change of the child at the time the petition was filed and maintains that the child's name should not have been changed and should remain KYLAN AVERY MURDOCK, his given name at birth.
3. The Probate Court is conferred jurisdiction to change the name of a minor only where there is consent of all persons who have natural parental or legal rights of the minor, thus lacked jurisdiction to grant the Petition filed on April 7, 2023.

It is therefore **ORDERED, ADJUDGED and DECREED** as follows:

1. This Court's Order Of Change Of Name Change filed and entered on April 10, 2023 is due to be and hereby is **VACATED, SET ASIDE and HELD FOR NAUGHT**, thus the minor's name shall return to his birth name, **KYLAN AVERY MURDOCK**.
2. The Notary Public Commission issued to NeKesia Patrice McClinton for the term beginning on June 3, 2024 and ending on June 3, 2028 is due to be and hereby is **REVOKED** pending further order of this Court.
3. A copy of this Order shall be forwarded by the Clerk of this Court to all parties of record, to Jennifer Meryl Russo and to the Alabama State Law Enforcement Agency for investigation regarding the acts of the Notary and of the Mother in soliciting, coercing or influencing the Notary to commit the misconduct detailed herein.
4. Costs of court are taxed to Nekesia Patrice McClinton, for which let execution issue.

DONE and ORDERED this the 16th day of September, 2024.

Allison S. Boyd
Judge of Probate