

MONTGOMERY COUNTY

CASE
NUMBER

DR 86-884

DATE	NUMBER	TITLE OF PAPER AND/OR ACTION
6-10-86	1	Bill of Complaint
✓	2	Order: TRO + Setting P.L. Hearing June 20, 1986 @ 1:30 P.M.
✓	3	Summons Delivered to Sheriff (6-11-86)
		Watch 2 Cases --- Case # 86-887
6-20-86	4	Consent Order
6-30-86	5	Answer / Counter-Petition
7-1-86	6	Wife's Answer to DR 86-887
7-7-86	7	Order: Setting Final Hearing Jul 31, 1986 @ 1:30 P.M.
7-11-86	8	Waiver
7-16-86	9	Aff. of Wife
"	10	Agreement
7-16-86	11	DIVORCE DECREE

C.B.P.B. N.F.D.

IN RE THE MARRIAGE OF	)	IN THE CIRCUIT COURT OF
CAROLYN ELIZABETH KONRAD PATE	)	MONTGOMERY COUNTY, ALABAMA
and RICHARD STEWART PATE,	)	DOMESTIC RELATIONS DIVISION
Husband and Wife.	)	CASE NO. DR-86- <u>884</u>

PETITION FOR DIVORCE

The Wife respectfully represents and shows unto the Court as follows:

1. The Wife, Carolyn Elizabeth Konrad Pate, is over the age of 19 years and currently resides at 2059 Woodley Road, Montgomery, Alabama. She has resided at this address for more than six months preceding the filing of this petition for divorce.

2. The Husband, Richard Stewart Pate, is over the age of 19 years and a resident of Montgomery County, Alabama, presently residing in Montgomery County, Alabama and working out of the back shop at 2059 Woodley Road, Montgomery, Alabama.

3. The Husband and Wife were lawfully married on August 28, 1982 in Lowndesboro, Alabama.

4. There were no children born of the aforesaid marri-

5. The Wife avers that the parties jointly own certain real and personal property.

6. The Wife avers that there exists such a complete state of incompatibility of temperament between the parties that they can no longer live together as man and wife. Their disposi-

FILED

JUN 10 1986

Katie H. P...
Deputy Register

(3)

tions have become so widely divergent, there is only argument and disharmony in the marriage.

7. The Wife further avers that there has been an irretrievable breakdown of the marriage and that further attempts at reconciliation are impractical and futile and not in the best interests of the parties.

8. The Wife avers that the Husband has committed actual violence to her person and from his manner and conduct toward her, she is reasonably convinced that he will commit further violence upon her person, intended with danger to her life and health.

WHEREFORE THE PREMISES CONSIDERED, the Wife prays that the Court will take jurisdiction of this verified Petition for Divorce and cause a copy thereof to be served forthwith upon the Husband at the office of his attorney, Joe Espy, III, Melton & Espy, 339 Washington Avenue, Montgomery, Alabama, requiring him to plead and answer within the time required by law and the rules of this Honorable Court. Pending a final hearing of this cause, the Wife prays that the Court will award the Wife the exclusive use and occupancy of the home located at 2059 Woodley Road, Montgomery, Alabama, the exclusive use and control of the BMW automobile, and issue a restraining order strictly enjoining and restraining the said Husband from entering the resident premises at 2059 Woodley Road, Montgomery, Alabama, assaulting, threatening or intimidating the Wife in

any manner whatsoever, and on final hearing of this cause, the Wife prays for the following relief:

1. That the Court will grant her an absolute divorce of the marriage.
2. That the Court will order a division of the jointly owned real and personal property of the parties.
3. That the Court will grant the attorney for the Wife a reasonable fee for his services in this matter to be paid by the Husband.
4. That the Wife be restored her maiden name.
5. That the Wife be granted all such other, further and different relief, both general and special, to which she may be entitled.


 Carolyn Elizabeth Konrad Pate

STATE OF ALABAMA)

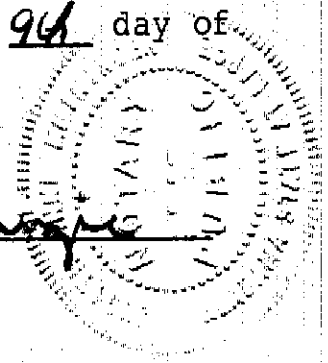
MONTGOMERY COUNTY)

BEFORE ME, the undersigned authority, in and for said State and County, personally appeared Carolyn Elizabeth Konrad Pate, who is known to me and who being by me first duly sworn, deposes and says that she has read this instrument, has been advised of and understands its nature and effects, and authorizes its filing with the Court.


 Carolyn Elizabeth Konrad Pate

SWORN TO and SUBSCRIBED before me on this the 9th day of
June, 1986.

Judith Anne Minerva
Notary Public



Paul A. Brantley
Paul A. Brantley
Attorney for the Wife

OF COUNSEL:

BALCH & BINGHAM
P. O. Box 78
Montgomery, Alabama 36101
(205) 834-6500

IN RE THE MARRIAGE OF	)	IN THE CIRCUIT COURT OF
CAROLYN ELIZABETH KONRAD PATE	)	MONTGOMERY COUNTY, ALABAMA
and RICHARD STEWART PATE,	)	DOMESTIC RELATIONS DIVISION
Husband and Wife.	)	CASE NO. DR-86- <u>884</u>

ORDER

THIS CAUSE to is submitted to the Court on the verified Petition for Divorce, and the Court having considered the same, it is,

ORDERED, ADJUDGED AND DECREED that the Husband be and hereby is strictly enjoined and restrained from assaulting, threatening or intimidating the Wife in any manner whatsoever.

It is further

ORDERED, ADJUDGED AND DECREED that the matters of temporary exclusive use and occupancy of the home owned jointly by the parties located at 2059 Woodley Road, Montgomery, Alabama,

and the exclusive use and control of the BMW automobile, pending a final hearing of this cause, be and the same are hereby

set for a hearing before the Honorable James P. Woodson, III

FILED

JUN 10 1986

Katie H. Phillips

Deputy Register

of this Court at 1:30 o'clock p.m. on the 20th

day of June, 1986. It is further

ORDERED, ADJUDGED AND DECREED that a copy of the within Petition and this Order be served forthwith upon the Husband at the office of his attorney, Joe Espy, III, Melton & Espy, 339 Washington Avenue, Montgomery, Alabama by the Sheriff of Montgomery County, Alabama.

Entered Min. # 268

Page _____

DONE this the 10th day of June, 1986.

Lynn Clardy Bright
Circuit Court Judge

Paul A. Brantley
Joe Espy, III

JUN 10 1986

Carolyn Elizabeth Konrad Pate
PETITIONER
and
Richard Stewart Pate
DEFENDANT

* IN THE CIRCUIT COURT OF
* MONTGOMERY COUNTY, ALABAMA
* DOMESTIC RELATIONS DIVISION
* CIVIL ACTION NO.: DR 884
*

S U M M O N S

To any sheriff or any person authorized by either Rules 4.1 (b)(2) or 4.2 (b)(2) or 4.4 (b)(2) of the Alabama Rules of Civil Procedure to effect service.

You are hereby commanded to serve this summons and a copy of the complaint in this action upon defendant Richard Stewart Pate, c/o Joe Espy, III, Esq., Melton & Espy, 339 Washington Avenue, Montgomery, Alabama

NOTICE TO DEFENDANT

The complaint which is attached to this summons is important and you must take immediate action to protect your rights. You are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the complaint, to Paul A. Brantley, the lawyer for the Plaintiff(s), whose address is: P. O. Box 78, Montgomery, Alabama 36101

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER RELIEF SOUGHT IN THE COMPLAINT. You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward.

DATE: June 10, 1986 Katie H Phillips
DEPUTY REGISTER

RETURN ON SERVICE

Executed by handing the Defendant Attorney Joe Espy a copy of the within Summons together with other papers listed thereon

This the 11 day of June, 1986

J. H. D. S.
PROCESS SERVER

BY _____

3

IN RE THE MARRIAGE OF
 CAROLYN ELIZABETH KONRAD PATE
 and RICHARD STEWART PATE,
 HUSBAND AND WIFE.

* IN THE CIRCUIT COURT FOR
 * MONTGOMERY COUNTY, ALABAMA
 * DOMESTIC RELATIONS DIVISION
 * CASE NO. DR-86-884

CONSENT ORDER

This cause is submitted to the Court on the verified Petitions for Divorce and upon consent of both parties and the Court having considered the same, pending a final hearing, it is ORDERED, ADJUDGED AND DECREED as follows:

1. That the Wife shall have temporary, exclusive use and occupancy of the house located at 2059 Woodley Road, Montgomery, Alabama. That the Husband shall have temporary, exclusive use and occupancy of the office located at 2059 Woodley Road, Montgomery, Alabama. That each party shall pay one-half of the house payment in connection with said property. That the Wife shall pay 75% of the utilities and that the Husband shall pay 25% of said utilities at said property. Occasionally, the Wife may need to go to the office and occasionally, the Husband may need to go to the house. Both parties have the right to said occasional use as long as same is reasonable and does not interfere with the other party.


2. That the Wife shall have the exclusive use and control of the BMW automobile and shall pay all debt in connection therewith. The Wife shall maintain and keep said automobile in good condition. The Husband shall return to the Wife the keys to said automobile.

FILED

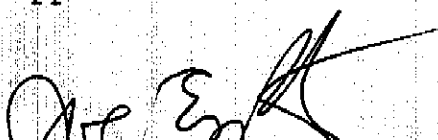
DONE this 20 day of June, 1986.

JUN 20 1986

Katie H. Phillips
 Deputy Register


 Circuit Judge

Approved:



IN RE THE MARRIAGE OF
CAROLYN ELIZABETH KONRAD PATE
and RICHARD STEWART PATE,
HUSBAND AND WIFE.

* IN THE CIRCUIT COURT FOR
* MONTGOMERY COUNTY, ALABAMA
* DOMESTIC RELATIONS DIVISION
* CASE NO. DR-86-884

ANSWER & COUNTER-PETITION

A N S W E R

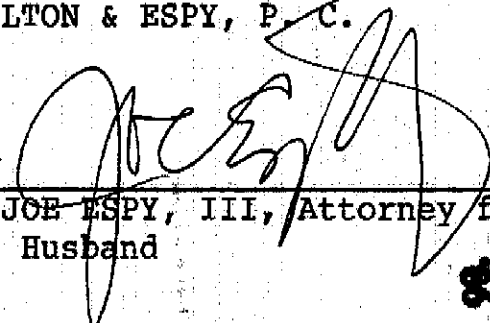
COMES NOW the Husband and for answer to the Petition for Divorce in Case No. DR-86-884 states the following:

1. Paragraphs 1, 2, 3 and 4 are admitted. Paragraph 5 is admitted in part and denied in part. Paragraphs 6 and 7 are basically admitted. Paragraph 8 is denied.
2. The Wife is not entitled to any relief in this matter.

COUNTER-PETITION

The Petition for Divorce including all allegations and prayers for relief filed in Case No. DR-86-887 are incorporated herein and made part hereof. Said Petition sets forth the Husband's Counter-Petition in this cause.

MELTON & ESPY, P. C.

BY 
JOE ESPY, III, Attorney for
Husband

OF COUNSEL:

MELTON & ESPY, P. C.
P. O. Box 1267
Montgomery, AL 36102
205/263-6621

FILED
CIRCUIT COURT OF
MONTGOMERY COUNTY, AL.
86 JUN 30 9:30:00

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Answer and Counter-Petition has been served upon counsel of record, Paul A. Brantley, P. O. Box 78, Montgomery, AL 36101, by mailing a copy of same to him in the United States mail, properly addressed, first-class postage prepaid, on this the 27 day of June, 1986.

FILED


OF COUNSEL

IN RE THE MARRIAGE OF
 RICHARD S. PATE and
 CAROLYN K. PATE,
 HUSBAND AND WIFE.

* IN THE CIRCUIT COURT FOR
 * MONTGOMERY COUNTY, ALABAMA
 * DOMESTIC RELATIONS DIVISION
 * CASE NO. DR-86- 887

PETITION FOR DIVORCE

NOW COMES the Husband, the Complainant, RICHARD S. PATE,
 and for cause of action would show unto the Court as follows:

1. That Complainant and Respondent are over the age of 19 years and are bona fide citizens of the State of Alabama. Both parties have resided in Montgomery County, Alabama, for at least one year prior to the filing of this Petition for Divorce.
2. That the parties were lawfully married in Lowndesboro, Lowndes County, Alabama, on August 28, 1982.
3. That there were no children born of this marriage.
4. Complainant avers that there exists a complete incompatibility of temperament between the parties and that they can no longer live together as husband and wife. Complainant further avers that there exists an irretrievable breakdown of the marriage between the parties to this Petition. The parties have been separated since March 24, 1986.
5. Complainant further avers that Respondent has committed misconduct during said marriage.
6. That the parties have accumulated certain property and the Court should award said property to Complainant. Further, the parties have incurred certain debts and the Court should make an equitable division of said debts.

THESE PREMISES CONSIDERED, this Complainant prays unto the Court as follows:

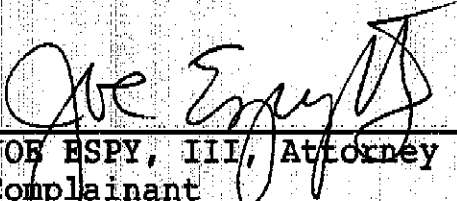
1. Complainant prays that Your Honor will order service to be had, according to law and the rules of this Honorable Court, upon the said Respondent, commanding her to appear and plead, answer or demur to this Petition within the time required by law and the rules of this Honorable Court

3. That the Court will award the property to the Complainant.

4. That the Court will make an equitable division of the debts of the parties.

5. The Complainant prays unto the Court for any other further, general or different relief that he may be entitled to under the pleading and proof in this cause.


RICHARD S. PATE

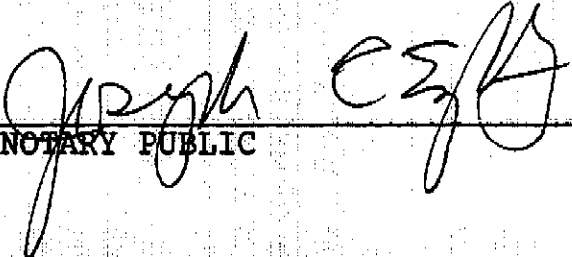

JOE ESPY, III, Attorney for
Complainant
MELTON & ESPY, P.C.
P. O. Box 1267
Montgomery, AL 36102
205/263-6621

STATE OF ALABAMA)
 :
MONTGOMERY COUNTY)

BEFORE ME, the undersigned authority, a Notary Public, in and for said State and County, personally appeared RICHARD S. PATE, known to me and who being first duly sworn on oath deposes and says that he has read the Petition and the facts therein are true and correct.


RICHARD S. PATE

SWORN TO and subscribed before me on this the 10 day of June, 1986.

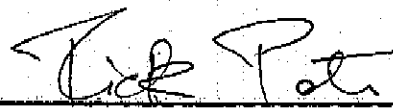

NOTARY PUBLIC

IN RE THE MARRIAGE OF
RICHARD S. PATE and
CAROLYN K. PATE,
HUSBAND AND WIFE.

* IN THE CIRCUIT COURT FOR
* MONTGOMERY COUNTY, ALABAMA
* DOMESTIC RELATIONS DIVISION
* CASE NO. DR-86- 887

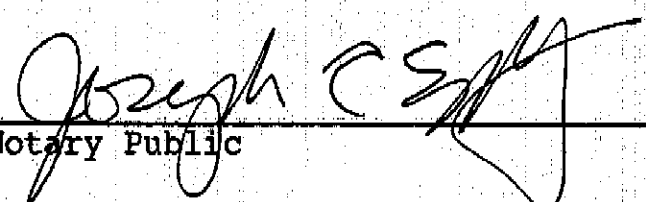
MOTION FOR RESTRAINING ORDER

COMES NOW the Complainant, RICHARD S. PATE, and moves the Court for an order restraining the Respondent, CAROLYN K. PATE, from removing any property from the residence at 2059 Woodley Road, Montgomery, Alabama 36111, until a hearing in this cause or until further order of the Court. Complainant is concerned that Respondent may attempt to remove property and/or furniture from said residence. Complainant further moves for an order from the Court directing Respondent not to interfere and/or harass him during the pendency of this cause. Complainant prays for any other relief to which he may be entitled at this time.

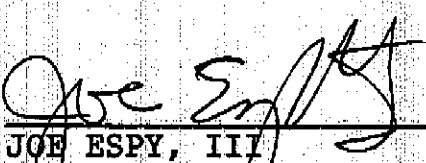


RICHARD S. PATE

Sworn to and subscribed before me on this the 10 day of June, 1986.



Notary Public



JOE ESPY, III
Attorney for Complainant
MELTON & ESPY, P. C.
P. O. Box 1267
Montgomery, AL 36102
205/263-6621

RICHARD S. PATE
PETITIONER

and

CAROLYN K. PATE
DEFENDANT

IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA
DOMESTIC RELATIONS DIVISION
CIVIL ACTION NO.: DR-86-887

S U M M O N S

To any sheriff or any person authorized by either Rules 4.1 (b)(2) or 4.2 (b)(2) or 4.4 (b)(2) of the Alabama Rules of Civil Procedure to effect service.

You are hereby commanded to serve this summons and a copy of the complaint in this action upon defendant by serving her attorney, Paul A. Brantley, 2 Dexter Avenue, Montgomery, Alabama.

NOTICE TO DEFENDANT

The complaint which is attached to this summons is important and you must take immediate action to protect your rights. You are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the complaint, to Joe Espy, III, the lawyer for the Plaintiff(s), whose address is: P. O. Box 1267, Montgomery, Alabama 36102.

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER RELIEF SOUGHT IN THE COMPLAINT. You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward.

DATE: _____ DEPUTY REGISTER

RETURN ON SERVICE

Executed by handing the Defendant _____ a copy of the within Summons together with other papers listed thereon _____

This the _____ day of _____, 19 _____.

PROCESS SERVER

BY _____

DR 86-884
6/10/86
Paul A. Brantley
June 10 1986 at 1:30
Carolyn K. Pate
Richard S. Pate

RICHARD S. PATE

PETITIONER

and

CAROLYN K. PATE

DEFENDANT

IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA
DOMESTIC RELATIONS DIVISION
CIVIL ACTION NO.: DR-86-887

S U M M O N S

To any sheriff or any person authorized by either Rules 4.1 (b)(2) or 4.2 (b)(2) or 4.4 (b)(2) of the Alabama Rules of Civil Procedure to effect service.

You are hereby commanded to serve this summons and a copy of the complaint in this action upon defendant by serving her attorney, Paul A. Brantley, 2 Dexter Avenue, Montgomery, Alabama/

NOTICE TO DEFENDANT

The complaint which is attached to this summons is important and you must take immediate action to protect your rights. You are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the complaint, to Joe Espy, III, the lawyer for the Plaintiff(s), whose address is: P. O. Box 1267, Montgomery, Alabama 36102

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER RELIEF SOUGHT IN THE COMPLAINT. You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward.

DATE: _____

DEPUTY REGISTER

RETURN ON SERVICE

Executed by handing the Defendant _____ a copy of the within Summons together with other papers listed thereon _____
This the _____ day of _____, 19____.

PROCESS SERVER

BY _____

Paul A. Brantley
June 20, 1986

IN RE THE MARRIAGE OF
 RICHARD S. PATE and
 CAROLYN K. PATE,
 HUSBAND AND WIFE.

* IN THE CIRCUIT COURT FOR
 * MONTGOMERY COUNTY, ALABAMA
 * DOMESTIC RELATIONS DIVISION
 * CASE NO. DR-86- 887

PETITION FOR DIVORCE

NOW COMES the Husband, the Complainant, RICHARD S. PATE,
 and for cause of action would show unto the Court as follows:

1. That Complainant and Respondent are over the age of 19 years and are bona fide citizens of the State of Alabama. Both parties have resided in Montgomery County, Alabama, for at least one year prior to the filing of this Petition for Divorce.
2. That the parties were lawfully married in Lowndesboro, Lowndes County, Alabama, on August 28, 1982.
3. That there were no children born of this marriage.
4. Complainant avers that there exists a complete incompatibility of temperament between the parties and that they can no longer live together as husband and wife. Complainant further avers that there exists an irretrievable breakdown of the marriage between the parties to this Petition. The parties have been separated since March 24, 1986.
5. Complainant further avers that Respondent has committed misconduct during said marriage.
6. That the parties have accumulated certain property and the Court should award said property to Complainant. Further, the parties have incurred certain debts and the Court should make an equitable division of said debts.


THESE PREMISES CONSIDERED, this Complainant prays unto the Court as follows:

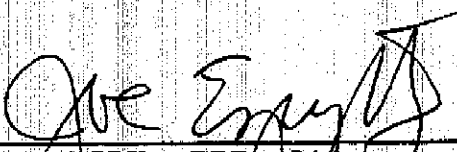
1. Complainant prays that Your Honor will order service to be had, according to law and the rules of this Honorable Court, upon the said Respondent, commanding her to appear and plead, answer or demur to this Petition within the time required by law

3. That the Court will award the property to the Complainant.

4. That the Court will make an equitable division of the debts of the parties.

5. The Complainant prays unto the Court for any other further, general or different relief that he may be entitled to under the pleading and proof in this cause.


RICHARD S. PATE

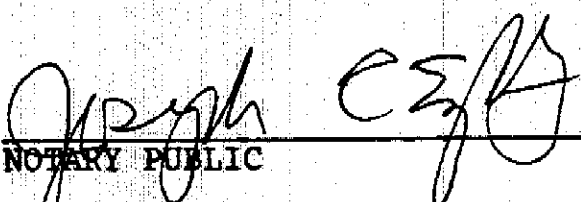

JOE ESPY, III, Attorney for
Complainant
MELTON & ESPY, P.C.
P. O. Box 1267
Montgomery, AL 36102
205/263-6621

STATE OF ALABAMA)
 :
MONTGOMERY COUNTY)

BEFORE ME, the undersigned authority, a Notary Public, in and for said State and County, personally appeared RICHARD S. PATE, known to me and who being first duly sworn on oath deposes and says that he has read the Petition and the facts therein are true and correct.


RICHARD S. PATE

SWORN TO and subscribed before me on this the 10 day of June, 1986.

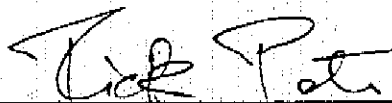

NOTARY PUBLIC

IN RE THE MARRIAGE OF
RICHARD S. PATE and
CAROLYN K. PATE,
HUSBAND AND WIFE.

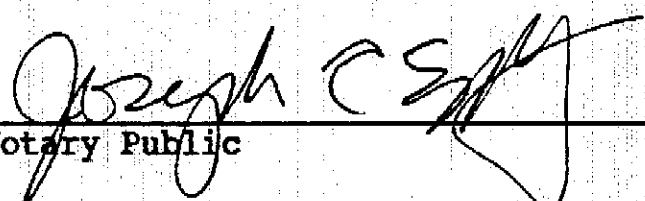
* IN THE CIRCUIT COURT FOR
* MONTGOMERY COUNTY, ALABAMA
* DOMESTIC RELATIONS DIVISION
* CASE NO. DR-86-887

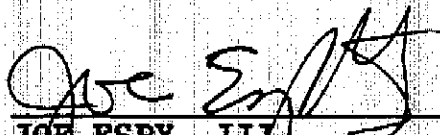
MOTION FOR RESTRAINING ORDER

COMES NOW the Complainant, RICHARD S. PATE, and moves the Court for an order restraining the Respondent, CAROLYN K. PATE, from removing any property from the residence at 2059 Woodley Road, Montgomery, Alabama 36111, until a hearing in this cause or until further order of the Court. Complainant is concerned that Respondent may attempt to remove property and/or furniture from said residence. Complainant further moves for an order from the Court directing Respondent not to interfere and/or harass him during the pendency of this cause. Complainant prays for any other relief to which he may be entitled at this time.


RICHARD S. PATE

Sworn to and subscribed before me on this the 10 day of June, 1986.


Notary Public


JOE ESPY, III
Attorney for Complainant
MELTON & ESPY, P. C.
P. O. Box 1267
Montgomery, AL 36102
205/263-6621

IN RE THE MARRIAGE OF
 RICHARD S. PATE and
 CAROLYN K. PATE,
 HUSBAND AND WIFE.

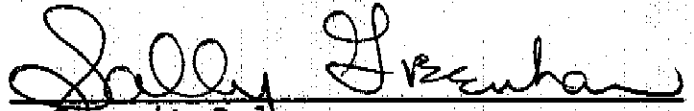
* IN THE CIRCUIT COURT FOR
 * MONTGOMERY COUNTY, ALABAMA
 * DOMESTIC RELATIONS DIVISION
 * CASE NO. DR-86- 887 and

O R D E R

DR-86-884

Upon consideration of the sworn Petition for Divorce and sworn Motion for Restraining Order, it is the ORDER of this Court that said motion for restraining order be and the same is hereby granted. Accordingly, both parties are ORDERED and DIRECTED not to remove any property from the residence until further order of this Court. Further, both parties are ORDERED and DIRECTED not to interfere with each other and/or harass each other during the pendency of this proceeding. Neither party shall in any way interfere with the other party's business or employment.

DONE this 13th day of June, 1986.


 Circuit Judge Sally Greenhaw

cc: Joe Espy, III
 Paul A. Brantley

IN RE THE MARRIAGE OF:

CAROLYN ELIZABETH KONRAD
PATE,

Wife,

and

RICHARD STEWART PATE,

Husband.

RICHARD S. PATE,

Husband,

and

CAROLYN K. PATE,

Wife.

* IN THE CIRCUIT COURT FOR

* MONTGOMERY COUNTY, ALABAMA

* DOMESTIC RELATIONS DIVISION

*

*

* Case No: DR 86-884

*

*

*

*

* Case No: DR 86-887

ORDER

This cause is before the Court on the Wife's Petition for Divorce, Case No: DR 86-884, filed on June 10, 1986 and the Husband's Petition for Divorce, Case No: DR 86-887 filed on June 11, 1986. Upon consideration of said Petitions this Court ex mero muto Orders that these two separate Petitions shall be consolidated into Case No: DR 86-884.

The Clerk of the Domestic Relations Division shall cause a copy of this Order to be served upon all counsel of record.

DONE this the 13th day of June, 1986.

FILED

JUN 18 1986

Katie H. Phillips
Deputy Register

Sally Greenhaw
SALLY GREENHAW, JUDGE

IN RE THE MARRIAGE OF	)	IN THE CIRCUIT COURT OF
CAROLYN ELIZABETH KONRAD PATE	)	MONTGOMERY COUNTY, ALABAMA
and RICHARD STEWART PATE,	)	DOMESTIC RELATIONS DIVISION
Husband and Wife.	)	CASE NO. DR-86-884

ANSWER

COMES NOW the wife, Carolyn Elizabeth Konrad Pate, and in answer to the Petition for Divorce does state as follows:

1. The Wife admits paragraphs 1, 2, 3 and 4 of the Complaint.
2. The Wife denies paragraph 5 of the Complaint.
3. The Wife basically admits paragraph 6 of the Complaint.
4. The Husband is not entitled to the relief requested in the Petition.

COUNTER-PETITION

The Petition for Divorce previously filed by the Wife in this cause including all allegations and prayers for relief are incorporated by reference herein.

FILED

JUL 1 1986

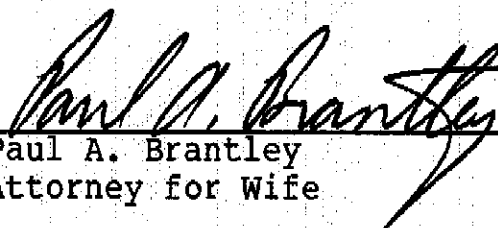
Katie H. Phillips
Deputy Register

REQUEST FOR FINAL HEARING

COMES NOW the Wife, pursuant to IX of the General Instructions Practice Before the Domestic Relations Court of

Montgomery County, and request that this case be set for final hearing. Counsel for the Wife would state that the issues have been joined by Petitions for Divorce filed by both parties and by responsive Answers thereto. Pursuant to General Instruction IX(b), attached hereto is an original and two copies of an Order setting the case for hearing.

Respectfully submitted,

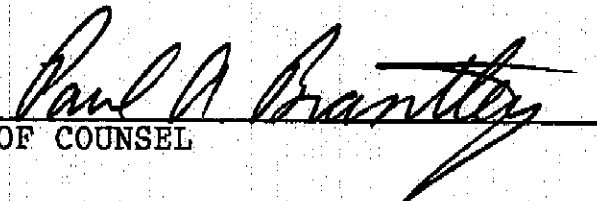

Paul A. Brantley
Attorney for Wife

OF COUNSEL:

BALCH & BINGHAM
Post Office 78
Montgomery, Alabama 36101
(205)834-6500

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon Joe Espy, III, Esq. by placing a copy of the same in the United States Mail, postage prepaid and properly addressed to him, on this the 1 day of July, 1986.


OF COUNSEL

IN RE THE MARRIAGE OF	)	IN THE CIRCUIT COURT OF
)	
CAROLYN ELIZABETH KONRAD PATE	)	MONTGOMERY COUNTY, ALABAMA
)	
and RICHARD STEWART PATE,	)	DOMESTIC RELATIONS DIVISION
)	
Husband and Wife.	)	CASE NO. DR-86-884

ORDER

THIS CAUSE is for the court on the Wife's request for final hearing filed in conjunction with her Answer and Counter-Petition, and the court having considered the same,

IT IS ORDERED, ADJUDGED AND DECREED that the final hearing of this cause be in the same is hereby set for a hearing at 1:30 p m. on the 31st day of July, 1986.

DONE this the 7th day of July, 1986.

Lynn Clardy Bright

 Circuit Judge
 LYNN CLARDY BRIGHT

cc: Paul A. Brantley, Esq.
Joe Espy, III, Esq.

FILED

JUL 7 1986

Katie H. Phillips
Deputy Register

IN RE THE MARRIAGE OF
CAROLYN ELIZABETH KONRAD PATE
and RICHARD STEWART PATE,
HUSBAND AND WIFE.

* IN THE CIRCUIT COURT FOR
* MONTGOMERY COUNTY, ALABAMA
* DOMESTIC RELATIONS DIVISION
* CASE NO. DR-86-884

WAIVER

Comes now the Husband, Richard Stewart Pate, in the above-styled cause and submits to the jurisdiction of this Court. The Husband waives notice as to the filing of interrogatories and the right to cross same; waives the appointment of a Commissioner and consents for testimony to be taken under the provisions of law or by affidavit before any Notary Public or other officer authorized to administer oaths; and the Husband hereby consents that this cause proceed to final decree without further or other notice to him.

Richard Stewart Pate
Richard Stewart Pate

STATE OF ALABAMA)
:
MONTGOMERY COUNTY)

Before me, the undersigned authority, a Notary Public in and for the State of Alabama, personally appeared Richard Stewart Pate, who is known to me and who being by me first duly sworn on oath, deposes and says that the statements are true and correct and that he signed the above waiver with full understanding of its effect.

SWORN TO and subscribed before me on this the 10 day of July, 1986.

Joseph C. Engly
NOTARY PUBLIC

Joe Engly
Attorney for Husband
P. O. Box 1267
Montgomery, AL 36102

FILED

IN RE THE MARRIAGE OF	)	IN THE CIRCUIT COURT OF
CAROLYN ELIZABETH KONRAD PATE	)	MONTGOMERY COUNTY, ALABAMA
and RICHARD STEWART PATE,	)	DOMESTIC RELATIONS DIVISION
Husband and Wife.	)	CASE NO. DR-86-884

AFFIDAVIT

STATE OF ALABAMA)
MONTGOMERY COUNTY)

Before me, the undersigned authority, in and for said County and State, personally appeared Carolyn Elizabeth Konrad Pate , who is known to me and who being by me first duly sworn, deposes and says on oath as follows:

I am the Complainant in this cause. Richard Stewart Pate and I were lawfully married on August 28, 1982 in Lowndesboro, Alabama, and there were no children born of our marriage.

There are no pending proceedings in this or any other state, either by the parties hereto or any persons not a party hereto.

Carolyn Elizabeth Konrad Pate

Carolyn Elizabeth Konrad Pate

Sworn to and subscribed before me this the 11 day of July, 1986.

Blonde H. Coon

Notary Public

Paul A. Brantley

Paul A. Brantley
Attorney for the Wife

FILED

JUL 16 1986

OF COUNSEL:
BALCH & BINGHAM
P. O. Box 78
Montgomery, Alabama 36101
(205) 834-6500

Katie H. Phillips
Deputy Register

IN RE THE MARRIAGE OF
CAROLYN ELIZABETH KONRAD PATE
and RICHARD STEWART PATE,
HUSBAND AND WIFE.

* IN THE CIRCUIT COURT FOR
* MONTGOMERY COUNTY, ALABAMA
* DOMESTIC RELATIONS DIVISION
* CASE NO. DR-86-884

PROPERTY SETTLEMENT AGREEMENT

THIS AGREEMENT, made and entered into on this the 10
day of July, 1986, by and between Carolyn Elizabeth Konrad Pate
(hereinafter referred to as "Wife") and Richard Stewart Pate
(hereinafter referred to as "Husband").

W I T N E S S E T H :

WHEREAS, the parties hereto have instituted proceedings
for a divorce in the Circuit Court of Montgomery County, Alabama,
Domestic Relations Division; and

WHEREAS, the parties were lawfully married in
Lowndesboro, Alabama, on August 28, 1982; and

WHEREAS, there were no children born of this marriage;
and

WHEREAS, the Husband and Wife desire to enter into an
agreement concerning respective property rights of the Husband
and Wife; and

WHEREAS, Husband and Wife have agreed on all matters
concerning a division of property rights, and now desire to
reduce said agreement to writing; and

WHEREAS, said agreement is for the benefit and protection
of Husband and Wife.

FILED

JUL 16 1986

Katie H. Phillips
Deputy Register

Entered Min. # 270
Page 503

10

NOW, THEREFORE, in consideration thereof and of the mutual agreements hereinafter made, they do hereby agree as follows:

1. The Husband shall receive the house, workshop and land located at 2059 Woodley Road, Montgomery, Alabama, and shall be liable for the mortgage and all other indebtedness on this particular property. The Wife expressly relinquishes and waives all of her right, title and interest in and to said real property situated in Montgomery County, Alabama. The Wife agrees to execute an appropriate warranty deed conveying her interest to the Husband.

2. The Husband shall have and maintain all assets and liabilities of the business known as Pate Landscaping and Pool Company. The Husband agrees to be responsible for the existing and future indebtedness on said business and further agrees to hold the Wife harmless from and will indemnify the Wife from any liability in connection with any and all existing and future business indebtedness.

3. The Wife is hereby awarded all right, title and interest in the 1984 BMW vehicle. The Husband agrees to immediately pay the indebtedness on said vehicle. The Husband agrees to do all things necessary to transfer title to said automobile to the Wife including the execution of the proper bill of sale and the execution of the title certificate.

4. The Husband and Wife shall each pay their respective attorney's fees and legal expenses, and the Husband shall pay the Court costs.

5. The Husband and Wife, prior to execution of this agreement, and by mutual agreement satisfactory to both parties, have made an equitable division of all furniture, furnishings, fixtures, appliances, goods, wares, ornaments and other personal property and effects.

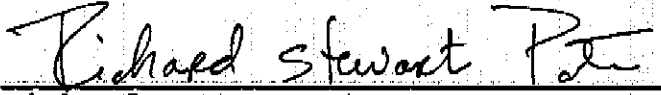
6. The parties agree to pay their own personal debts and do not believe that there are any joint debts.

7. In the event a Decree of Divorce is granted in this cause, it is agreed and understood by the parties that this agreement and all of its terms shall be submitted to the Court for its approval and shall be incorporated in said Decree.

8. The Wife shall resume her maiden name of Carolyn Elizabeth Konrad.

IN WITNESS WHEREOF, the parties hereto have signed, sealed and acknowledged this agreement on the day and date first set forth above.


 Carolyn Elizabeth Konrad Pate


 Richard Stewart Pate

STATE OF ALABAMA)
:
MONTGOMERY COUNTY)

BEFORE ME, the undersigned authority, in and for said State and County, personally appeared Carolyn Elizabeth Konrad Pate, who is known to me and who being by me first duly sworn, deposes and says that she has read this instrument, has been advised of and understands its nature and effects, and authorizes its filing with the Court.

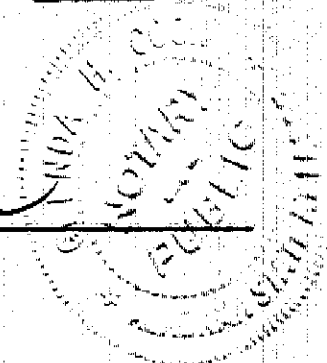
Carolyn Elizabeth Konrad Pate

Carolyn Elizabeth Konrad Pate

SWORN TO and SUBSCRIBED before me on this the 10 day of July, 1986.

Blenda H. Coon

Notary Public



Paul A. Brantley

Paul A. Brantley
Attorney for Wife

OF COUNSEL:

BALCH & BINGHAM
P. O. Box 78
Montgomery, AL 36101
205/834-6500

506

STATE OF ALABAMA)
:
MONTGOMERY COUNTY)

BEFORE ME, the undersigned authority, in and for said State and County, personally appeared Richard Stewart Pate, who is known to me and who being by me first duly sworn, deposes and says that he has read this instrument, has been advised of and understands its nature and effects, and authorizes its filing with the Court.

Richard Stewart Pate
Richard Stewart Pate

SWORN TO and SUBSCRIBED before me on this the 10 day of July, 1986.

Joseph T. Espy, III
Notary Public

Joe Espy, III
Attorney for the Husband

OF COUNSEL:

MELTON & ESPY, P. C.
P. O. Box 1267
Montgomery, AL 36102
205/263-6621

FINAL DECREE OF DIVORCE

THE STATE OF ALABAMA, MONTGOMERY COUNTY

IN RE THE MARRIAGE OF:

CAROLYN ELIZABETH KONRAD PATE

No. DR-86-884

AND

RICHARD STEWART PATE

IN THE

CIRCUIT COURT OF MONTGOMERY COUNTY,

DOMESTIC RELATIONS DIVISION

This cause coming on to be heard at this term, was submitted upon Petition/Bill of Complaint, Answer and Cross Petition, Answer to Cross Petition, Waiver and Property Settlement Agreement

and testimony and upon consideration thereof, the Court is of opinion and finds that the Court has jurisdiction of the parties and of the cause of action, and that the Petitioner/Complainant is entitled to the relief prayed for in the said Petitioner/Bill of Complaint.

It is, therefore,

ORDERED, ADJUDGED AND DECREED BY THE COURT:

1. That the bonds of matrimony heretofore existing between the parties to this cause be, and the same are hereby dissolved, and they are each forever divorced from the other.
2. That neither of the parties to this cause shall again marry, except to each other, until sixty days after the date of this decree of divorce, and if an appeal is taken then neither party shall again marry except to each other during the pendency of the appeal.

3. That Richard Stewart Pate

the Husband, pay the costs herein to be taxed, for which execution may issue.

4. That the said Property Settlement Agreement, signed and agreed to by the parties, be incorporated herein and made a part of this Decree as if fully set forth, binding upon both and enforceable by either.

5. That the Wife shall resume her maiden name of Carolyn Elizabeth Konrad.

Done this the 16 day of July, 19 86.

Attorney for wife Paul A. Brantley

Attorney for husband Joe Espy, III

Dyan Clardy Bright
Judge of the Fifteenth Judicial Circuit,
Domestic Relations Division

STATE OF ALABAMA
Montgomery County.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY,
DOMESTIC RELATIONS DIVISION

I, Katie H. Phillips, as Deputy Register of the Domestic Relations Division of said Court, do hereby certify that the foregoing is a full, true and correct copy of a decree rendered by said Court

on the _____ day of _____, 19 86, in a certain cause pending in said Court wherein

Carolyn Elizabeth Konrad Pate and Richard Stewart Pate

ALABAMA JUDICIAL INFORMATION SYSTEM

CASE ACTION SUMMARY
CIRCUIT CIVIL

CASE: DR 86 000884.00

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY JUDGE: LOB

CASE NUMBER DR 86 000884 00 () JURY (*) BENCH SP#:

PLAINTIFF
PATE CAROLYN ELIZABETH KONRAD

DEFENDANT
PATE RICHARD STEWART

ATTORNEY
BRANTLEY, PAUL ADAMS

ATTORNEY *Joe Essey*

627 DEXTER AVENUE
MONTGOMERY AL 36106

AMOUNT	CASE TYPE	CODE	STATUS	SPECIAL STATUS	FILING DATE
\$57.00	DIVORCE	DRDR			06/10/86

OTHER INFORMATION

SERVICE DATE	___/___/___	ANSWER DATE	___/___/___
PRE TRIAL DATE	___/___/___	TRIAL DATE	___/___/___
MISC DATE	___/___/___	DUE DATE	___/___/___
DISPOSITION DATE	___/___/___	DISPOSITION	_____

ADDITIONAL INFORMATION AND REMARKS: *268-269, 270*

DATE ACTIONS, JUDGMENTS, CASE NOTES

<i>6/10/86</i>	BILL OF COMPLAINT	
<i>✓</i>	<i>1.</i>	
<i>✓</i>	<i>2 Order Re: TRO + Setting P.H. Hearing June 20, 1986 @ 1:30pm CB P.B.</i>	
<i>✓</i>	<i>3 Summons Delivered to Sheriff</i>	<i>LEX 6-11-86</i>
	<i>Watch 2 Cases - - - Case # 86-887</i>	
<i>6-20-86</i>	<i>4. Consent Order</i>	<i>CB P.B. J.E.</i>
<i>6-30-86</i>	<i>5. Answer / Counter-Petition</i>	
<i>7-1-86</i>	<i>6. Wife's Answer to DR 86-887</i>	
<i>7-7-86</i>	<i>7 Order Re: Final Hearing set for Jul 31, 1986 @ 1:30pm CB P.B. J.E.</i>	
<i>7-11-86</i>	<i>8 Waiver</i>	
<i>7-16-86</i>	<i>9. W. of wife</i>	
	<i>10. Affidavit</i>	
<i>11</i>	DIVORCE DECREE	<i>CB P.B. J.E.</i>