

NO. 77,177

IN THE MATTER OF THE MARRIAGE § IN THE 140TH DISTRICT COURT
OF GAIL KIRBY AND §
EARL RAY KIRBY AND IN THE § OF
INTEREST OF KELSEY KIRBY, ANDREW §
KIRBY AND ERIC KIRBY § LUBBOCK COUNTY, TEXAS

DECREE OF DIVORCE, ORDER ON CHILD CUSTODY AND SUPPORT

BE IT REMEMBERED that on the 21st day of February, 1975, at a regular term of this Court came on to be heard the above entitled and numbered cause, wherein GAIL KIRBY is Petitioner, and EARL RAY KIRBY is Respondent, and came the Petitioner in person and by attorney, and Respondent appeared by his attorney, and all parties having heretofore made their appearance herein, and no jury having been demanded, all parties announced ready for trial, whereupon, the Court having examined the pleadings and determined that they are in due form, and having heard the evidence and argument of counsel, and being of the opinion that all prerequisites of the law have been complied with, and that the evidence substantiates the following Judgment:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Petitioner, GAIL KIRBY, and the Respondent, EARL RAY KIRBY, are hereby dissolved, and the Petitioner is hereby granted a divorce from Respondent.

It further appearing to the Court that there were two children born to Petitioner and Respondent as issue of their said marriage, to-wit: KELSEY KIRBY, a boy born December 5, 1968, and ANDREW KIRBY, a boy born May 15, 1971, and, also, ERIC KIRBY, a boy born to Petitioner and adopted by Respondent, which said boy was born on February 15, 1966; And, the Court having heard the evidence as to the surroundings and circumstances of each child, and the financial circumstances, character and fitness of their parents, and their ability to contribute to the support of such children, and being of the opinion that the best interest of said children will be served if they are given into the custody of the Petitioner. And, that the Petitioner, GAIL KIRBY, be appointed

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managing conservator.

IT IS THEREFORE FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the care, custody and control of each of said children be given and granted to Petitioner, GAIL KIRBY, and she is hereby appointed managing conservator of such children.

It further appearing to the Court that after investigation of the financial circumstances of the Petitioner and the Respondent, the Respondent is well able to contribute to the support of each of said children the sum of \$25.00 per month, a total sum of \$75.00 per month, and the Court being further of the opinion that right and justice and the best interest of said children require the Respondent to contribute to the support of said children.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said EARL RAY KIRBY pay into the registry of this Court in the County Courthouse of Lubbock, Texas, on or before March 1, 1975, the sum of \$75.00, and on or before the first day of each month thereafter, EARL RAY KIRBY pay into the registry of this Court the sum of \$75.00 per month; And, IT IS FURTHER ORDERED that the said payments shall continue for each of said children until each child shall reach the age of eighteen (18) years, and the said money, when received, shall be paid over by the Clerk of this Court to GAIL KIRBY for the support and maintenance of said children.

IT IS FURTHERMORE ORDERED, ADJUDGED AND DECREED that the Respondent, EARL RAY KIRBY, be and he is hereby appointed possessory conservator with the right of reasonable visitation with said minor children at reasonable times and reasonable circumstances.

It further appearing to the Court that Petitioner and Respondent own as community property certain items of property, and they have heretofore arrived at an agreement as to the partitioning thereof, and that such partitioning is fair and equitable and should be confirmed as follows:

IT IS THEREFORE FURTHER ORDERED, ADJUDGED AND DECREED that the Petitioner, GAIL KIRBY, shall take, hold and own the following described property as her separate property and estate free and clear of any and all claims to EARL RAY KIRBY:

- (1) The community equity which the parties have accumulated in a residence located on the West Sixty-One Feet (W. 61') of Lot Three Hundred Eighteen (318), Kuykendall Heights Addition to the City of Lubbock, Lubbock County, Texas, with a street address of 5110-46th Street, Lubbock, Texas, with Petitioner

responsible for the indebtedness thereon;

- (2) One 1967 Mercury Cougar Automobile;
- (3) All of the household furnishings with the exception of one bedroom suite, one lounge chair and one-half of the cooking utensils and dishes;
- (4) All items of personal nature to the Petitioner, now in her possession.

The Respondent, EARL RAY KIRBY, shall take the following described property as his separate property, to-wit:


- (1) One 1966 Ford Automobile;
- (2) One bedroom suite, one lounge chair, one-half of the cooking utensils and dishes;
- (3) All items of personal nature to the Respondent, now in his possession.

IT IS FURTHERMORE ORDERED, ADJUDGED AND DECREED that the Petitioner shall and she does hereby assume the payment of the community indebtedness incurred by the parties and which is shown on Exhibit "A" of the Petitioner's Supplemental Petition, to which reference is here made, and which is made a part of this agreement by reference. The Petitioner further assumes and agrees to pay any indebtedness owed against any of the household furnishings which she takes as her sole and separate property under this Judgment. Respondent also assumes and agrees to pay any indebtedness owed against any of the property which he takes under this Judgment.

IT IS THEREFORE FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent shall be entitled to possession of the home located at 5110-46th Street, Lubbock, Lubbock County, Texas until on or before March 21, 1975.

All costs of Court expended in this cause are hereby adjudged one-half against Petitioner and one-half against Respondent, for all of which let execution issue.

SIGNED AND ENTERED this the 11th day of March, 1975.


WILLIAM R. SHAVER, Judge of the 140th District
Court of Lubbock County, Texas.

APPROVED AS TO FORM:

HULLEY AND SOWDER

1708 Avenue K,

Lubbock, Texas 79401


PAUL M. HULLEY

APPROVED AS TO FORM:

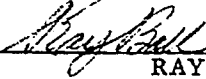
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BY:



RAY BALL,

Attorney for Petitioner