

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

MICHAEL DEWAYNE GRAY

PLAINTIFF/COUNTER-DEFENDANT

VS.

CAUSE NO. 04-01-21

DONNA GAYLE (LAMBERT) GRAY

DEFENDANT/COUNTER-PLAINTIFF

JUDGMENT OF DIVORCE

This matter came on to be heard upon the Complaint for Divorce filed by the Plaintiff/Counter-Defendant, MICHAEL DEWAYNE GRAY, on the ground of habitual cruel and inhuman treatment, and the Amended Counter-Complaint for Divorce, Etc. of DONNA GAYLE (LAMBERT) GRAY on the ground of habitual cruel and inhuman treatment, child custody, child support, and division of property.

I.

The Court has jurisdiction over the parties and the subject matter.

II.

The proof and evidence submitted by Plaintiff/Counter-Defendant was insufficient to prove the Defendant was guilty of habitual cruel and inhuman treatment, and the Court, upon Defendant/Counter-Plaintiff's Motion to Dismiss, ore tenus, dismissed the Plaintiff/Counter-Defendant's Complaint for Divorce pursuant to M.R.C.P 41.

III.

That the Counter-Plaintiff, DONNA GAYLE (LAMBERT) GRAY, be and is hereby granted an absolute divorce from the Counter-Defendant, MICHAEL DEWAYNE GRAY; that the bonds of matrimony between the Counter-Plaintiff and the Counter-Defendant be and

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W.E. DAVIS, CLERK

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Oxford MS 38655

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are hereby dissolved and hereafter held for naught; that each of said parties be and is hereby restored to all the rights of a single person; and that the Counter-Plaintiff pay all costs accruing herein, for which let execution issue.

## IV.

The Counter-Plaintiff, DONNA GAYLE GRAY, after the Court's consideration of the Albright Factors, is hereby awarded the paramount care, custody and control of the minor children of the parties, namely: Rachel Elizabeth Gray, born September 10, 1986, age 19 years, a female child, and Sarah Katherine Marie Gray, born May 25, 1989, age 16 years, a female child. That the Counter-Defendant, MICHAEL DEWAYNE GRAY, is hereby awarded reasonable rights of visitation to and from the minor children.

## V.

The Counter-Defendant is hereby ordered to pay \$140.00 per month per child, beginning the 1<sup>st</sup> day of October 2005 for the support and maintenance of the minor children of the parties. These payments are to continue on the first of each month thereafter until further order of this Court.

## VI.

That the Counter-Defendant is hereby ordered to obtain and provide insurance on the minor children through his employment and to pay one-half ( $\frac{1}{2}$ ) of the medical, dental, and optical expenses for the minor children which are not covered by either insurance or Medicaid.

## VII.

That the Counter-Plaintiff is hereby awarded the exclusive use and possession of the personal property which she brought into the marriage and which remains in her possession as well as

any marital property which remains in her possession and the minor children's personal possessions.

## VIII.

That the Counter-Defendant is hereby permanently enjoined from abusing, threatening, assaulting, and harassing either the Counter-Plaintiff or the minor children of the parties.

## IX.

That after consideration of Ferguson factors, the Counter-Plaintiff is hereby awarded two (2) acres, being a one-half undivided interest in the Counter-Defendant's one-half, undivided interest in the following real property located in DeSoto County, Mississippi, being more particularly described as follows:

10.02 acres, more or less, Section 4, Township 3, Range 9 West, more particularly described as follows: Beginning as a point on the north line of Section 4, Township 3, Range 9 West, said point being south 85 degrees 00 minutes 00 seconds west 586.4 feet from the northeast corner of said Section 4; thence south 4 degrees 34 minutes 00 seconds east 1,103.85 feet to an iron pin; thence south 85 degrees 00 minutes 00 seconds west 531.65 feet to an iron pin; thence north 4 degrees 34 minutes 00 seconds west 721.03 feet to an iron pin along said south line of the Gatewood 6 acre tract; thence along said south line north 85 degrees 01 minutes 40 seconds east 394.66 feet to an iron pin in the southeast corner of the Gatewood 6 acre tract; thence along the east line of the Gatewood 6 acre tract north 5 degrees 05 minutes 00 seconds east 140.5 feet to the point of beginning. All bearings are magnetic. As shown by the survey of Charles G. Carver, dated November 1, 1976.

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## X.

That after due consideration of the Ferguson factors, the Counter-Plaintiff, Donna Gayle (Lambert) Gray, is hereby awarded periodic lump sum alimony in the amount of Six Thousand Dollars (\$6,000.00) payable in the amount of Two Hundred Dollars

(\$200.00) per month, beginning on the 1<sup>st</sup> day of October 2005 and continuing until the \$6,000.00 is paid in full. That the Counter-Plaintiff, Donna Gayle (Lambert) Gray, is hereby awarded a lien against the remainder of the Counter-Defendant's real property located in DeSoto County, Mississippi to ensure payment of said periodic lump sum alimony.

## XI.

That the Counter-Plaintiff is hereby awarded the exclusive use, possession and ownership of the Fleetwood double-wide mobile home which previously served as the marital residence of the parties. That said mobile home is currently located on Counter-Plaintiff's real property in DeSoto County, Mississippi.

## XII.

That the Counter-Plaintiff will be responsible for the indebtedness to Washington Mutual, and both parties will be jointly liable for the indebtedness to Chase Manhattan Bank.

## XIII.

The parties are hereby ordered to keep the other informed of his/her full address, including state, city, street, house number and telephone number, if available. That within five (5) days of a party subject to this rule changing his/her address, he/she shall, so long as the children remain minors, notify in writing the Clerk of the Court which has entered the order providing for custody and visitation, of his/her full new address and place of employment and shall furnish the other party a copy of such notice, which shall include the Court file number.

SO ORDERED, ADJUDGED AND DECREED on this the 21<sup>st</sup> day of September 2005 non pro tunc October 4<sup>th</sup>, 2005.

*[Handwritten Signature]*  
CHANCELLOR

Presented By:

*Minnie P. Howard*  
MINNIE P. HOWARD  
N MS Rural Legal Services  
Post Office Box 928  
Oxford, MS 38655  
662-234-2918

STATE OF MISSISSIPPI, COUNTY OF DESOTO  
HEREBY CERTIFY that the above and foregoing is  
a true copy of the original filed in this office.  
This the 4 day of October, 2005  
W.E. Davis, Clerk of the Chancery court  
By S. Patwick D.C.