


**IN THE CIRCUIT COURT OF DEKALB COUNTY**

**JESSICA L. STALLINGS,** )  
**PLAINTIFF,** )  
 )  
**vs.** )  
 )  
**LENION RICHARD BARNETT, JR.** )  
**DEFENDANT.** )

**CASE NO. DR 2009-900024**

**MOTION TO VOID JUDGMENT**  
**AND DECLARE MARRIAGE VOID AB INITIO**

Comes now Plaintiff, by and through undersigned counsel, pursuant to Rule 60(b) (4,5, 6) and moves this Honorable Court to void the judgment in this matter and as grounds states as follows:

1. The parties participated in a marriage ceremony on January 22, 2008 in Jackson County, Alabama;
2. The parties were divorced by Final Decree on the 12<sup>th</sup> day of November, 2009;
3. There were three children born of the relationship of the parties. One of those children is deceased. The two surviving children are: S.A.S. born July 2003 and M.H.S. born August 2006;
4. At the time of the marriage ceremony, Plaintiff was 20 years of age. Her mother's name on the marriage license is "Rita Marie Black". As noted below, "Black" is the maiden name of Plaintiff's maternal grandmother;
5. Plaintiff's mother was born "Rita-Marie Rebecca Barnett" on February 21, 1972 to Lenion Barnett in Frederick, Maryland. See "Birth Registration Notice" attached hereto as Exhibit "A";
6. On January 23, 1987 the Plaintiff's mother married Plaintiff's father. The marriage license shows the name of the bride as "Rita-Marie Rebecca Barnett", birthplace of

Fredric, Maryland. The full name of the father is listed as "Lenion Richard Barnett" and mother's maiden name as "Sara Madeline Black". See, "Marriage License" attached hereto as Exhibit "B".

7. The marriage license of the Plaintiff and Defendant notes the Defendant's father's name as "Lenion Barnett, Sr.". See "Marriage License" attached hereto as Exhibit "C";
8. The Defendant was previously married. For that marriage, the Defendant's father had to grant permission for his minor son to marry. The Father's name on that marriage license is listed as "Lenion Richard Barnett, Sr." and signed as "Lenion R. Barnett." See "Marriage License" attached hereto as Exhibit "D";
9. The Defendant is the biological uncle of the Plaintiff by the half-blood. The Defendant and the Plaintiff's mother have two different mothers, but the same father. That is, the Plaintiff's maternal grandfather is the Defendant's father. When the Plaintiff was twelve years of age, the Defendant and his then wife moved into the home with the Plaintiff's mother and the Plaintiff's mother moved them into Plaintiff's bedroom;
10. The relationship between the Defendant and Plaintiff began when the Plaintiff was thirteen years of age and Defendant was 20 years of age. At the age of fifteen, Plaintiff became pregnant but she had a miscarriage. Prior to that miscarriage the Plaintiff's mother took the parties to Tennessee to get married but was unable to obtain a marriage at that time. At the time of the birth of the first child of the relationship, Plaintiff was 16 years of age but the child was conceived when she was just 15 and Defendant was 22 years of age. The second child born of the marriage

was conceived when the Plaintiff was 17 years of age and the third child was conceived when the Plaintiff was 18 years of age;

11. At the time of the marriage ceremony in this case, the parties' two year old child had died a mere 13 days prior of Krabbe disease. The Plaintiff was in an emotional state that rendered her incapable of making legal, informed, reasonable, and knowledgeable decisions at the time of the marriage. The parties separated four months after the marriage;
12. Marriages within the prohibited degrees of relationship are prohibited by law and public policy and are void *ab initio*. See, §13A-13-3(a)(4), *Osoinach et al v Watkins et al* 180 So. 577 (Ala. 1938), *Taylor v Taylor* 31 So. 2d 579 (Ala. 1957) ("Incestuous marriages are prohibited – are void ab initio" quoting *Beggs v The State* 55 Ala. 108, 35);
13. The marriage between these parties is *void ab initio* and thus the decree of divorce is due to be voided and an annulment to be issued.

Wherefore, premises considered, Plaintiff prays this Honorable Court will void the divorce decree entered on the 12<sup>th</sup> day of November 2009 and declare this marriage to be annulled.

Respectfully submitted this 5<sup>th</sup> day of January, 2018.

STATE OF ALABAMA  
COUNTY OF DEKALB

Before me, the undersigned Notary Public in and for said County and State, personally appeared, **JESSICA STALLINGS**, who being duly sworn, deposes and says that she has

personal knowledge of the facts set forth in the foregoing Petition and that the same are true and correct to the best of her knowledge, information, and belief.

*Jessica Stallings*  
**JESSICA STALLINGS**

Sworn to and subscribed before me on this the 5<sup>th</sup> day of January, 2018.

*Ronald H. L...*  
Notary Public

/s/Tanya D. Hallford  
Tanya D. Hallford [HAL078]  
Leigh Daniel & Associates  
Attorneys for the Plaintiff  
2306 Starmount Cir SW  
Huntsville, Alabama 35801  
(256)-551-0500  
tanyahallford.attorney@gmail.com

**CERTIFICATE OF SERVICE**

I hereby certify I have serve a true and correct copy of the foregoing pleading on Lenion Barnett, Jr. by placing same in the U.S. mail, postage pre-paid to ~~(((((((mailing address)))))))))~~ on the 5<sup>th</sup> day of January, 2018.

881 Carlyle Rd, Rainville AL  
35986

/s/Tanya D. Hallford

# ALABAMA

Center for Health Statistics

EXHIBIT "A"

00197

STATE OF MARYLAND  
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

## BIRTH REGISTRATION NOTICE

This certifies that a certificate of birth has been filed  
with the Secretary of Health and Mental Hygiene  
under the name of

Rita-Marie Rebecca Barnett, sex Female

born on February 21, 1972

County of Frederick, Maryland

Name of Father: Richard Barnett

Maiden name of Mother:

Date filed: February 24, 1972

Neil Solomon M.D.  
SECRETARY

THIS NOTICE IS VOID IF IT CONTAINS  
ANY ERRORS OR OMISSIONS

25 to 29 days

Probate

Barnett

11000  
(RURAL)

Georgia

or White

Previous ages

Barnett

Black

(G) Marriages Count

70

of Pr

ALABAMA  
Center for Health Statistics

Exhibit B

Marriage License

-87 000197

State  
File  
No 101

STATE OF ALABAMA Calhoun 08 COUNTY

To any person lawfully authorized to solemnize marriages within said State, greetings

You are hereby authorized to celebrate the rite of matrimony for the persons named below, after the same are required to sign this license, duly certified under your hand, to the Probate Judge of the aforesaid county.

*Arthur M. ...*

Done this the 23 day of January, 19 87

Judge of Probate

RECORD. USE A TYPEWRITER OR PRINT PLAIN  
WITH PERMANENT BLACK INK.

**GROOM**

1. Full Name Larry Filmore Stallings

2. Residence: City Rockmart 111000  
(If outside city limits, write RURAL.)

County Polk State Georgia

3. Birth Date 12-12-52 4. Age 34 5. Race or Color White

6. Birth Place Fredric Maryland

7. Single, Widowed Single | No. of Previous 0  
Divorced | Marriages

9. Blood relationship to bride None

10. Full Name of James Filmore Stallings  
Father

11. Full Maiden Name of Edith Mae  
Mother

**BRIDE**

12. Full Name Rita-Marie Rebecca Barnett

13. Residence: City Rockmart 111000  
(If outside city limits, write RURAL.)

County Polk State Georgia

14. Birth Date 2-21-72 15. Age 14 16. Race or Color White

17. Birth Place Fredric, Maryland

18. Single, Widowed Single | No. of Previous 0  
Divorced | Marriages

20. Blood relationship to groom None

21. Full Name of Lenion Richard Barnett  
Father

22. Full Maiden Name of Sara Madeline Black  
Mother

23. CERTIFICATE OF PERSON PERFORMING CEREMONY

I hereby certify that Larry Filmore Stallings (Groom) and

Rita-Marie Rebecca Barnett (Bride) were joined in marriage by me in

accordance with the Laws of the State of Alabama in Calhoun 008X XX County, Alabama

this 23 day of January, 19 87

Signed Arthur M. ... Official Position Probate Judge

Address 1401 1/2 Box 1774

Returned this 23 day of January, 19 87 and recorded in Marriage License Record  
Book No. 75 Page 703

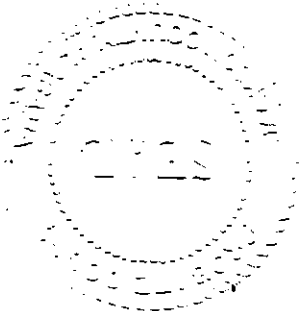
*Arthur M. ...*

Judge of Probate

ADPH VS 60 Rev. 6-86

This is an official certified copy of the original record filed in the Center of Health Statistics, Alabama Department of Public Health, Montgomery, Alabama 2016-267-722-0

*Calhoun ...*



In whom it may concern:  
 I, Victor Manning, Judge of Probate hereby certify that this is a true and correct copy as the same appears of record in the office of the Judge of Probate of Jackson Co., Ala.  
 Book 84 Page 13  
 12-11-17 Victor Manning  
 Date Judge of Probate

*A l a b a m a*  
 Certificate of Marriage  
 State File Number 101

Exhibit AC

TYPE IN PERMANENT BLACK INK.

**LICENSE TO MARRY**

To any person lawfully authorized to solemnize marriage within Alabama: You are hereby authorized to celebrate the rite of matrimony for the persons named below, after which you are required by law to return this license, duly certified under your hand, to the Probate Judge of the issuing county within one month.

**GROOM**

2. GROOM'S NAME First Middle Last (Print last name in all capitals) **LENTON RICHARD BARNETT JR** 3. RESIDENCE - City, Town or Location and Zip Code **LENTON RICHARD BARNETT JR** 6. INSIDE CITY LIMITS (Specify Yes or No) **YES** 7. COUNTY **DEKALB** 8. STATE **GA** 9. NO. OF PREVIOUS MARRIAGES **1**

**BRIDE**

10. IF PREVIOUSLY MARRIED, LAST MARRIAGE ENDED - (Specify: Death, Divorce, Dissolution, Annulment) **DIVORCE** 11. EDUCATION (Specify ONLY highest grade completed) **7** 12. Social Security Number **912-40-40001** 13. BRIDE'S NAME First Middle Last (Print last name in all capitals) **BRENDA FAYE STALLINGS** 14. MOTHER'S NAME First Middle Maiden Last Name **LENTON RICHARD BARNETT SR** 15. BRIDE'S NAME First Middle Last (Print last name in all capitals) **JESSICA LORRAINE STALLINGS** 16. BRIDE'S MAIDEN (LAST NAME (if different)) **STALLINGS** 17. DATE OF BIRTH (Month, Day, Year) **APR 29 1987**

**WHITE**

18. RACE - (Specify American Indian, Black, White, etc.) **WHITE** 19. RESIDENCE - City, Town, or Location and Zip Code **RAINYVILLE 35986** 20. COUNTY **DEKALB** 21. STATE **GA** 22. NO. OF PREVIOUS MARRIAGES **0** 23. IF PREVIOUSLY MARRIED, LAST MARRIAGE ENDED - (Specify: Death, Divorce, Dissolution, Annulment) **NO**

**EDUCATION**

24. EDUCATION (Specify ONLY highest grade completed) **High School** 25. SOCIAL SECURITY NUMBER **0**

**FATHER'S NAME**

26. FATHER'S NAME First Middle Last **LENTON RICHARD BARNETT SR**

**MOTHER'S NAME**

27. MOTHER'S NAME First Middle Maiden Last Name **LENTON RICHARD BARNETT SR**

**PROBATE JUDGE**

38. TITLE OF PERSON PERFORMING CEREMONY **PROBATE JUDGE** 39. DATE CERTIFICATION RETURNED TO JUDGE OR PROBATE **JAN 22 2008** 40. ADDRESS OF PERSON PERFORMING CEREMONY - Street and Number or RD Number, City or Town, State, Zip Code **P O BOX 128 SCOTTSBORO GA 35768**

**LOCAL OFFICIAL**

31. JUDGE OR PROBATE SIGNATURE *[Signature]* 32. ISSUED DATE (Month, Day, Year) **JAN 22 2008** 33. PREPARATION DATE (Month, Day, Year) **FEB 21 2008**

**LOCAL OFFICIAL**

34. CERTIFY THAT THE ABOVE NAMED PERSONS WERE MARRIED ON: **JAN 22 2008** 35. WHERE MARRIED - City, Town, or Location and Zip Code **JACKSON COUNTY COURTHOUSE JACKSON**

**LOCAL OFFICIAL**

36. SIGNATURE OF PERSON PERFORMING CEREMONY *[Signature]* 37. TYPED OR PRINTED NAME OF PERSON PERFORMING CEREMONY **FLOYD HAMBRICK JR**

**LOCAL OFFICIAL**

38. TITLE OF PERSON PERFORMING CEREMONY **PROBATE JUDGE** 39. DATE CERTIFICATION RETURNED TO JUDGE OR PROBATE **JAN 22 2008** 40. ADDRESS OF PERSON PERFORMING CEREMONY - Street and Number or RD Number, City or Town, State, Zip Code **P O BOX 128 SCOTTSBORO GA 35768**

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**LOCAL OFFICIAL**

31. JUDGE OR PROBATE SIGNATURE *[Signature]* 32. ISSUED DATE (Month, Day, Year) **JAN 22 2008** 33. PREPARATION DATE (Month, Day, Year) **FEB 21 2008**

THE STATE OF ALABAMA, DeKALB COUNTY  
To Hon. PAUL THOMAS, Judge of Probate of Said County:

Application for Marriage License.

The undersigned respectfully applies for Marriage License for the following parties, and being duly sworn, on oath, states that the answers to the following questions concerning said parties are true to the best of her knowledge, information, and belief, to wit:

**GROOM**

2. Full Name Lenion Richard Barnett, Jr.

3. Residence: City Fort Payne 35967  
(If outside city limits, write Rural)

County DeKalb State Al

4. Birth Date 4-23-80 5. Age \_\_\_\_\_ 6. Race or Color W

7. Birth Place \_\_\_\_\_

8. Single, Widowed S 9. No. of Previous Marriages 0

10. Blood Relation to Bride \_\_\_\_\_

11. Full Name of Father Lenion Richard Barnett Sr.

12. Full Maiden Name of Mother Brenda Fay Young

Sworn to and subscribed before me this the 27th day of November 19 96

**BRIDE**

13. Full Name Jamie Denise Summerford

14. Residence: City Section 35771  
(If outside city limits, write Rural)

County Jackson State Al

15. Birth Date 1-10-80 16. Age \_\_\_\_\_ 17. Race or Color W

18. Birth Place \_\_\_\_\_

19. Single, Widowed S 20. No. of Previous Marriages 0

21. Blood Relation to Groom \_\_\_\_\_

22. Full Name of Father James David Summerford

23. Full Maiden Name of Mother Debra ~~Richard Barnett~~

Richard Barnett Applicant

Paul Thomas, Judge of Probate.

THE STATE OF ALABAMA, DeKALB COUNTY Marriage License

To any person lawfully authorized to solemnize marriages within said State, Greetings:  
You are hereby authorized to celebrate the rite of matrimony between:  
Lenion Richard Barnett, Jr. and Jamie Denise Summerford  
and required to return Marriage License, and Certificate, duly certified under your hand, to the Probate Judge of the aforesaid County.  
Witness, my name as Judge of Probate, and seal of said Court, at the Court House in DeKalb this the 27th day of November, A. D., 19 96  
PAUL THOMAS, Judge of Probate.

Marriage Certificate.  
I certify that the within named Lenion Richard Barnett, Jr. (Name of Groom) and Jamie Denise Summerford (Name of Bride) were by me, the undersigned, joined in marriage, by the authority of the within License.  
Done this 27th day of November, A. D., 19 96 at Fyffe, Alabama  
In the presence of:

Name \_\_\_\_\_ (Signature of witness)  
Residence \_\_\_\_\_  
Name Jimmy H. Summerford  
Signature and Title of Minister or Legally Authorized Officer. Minister  
Residence 1023 Co Rd 337 Section 35771 Address of Minister or Legally Authorized Officer.

THE STATE OF ALABAMA, DeKALB COUNTY Consent to the Marriage of a Minor.  
This is to certify that I, who have hereto subscribed my name, do hereby consent that Lenion Richard Barnett, Jr. (Name of Minor) who is my son (My or our Son, Daughter or Ward) and who is under the age of 18 years, shall be united in marriage to Jamie Denise Summerford by any minister of the gospel or other person authorized to solemnize marriages.  
Witness my hand to this 27th day of November, A. D., 19 96  
Sworn to and subscribed before me this 27th day of Nov, 19 96  
PAUL THOMAS, Judge of Probate. Brenda J Young Signature of Parents or Guardian.

THE STATE OF ALABAMA, DeKALB COUNTY Consent to the Marriage of a Minor.  
This is to certify that I, who have hereto subscribed my name, do hereby consent that Jamie Denise Summerford (Name of Minor) who is my Daughter (My or our Son, Daughter or Ward) and who is under the age of 18 years, shall be united in marriage to Lenion Richard Barnett, Jr. by any minister of the gospel or other person authorized to solemnize marriages.  
Witness my hand to this 27th day of November, A. D., 19 96  
Sworn to and subscribed before me this 27th day of Nov, 19 96  
PAUL THOMAS, Judge of Probate. Deborah Summerford Signature of Parents or Guardian.

PHYSICIAN'S CERTIFICATE  
Pursuant to the Code of Alabama of 1940, as amended in 1947, I do hereby certify that I have given a physical examination including a standard blood test for syphilis, as required by the Alabama Department of Health for the discovery of syphilis, to \_\_\_\_\_ on \_\_\_\_\_, 19 \_\_\_\_  
(Full name of applicant) (Date)  
and that in my opinion, said applicant is not infected with syphilis or if infected, is not in a stage of that disease whereby it may be communicable. I do further certify that I am a physician duly licensed to practice in the State of \_\_\_\_\_  
\_\_\_\_\_  
(Signature of Physician) M. D.

PHYSICIAN'S CERTIFICATE  
Pursuant to the Code of Alabama of 1940, as amended in 1947, I do hereby certify that I have given a physical examination including a standard blood test for syphilis, as required by the Alabama Department of Health for the discovery of syphilis, to \_\_\_\_\_ on \_\_\_\_\_, 19 \_\_\_\_  
(Full name of applicant) (Date)  
and that in my opinion, said applicant is not infected with syphilis or if infected, is not in a stage of that disease whereby it may be communicable. I do further certify that I am a physician duly licensed to practice in the State of \_\_\_\_\_  
\_\_\_\_\_  
(Signature of Physician) M. D.

THE STATE OF ALABAMA, DeKALB COUNTY  
Before me, PAUL THOMAS, Judge of Probate in and for said State and County, personally appeared \_\_\_\_\_

A/H 31372173  
A/H 3211113  
A/H 5211005