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IN THE CIRCUIT COURT OF DEKALB COUNTY

JESSICA L. STALLINGS, PLAINTIFF,))	
VS.) CASE NO. DR 2009-90002	4
LENION RICHARD BARNETT, JR. DEFENDANT.)))	

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:

- 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 12th day of November, 2009;
- 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;
- 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

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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 inition" 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 12th day of November 2009 and declare this marriage to be annulled.

Respectfully submitted this 5th 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.

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

/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 stage day of January, 2018. 881 Carly 12 Pd. ZainsvilleAL 85986

/s/Tanya D. Hallford

ALABAIVIA Center for Health Statistics

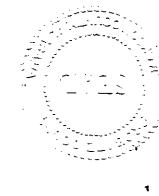
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Center for Health Statistics Exhibit 8

Marriage License

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in whom it may concern:

ertificate of Marriage sale File Number 101

same appears of record in the office of the certify that this is a true and correct copy as the Judgoof Probate of Judgoon Co., Ala i, Victor Maaning, Judge of Probate hereby

STONMERING GROOM To any person lawfully authorized to solemnize marriage within Alabama: You are hereby authorized to celebrate the rite of mutainnony for the persons named below, after which you are required by law to return this likense, duly certified under your hand, to the Probate Judge of the issuing county within one month. AL DATE CERTIFICATION RETURNED TO JUINGS OF PROBATE-JAN 22 2008 M. I CHRIFT WHAT THE ANOVE NAMED PERSONS
WERE MARKIED ON: 29. GROOM-SIGNATURE PLUE BL-18. RACE-(Specify American Indian, Flock, White, etc.) 19. RESIDENCE-City: Town, or Location and Zip Code ALL STREET STREET OF PERSON PERFORMING CEREMONY 27. FATHER'S NAME JESSICA LORRAINE STALLINGS LENION RICHARD BARNETT SR 10. If PREVIOUSLY MARRIED, LAST MARRIAGE ENDED -(Specify, Depth, Divorce, Dissolution, Annulment) FORT PAYNE 35967 JAN 22 2008 31. JUDGE OF PROBATC-SIONATURE II. COUNTY BWWN S.Nailleva VI PROBATE JUDGE LARRY FILMORE STALLINGS
We hereby centry that the infermation provided is correct to the best of that in galledge had belief and we are to 25. FIDUCATION (Specify ONLY highest goode completed) LENION RICHARD BARNETT JR DEKALB ble mentary or theh vehical (C) . RESIDENCE - City, Teven or Location and Zip Code THIS LICENSE IS VOID UNLESS SOLEMNIZED WITHIN 30 DAYS FROM ISSUING DATE. SIGNATURE OF PERSON PERFORMING CEREMONY Pica 죑 GED Middle Middle Last (Print lest name nil capitals) College of Age 2 3 HAIS .CC Niedic Last (Print last name in all capitals) RAINSVILLE 35986 As, WHERE MARRIED-City, Town, in Location and Zip Code JACKSON COUNTY COURTHOUSE Ŕ 40. ADDRESS OF PERSON PERFORMING CEREMONY-Street and Number of RFD Number, City of Your, Sine, Zip Code O BOX 128 BDUCATION (Specify ONLY highest grade complementary or High School (0-12) (Callego 1-14) 23. NO. OF PREVIOUS MARRIAGES Page Variation 30 BRIDE-KICK 28. MOTHER'S NAME 26. SOCIAL SECURITY NUMBER 14. MOTHER'S NAME 7. COUNTY BRENDA TAYE OF DEKALB 16. BRIDE'S MAIDEN LAST NAME (If different) 38, TYPED ON PRINTED NAME OF PERSON PERFORMING CEREMONY STALLINGS FLOYD HAMBRICK JR APR 23 1980 1, DATE OF BIRTH (Afronis, Day, Yoar) JAN 22 2008 MARIE BLACK 24. JF PREVEUSLY MARRIED, LAST MARRIAGE ENDED-(Specify, Desib, Divorce, Dissolution, Annulment) 131 12. Social Security Number 132-10-115 N 4. RAUE (Specify American Indian, Black, Winte, etc.) SCOTTSBORO AL 35768 Ļ HITE Baluce I. ISSUING ("DUNITY Jackson Middle JACKSON 11. SCPIRATION DATE Mouth Day, York (FEB 21 2008 DCSI-ADPICAS-50:Rev. 10-00 -m 12. DATE OF BIRTH (Month, Day, Yes (Specify Year or No) 9, NO. OF PROVIOUS MARRIAGES Meiden Last Name Last Name

Exhibit

1 1 6654/32 Marriage Daturnage Wer	
"Obligate Earl graduinglynam-or" - CYNIBIT ()	•
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 D. HEIDE	
2 Full Name Lewish Kichard Barnett, Jr. 12 Full Name Janie Denise Sunnecture	
3. Residence: City Fort Ayre 35967 (If outside city limits, write Rural) (If outside city limits, write Rural)	
County Jackson State Al.	
Birth 1 93 PA Race or 1 Birth 1-10-80 15. Age 17. Color W	
4. Date 5. Age 6. Color 18. Place	
Birth 7. Place Single, Widowed No. of Previous 19. Divorced 20. Marriages	
Single, Widowed No. of Previous 21, Blood Relation to Groom 22, Blood Relation to Groo	
10. Blood Relation to Bride 22. Father David Suggestion	
Full Name of Levian Richard Barnett Sr. 23 of Mother Debra Reviewed Marketine	
Full Maiden Name Brenda Fay Young Richard Bownett Applicant	•
Sworn to and subscribed before me this the 27th day of Moverder 19 7c	
Paul Thomas Judge of Probate.	•
THE STATE OF ALABAMA, DeKALB COUNTY To any person lawfully autherized to solemnize marriages within said State, Greetings:	
You are hereby authorized to celebrate the rite of matrimony between:	
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 Seal of this the Court House in PAUL THOMAS, Judge of Probate.	
Lastific that the willing named Louis () Richard Barnett J.	
(Name of Groom)	
(Name of Bride) Novice of Bride) One of Bride)	
Done this day of Jayar A.D., 19 79 at Jaran Alabama In the presence of:	
Name (Signature of witness)	
Residence Signature and Thie of Minister or Legally Authorized Officer. Name Name	
103 (Signature of witness) 37 South 3 COOL	
THE STATE OF ALABAMA, DeKALB COUNTY	2 =
(My or our San, Daughter or Ward)	11(55.1 x) 4 CP (196
to Jan E land Summer 5576 by any minister of the gospel or other person authorized to solemnize marriages. Witness My hand 15 this 977 day of Neverthern A. D., 19 10	
Sworn to and subscribed before me this 21 day of Nov. 19 96 January R. Barnett	3
PAUL THOMAS, Judge of Probate. Signature of Parents or Guardian.	
THE STATE OF ALABAMA, DEKALB COUNTY Consent to the Marriage of a Minor. This is to certify that who have hereto subscribed my name, do hereby consent that James Denise	7
(Name of Minor) And who is under the age of Y years, shall be united in marriage) 30 1/4 (ve)
to Land Sichard Sancting by any minister of the gospel or other person authorized to solemnize marriages.	<u>-</u>
Witness hand to this 27th day of November, A. D., 19 96.	8
Sworn to and subscribed before me this 91 day of Nov., 19 96 PAUL THOMAS, Judge of Probute.	5
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	
(Full name of applicant) 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)	
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) and that in my opinion, said applicant is not infected with syphills 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) THE STATE OF ALABAMA, DeKALB COUNTY	
Before me, PAUL THOMAS, Judge of Probate in and for said State and County, personally appeared	