

ORIGINAL

F I A T

IT IS HEREBY ORDERED that STEPHEN THOMPSON is temporarily restrained from contacting JOHNNIE THOMPSON at her place of residence or from coming about her place of residence at 1226 South Montclair, Dallas, Texas, or at any other place; and from selling, mortgaging, secreting, hypothecating, disposing of or placing any lien or encumbrance against any of the items in the community estate of the said JOHNNIE THOMPSON and STEPHEN THOMPSON, JR; and

IT IS FURTHER ORDERED that STEPHEN THOMPSON, JR. be and appear before me, Judge of the Domestic Relations Court at Dallas, Dallas County, Texas, on the 19 day of Sept, 1968, at 9 o'clock A.M., to show cause, if any, why said Temporary Restraining Order should not be continued as a Temporary Injunction; and

IT IS FURTHER ORDERED that STEPHEN THOMPSON, JR. be and appear before me on the 19 day of Sept, 1968, at 9 o'clock, A.M., to show cause, if any, why he should not be ordered to pay temporary child support and temporary alimony, pendente lite, and to show cause, if any, why JOHNNIE THOMPSON should not be granted temporary custody of said minor children of their marriage and common-law marriage.

EXECUTED at 3 o'clock P.M., on the 13 day of September, 1968.

Robert J. Starr
JUDGE

CLINT D. STARR
201 Southwest Bank Bldg.
Irving, Texas 75060 BL. 9-3606
Attorney for Plaintiff

93/517

NO. 68-8294 DR/2

JOHNNIE THOMPSON) IN DOMESTIC RELATIONS
 :
 VS.) COURT NUMBER TWO,
 :
 STEPHEN THOMPSON, JR.) DALLAS COUNTY, TEXAS

FINAL DECREE OF DIVORCE

ON THIS 22 day of November, 1968, came on to be heard the above-numbered and entitled cause, wherein JOHNNIE THOMPSON is Plaintiff, and STEPHEN THOMPSON, JR. is Defendant, and came the Plaintiff in person and through her attorney, Clint D. Starr, and the Defendant having been served with process in accordance with law, and having entered his appearance herein for all purposes although absent at the time of this hearing, the Court proceeded to examine the pleadings and hear testimony on the merits of the case, and is of the opinion that the material allegations contained in Plaintiff's pleadings are true, and that all prerequisites of law have been complied with, and that the Plaintiff should be granted a divorce from the Defendant;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the bonds of matrimony heretofore existing between the Plaintiff, JOHNNIE THOMPSON, and the Defendant, STEPHEN THOMPSON, JR., are hereby dissolved, and the Plaintiff, JOHNNIE THOMPSON, is granted a divorce from the Defendant;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the permanent care, custody and control of the five (5) minor children born to the marriage and common law marriage of Plaintiff and Defendant, namely, STEPHEN DWIGHT THOMPSON, a boy, age 14;

RICHARD LYNN THOMPSON, a boy, age 13; ELIZABETH ANN THOMPSON, a girl, age 12; SAUNDRA KAY THOMPSON, a girl, age 10; and SUSAN MARIE THOMPSON, a girl, age 4; shall be and is hereby vested in the Plaintiff, JOHNNIE THOMPSON, and the Court finds that she is a proper and capable person to have the permanent care, custody and control of said children, and the Defendant, STEPHEN THOMPSON, JR., shall have, and is hereby granted, the right to visit said children at

reasonable times and places, *except the right to visit with the daughters mentioned herein shall be only in the presence of the plaintiff.*

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY

THE COURT that the Defendant, STEPHEN THOMPSON, JR., shall pay

into the Support Office of this Court the sum of \$50⁰⁰ per week,

as child support, for the use and benefit of said children, beginning Friday, the

22-day of November, 1968, with succeeding payments of \$50⁰⁰

each to become due and payable on Friday of each week there-

after, and continuing until said children shall have attained the age of

eighteen (18) years or the then legal age according to the existing laws

of the State of Texas or until further Order of this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY

THE COURT that any and all community property these parties accumu-

lated during their marriage, including, but not limited to, any interest

they may own in the residence at 1226 South Montclair, Dallas, Texas,

the furniture, kitchen appliances, and household goods therein, and any

automobiles they own any interest in, together with Plaintiff's personal

effects of every kind and character, shall be and are hereby awarded to

the Plaintiff, JOHNNIE THOMPSON, as her sole and separate property,

and the Defendant, STEPHEN THOMPSON, JR., is ordered to execute

whatever instruments may be necessary to place the legal, record, and equitable title to said property in the name of the Plaintiff.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Defendant, STEPHEN THOMPSON, JR., shall be and is hereby awarded his personal effects as his sole and separate property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Temporary Injunction in full force and effect herein at this time shall be and is hereby continued in full force and effect as a permanent injunction to permanently restrain and enjoin the Defendant from coming about the Plaintiff at her residence at 1226 South Montclair, Dallas, Texas, at the place where she is presently employed, and at any place at any time, and further, that the Defendant, STEPHEN THOMPSON, JR., is restrained and enjoined from coming about the five (5) above-named children, except to visit with them at reasonable times and places as hereinabove provided for.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Plaintiff, JOHNNIE THOMPSON, shall have, and is hereby awarded, a judgment against said Defendant, STEPHEN THOMPSON, JR., for the sum of \$ 250⁰⁰, which amount of money the Court has found to be a fair and reasonable amount for her attorney's fees. The Plaintiff shall pay the Court costs herein.

SIGNED AND ENTERED this 22 day of November, 1968.


JUDGE PRESIDING

JUDGE 902 JUDICIAL DISTRICT COURT SITTING FOR JUDGE
DOMESTIC RELATIONS COUNTY, TEXAS

93/1

FILED

SEP 13 2 48 PM '68

NO. 68-8294-DR-2 DEPUTY DIST. CLERK DALLAS CO TEXAS

JOHNNIE THOMPSON) IN DOMESTIC RELATIONS
VS.) COURT NO. _____
STEPHEN THOMPSON, JR.) DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now JOHNNIE THOMPSON, Plaintiff in the above-numbered and entitled cause, complaining of Defendant, STEPHEN THOMPSON, JR., and praying for a divorce, and for grounds would respectfully show unto this Honorable Court as follows:

I.

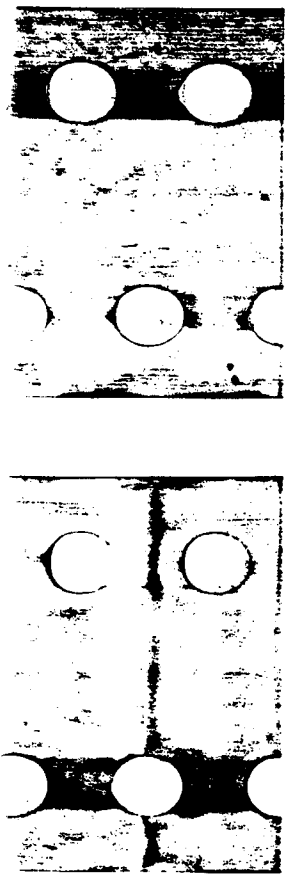
That Plaintiff and Defendant were duly and legally married in Dallas, Dallas County, Texas, on or about March 7, 1953, and were legally divorced in June of 1963. They started living together as common-law man and wife in approximately September of 1963, and continued to do so until on or about September 9, 1968.

II.

That Plaintiff is, and has been for more than twelve (12) months immediately prior to filing this Petition, an actual bona fide inhabitant of the State of Texas, and has resided in the said County of Dallas, where this suit is filed, for a period of six (6) months next preceding the filing thereof.

III.

That at all times while living with Defendant, Plaintiff has conducted herself with propriety, doing her duty as a wife, has at all times treated Defendant with kindness and forbearance, and has been guilty of no act or acts bringing about or causing the hereinafter-described acts, omissions and conditions on Defendant's part.



IV.

Defendant, however, disregarding his obligation to treat Plaintiff with kindness and attention, during the common-law marriage of Plaintiff and Defendant, commenced a course of unkind, harsh and tyrannical conduct toward Plaintiff, which continued with very slight intermission until Plaintiff and Defendant were finally separated as aforesaid. On divers occasions while Plaintiff lived with Defendant as aforesaid, Defendant was guilty of excesses, cruel treatment and outrages toward Plaintiff of such a nature as to render their further living together insupportable.

V.

That there have been five (5) children born to the marriage and common-law marriage of Plaintiff and Defendant, to-wit:

STEPHEN DWIGHT THOMPSON, a boy, age 14;
RICHARD LYNN THOMPSON, a boy, age 13;
ELIZABETH ANN THOMPSON, a girl, age 12;
SAUNDRA KAY THOMPSON, a girl, age 10; and
SUSAN MARIE THOMPSON, a girl, age 4;

that said minor children are in the custody of Plaintiff, and that Plaintiff is a fit, proper and capable person to have the temporary and permanent care, custody and control of said minor children, and Defendant should be ordered and directed to appear before this Court on a day certain and show cause, if any, why Plaintiff should not be awarded the temporary and permanent custody of the minor children of his marriage and common-law marriage to Plaintiff; and that Defendant be allowed the right of reasonable visitation with said minor children.

VI.

That Defendant is ably employed and well able to pay, and should be ordered to pay, a reasonable sum as child support during the pendency of this suit and after final hearing hereof, for the support and maintenance of the minor children of his marriage and common-law marriage to Plaintiff, and Defendant should be ordered and directed

to appear before this Honorable Court on a day certain to show cause, if any, why he should not be ordered to pay a reasonable sum as child support, pendente lite.

VII.

That Defendant is ably employed, and the Plaintiff, being in great want and in dire need of money, is entitled to alimony during the pendency of this suit, and Defendant is well able to pay, and should be ordered to pay, a reasonable sum as alimony to Plaintiff during the pendency of this suit; and the Defendant, STEPHEN THOMPSON, JR., should be ordered and directed to appear before this Court on a day certain and show cause, if any, why he should not be ordered to pay a reasonable sum as alimony, pendente lite.

VIII.

That during the marriage of Plaintiff and Defendant they have accumulated certain items of community property, and Plaintiff prays the Court to make a reasonable distribution of said community property.

IX.

Plaintiff would further show that on numerous occasions Defendant has mortgaged, encumbered and sold the property of Plaintiff and Defendant, and there is a very great possibility that he will do so again, and, in the event that he does, Plaintiff's interest in same will be appropriated by Defendant, and unless this Court, forthwith, ex parte, issue its Temporary Restraining Order, ordering and directing the Defendant, STEPHEN THOMPSON, JR., to desist and refrain from selling, mortgaging, secreting, hypothecating, disposing of or placing any lien or encumbrance against any of the items in Plaintiff's and Defendant's community estate, Plaintiff will suffer an irreparable injury for which she has no adequate remedy at law;

and further, Defendant, STEPHEN THOMPSON, JR., should be ordered and directed to appear before this Court on a day certain and show cause, if any, why the hereinabove-recited Temporary Restraining Order should not be continued in full force and effect as a Temporary Injunction during the pendency of this suit.

X.

Plaintiff would further show unto this Honorable Court that she fears the Defendant may inflict bodily harm upon her, and that on numerous occasions Defendant has commenced and continued a course of harrassment, agitation and embarrassment toward Plaintiff, and Plaintiff respectfully submits unto this Honorable Court that the Defendant, STEPHEN THOMPSON, JR., should be temporarily restrained from going about Plaintiff or Plaintiff's place of residence at 1226 South Montclair, Dallas County, Texas, or from contacting Plaintiff at any place, for any reason whatsoever; and Defendant should be ordered to appear before this Court on a day certain to show cause, if any, why he should not be temporarily enjoined as hereinabove alleged, pendente lite.

XI.

That Plaintiff has had the necessity of retaining the undersigned attorney to represent her in this matter, and has agreed to pay said attorney a reasonable fee for his services, for which Defendant should be liable.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant, STEPHEN THOMPSON, JR., be cited to appear and answer herein; that upon final hearing hereof, Plaintiff have Judgment of Divorce dissolving the common-law marriage heretofore existing between Plaintiff and Defendant; that Plaintiff should be awarded the

temporary and permanent care, custody and control of the minor children of her common-law and previous marriage to Defendant; and that Defendant be allowed the right of reasonable visitation with said children; that Defendant be ordered to pay child support in a reasonable sum during the pendency of this suit and after final hearing hereof, for the support and maintenance of said minor children, until such time as the youngest of said children shall have attained the age of eighteen (18) years; that Defendant be ordered to pay a reasonable sum as alimony to Plaintiff, pendente lite; that the Court make a fair and equitable division of the community estate of Plaintiff and Defendant; that the Court issue its Show Cause Orders with respect to the Temporary Restraining Orders hereinabove, and that this Court issue its Show Cause Orders, ordering and directing the Defendant to appear before this Court at a time and on a day certain to show cause, if any, why the said Temporary Restraining Orders should not be continued in full force and effect as a Temporary Injunction during the pendency of this suit; for attorney's fees; for costs of Court, and for such other and further relief, both general and special, at law and in equity, to which this Court deems the Plaintiff justly entitled.


JOHNNIE THOMPSON

THE STATE OF TEXAS)
 :
COUNTY OF DALLAS)

BEFORE ME, the undersigned authority, on this day personally appeared JOHNNIE THOMPSON, and after by me being duly sworn, upon her oath deposed and said that all of the facts and allegations contained in the foregoing instrument are true and correct.

SUBSCRIBED AND SWORN TO before me by the said JOHNNIE THOMPSON this 13 day of September, 1968, to certify which witness my hand and seal of office.


Notary Public in and for Dallas County, Texas

13⁰⁰ rec.
CHARGE TO COST BOND

FILED

359/84

NO. 68-8294-DR/2

JOHNNIE THOMPSON X IN THE DOMESTIC RELATIONS
VS. X COURT NUMBER TWO IN AND FOR
STEPHEN THOMPSON, JR. X DALLAS COUNTY, TEXAS

RESPONDENT'S MOTION IN ARREST OF JUDGMENT

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Respondent, STEPHEN THOMPSON, JR., and files this his Motion in arrest of Judgment in the above entitled and numbered cause and in support of the same would show the Court as follows:

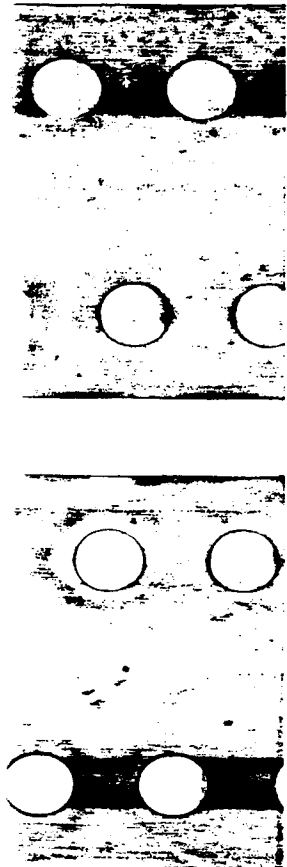
That on or about the 20th day of May, A.D. 1976, this Court held a hearing on Plaintiff's Motion for Contempt filed in this cause on or about March 30, 1976. That said Motion was based upon and asked the Court to hold the Respondent in contempt of a final Decree of Divorce entered in this case on or about the 22nd day of November, 1968, wherein JOHNNIE THOMPSON and STEPHEN THOMPSON, JR., were divorced and the Respondent was ordered as follows:

"It is further ORDERED, ADJUDGED and DECREED by the Court that the Defendant, STEPHEN THOMPSON, JR., shall pay into the support office of this court the sum of \$50.00 per week as child support for the use and benefit of said children, beginning Friday, the 22nd day of November, 1968, with succeeding payments of \$50.00 each to become due and payable on Friday of each week thereafter, and continuing until said children shall have attained the age of eighteen (18) years or the then legal age according to the existing laws of the state of Texas or until further order of this Court."

That following said hearing, the Court entered its Order finding the Respondent \$11,000.00 in arrears of the said Order and further ordered that the Respondent report back to this Honorable Court within 60 days with a plan to pay the arrearage and further having ordered the Respondent imprisoned for 72 hours and further imprisoned until he had satisfied the arrearage the Court then suspended said commitment upon the condition that Respondent pay the regular child support of \$50.00 per week. A copy of said Order is attached hereto and made a part

M O T I O N

(1)



hereof as if fully set forth herein.

Your Respondent in further support of his Motion in Arrest of Judgment would further show the Court that the original Order for divorce setting forth the support in this case dated November 22, 1968, was unenforceable by contempt due to its vagueness in that at the time of the marriage there were five children then under eighteen named in the divorce decree, to-wit: Stephen D. Thompson, age 14, Richard L. Thompson, age 13, Elizabeth Ann THompson, age 12, Saundra Kay Thompson, age 10, and Susan Marie Thompson, age 4. Said children are now ages 22, 21, 20, 17, and 12, respectively. The said Stephen D. Thompson was 18 years of age in 1970, Richard L. Thompson was 18 years of age in 1971, Elizabeth Ann Thompson is now age 20, married at the age of 14 in 1970, and Saundra Kay Thompson who is now 17 is married. That after the aforesaid children reaching age 18 or marrying your Movant no longer had a duty to support said children under the law. That the only child to whom the Movant owes a legal duty to support at present is Susan Marie Thompson who is now age 12.

That as each child reached their majority or married said Order became too vague and ambiguous to be enforceable by contempt.

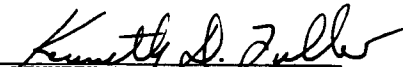
Your Movant would further show this Court in support of his Motion in Arrest of Judgment that the Petitioner, JOHNNIE THOMPSON, did not have standing to bring this Motion for Contempt in that according to the terms of said Order setting the child support of November 22, 1968, the Movant was not ordered to pay said child support to the said JOHNNIE RUTH THOMPSON, but was merely ordered to make such payments into the support office of the Court and that under the provisions of Section 14.09 of the Texas Family Code entitled "Enforcement of Order" only persons entitled to receive payments for the benefit of a child may file such a motion for enforcement by contempt.

M O T I O N

(2)

WHEREFORE, PREMISES CONSIDERED, your Movant prays that his Motion be set for hearing at a day certain and that upon final hearing that this Court issue its order in arrest of its order of May 20, 1976, and that if same does not make a final disposition of this matter that he be granted a new trial.

Respectfully submitted,



KENNETH D. FULLER
Attorney for Movant

2301 Forest Lane
Garland, Texas 75042


STATE OF TEXAS X

COUNTY OF DALLAS X

On this the 12th day of July, A.D. 1976, before me the undersigned officer, personally appeared KENNETH D. FULLER, attorney for Stephen Thompson, Jr., Movant in the above entitled and numbered cause, who stated to me on his oath that the statements in the above and foregoing Motion are true and correct to his best knowledge and belief.


KENNETH D. FULLER
Attorney for Movant

SUBSCRIBED AND SWORN TO before me this 12th day of July, 1976.

 **MAE WHITE**
Notary Public in and for
Dallas County, Texas

ORDER

TO THE CLERK OF THE COURT:

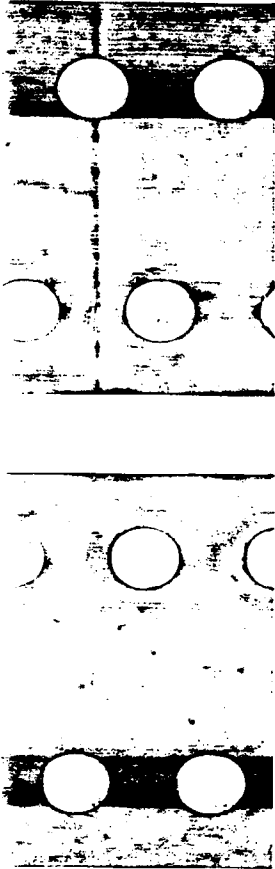
It is the Order of the Court that you set this Motion for hearing before this Court on the 4 day of August, 1976, at 9:30 o'clock A.m.

MOTION

(3)

SIGNED AND RENDERED this the 13 day of July,
1976.

Green Powell
JUDGE PRESIDING



MOTION

(4)

THE STATE OF TEXAS } 119516
County of Dallas

To my Regularly Licensed or Ordained Minister of the Gospel, Jewish Rabbi, Judge of the District or County Court, or Justice of the Peace in the State of TEXAS—CERTIFYING:

YOU ARE HEREBY AUTHORIZED To Celebrate the Rites of Matrimony between Mr. Stephen Thompson Jr. and Miss Johnnie Maxie Herrell and make due return to the County Clerk of said County, within sixty days thereafter, certifying your action under this License.

WITNESS My official signature and seal of office, at office in Dallas, this 7th day of March, A. D. 1953.

(L.S.)
Rev. R.W. Deyo, By O.H. Crossett ED H. STROGER, County Clerk. Deputy.

I, Mr. Stephen Thompson Jr. hereby certify that on the 7 day of March, A. D. 1953 I united in Marriage Mr. Stephen Thompson Jr. and Miss Johnnie Maxie Herrell the parties above mentioned.

WITNESS My hand, this 7th day of March, A. D. 1953.

THE ORIGINAL OF THIS MARRIAGE LICENSE WAS ISSUED IN ACCORDANCE WITH HOUSE BILL NO. 588 PASSED BY THE 51ST LEGISLATURE OF TEXAS.

Returned and filed for record the 13 day of March 1953, and recorded the 13 day of March 1953.

By [Signature] ED H. STROGER, County Clerk. Deputy.

Now deposited of 911 Polk St., Dallas 13 March 1953

THE STATE OF TEXAS I, Ed H. Bullock, County Clerk in and for said
COUNTY OF DALLAS County and State, do hereby certify that the

above and foregoing is a true and correct copy of THE MARRIAGE RECORD OF
STEPHEN THOMPSON, JR. &
JOHNNIE MAXIE HERRELL

as the same appears on file and/or on record in my office in Vol. 120
Page 351 of MARRIAGE Records of Dallas
County, Texas

WITNESS my hand and seal of office Dallas, Texas this 10th
day of OCTOBER 1991

Ed H. Bullock, County Clerk Dallas County, Texas
By [Signature] Deputy
CARLA GILLEY