

IN THE SUPERIOR COURT FOR THE COUNTY OF CARROLL
STATE OF GEORGIA

NEWTON LEROY GINGRICH,

Plaintiff

Vs.

JACQUELINE B. GINGRICH,

Defendant

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CIVIL ACTION FILE
NO. 94V0276

MICROFILMED

MAR 24 1994

PETITION FOR MODIFICATION OF ALIMONY

BY _____

COMES NOW, NEWTON LEROY GINGRICH, Plaintiff, and files this his Petition for Modification of Alimony against JACQUELINE B. GINGRICH, Defendant, pursuant to O.C.G.A. §19-6-19, and shows unto this Honorable Court the following:

1.

Defendant is a resident of Carroll County, Georgia, and is subject to the jurisdiction and venue of this Court and will acknowledge service of this Petition.

2.

Plaintiff and Defendant were divorced on February 2, 1981, in an action styled NEWT GINGRICH, Plaintiff vs. JACQUELINE GINGRICH, Defendant, Civil Action File No. 15,461, in the Superior

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SUPERIOR COURT
CARROLL COUNTY, GEORGIA

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Court of Carroll County, Georgia. A true and correct copy of said Final Judgment and Decree marked as Exhibit "A" is attached hereto and incorporated herein by reference.

3.

Pursuant to an Agreement dated January 31, 1981, attached to and filed with the Final Judgment and Decree dated February 2, 1981, Plaintiff herein was required to pay Defendant herein the sum of ONE THOUSAND THREE HUNDRED & NO/100 (\$1,300.00) DOLLARS per month as alimony, due on the first day of each month. Said alimony payments were to continue until Defendant dies or remarries, or Plaintiff dies, whichever event shall first occur.

4.

Since the entry of said Final Judgment and Decree, the circumstances of the parties have changed, to-wit:

a) There has been a change in the income and financial status of the Plaintiff as to warrant an upward revision and modification of the alimony judgment.

b) Plaintiff's income and assets have increased since the time of entry of the Final Judgment and Decree.

5.

There has been no previous Petition for Modification filed since the Final Judgment and Decree entered February 2, 1981.

6.

The Final Judgment and Decree and Order and Agreement incorporated therein in the Superior Court of Carroll County in Civil Action File No. 15,461 should be modified as it pertains to payment of alimony support by the Plaintiff.

7.

Plaintiff and Defendant have agreed to an increase of alimony payments in the amount of THREE HUNDRED FIFTY & NO/100 (\$350.00) DOLLARS per month, making a total payment each month of ONE THOUSAND SIX HUNDRED FIFTY & NO/100 (\$1,650.00) DOLLARS, i.e., ONE THOUSAND THREE HUNDRED DOLLARS & NO/100 (\$1,300.00) DOLLARS per month under the Decree of February 2, 1981, and the additional amount agreed upon under this Modification. Said payment is to be made on or before the first day of each month beginning March 1, 1994.

8.

In consideration of said increase stated in the foregoing paragraph, any other settlement language notwithstanding, the Defendant expressly waives her statutory right to further modifications, up or down, of alimony payments provided for herein, based upon a change of income or financial status of either party as presently expressed in O.C.G.A. §19-6-19, et seq. or any other State provisions relating to modification of alimony. It is the

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intent of the parties hereto that this paragraph is to effectively waive the right to seek any future modification of alimony as stated in Varn v. Varn, 242 Ga. 309 (1978), and Geraghty v. Geraghty, 259 Ga. 525 (1989).

WHEREFORE, Plaintiff requests:

- a) That the amount of alimony support which the Plaintiff is required to pay to the Defendant be increased;
- b) That the Final Judgment and Decree of the Superior Court of Carroll County, Georgia, in Civil Action File No. 15,461 be modified as requested in this Petition; and,
- c) That Plaintiff have such other and further relief as the Court deems just and proper.

JOHNSON, BECKHAM & DANGLE

BY: 

J. Eugene Beckham, Jr.

ATTORNEYS FOR PLAINTIFF

306 Tanner Street
Carrollton, Georgia 30117-3208
(404)832-1471 -- Carrollton
(404)525-8286 -- Atlanta
State Bar of Georgia Membership
No. 046100

IN THE SUPERIOR COURT FOR THE COUNTY OF CARROLL
STATE OF GEORGIA

NEWTON LEROY GINGRICH,
Plaintiff

vs.

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H. G. GINGRICH
CLERK SUPERIOR COURT
CARROLL COUNTY, GEORGIA

ACKNOWLEDGMENT OF SERVICE

COMES NOW, JACQUELINE B. GINGRICH, Defendant in the above-styled action, and hereby waives process and service and acknowledges receipt of a copy of the within and foregoing PETITION FOR MODIFICATION OF ALIMONY as fully and effectually as if said copy had been served upon her by the Sheriff of Carroll County, Georgia.

THIS the 3 day of March, 1994.

Jacqueline B. Gingrich
JACQUELINE B. GINGRICH

Sworn to and subscribed
before me this the 3rd
day of March, 1994.

Karl Gingrich
NOTARY PUBLIC

Notary Public, Gwinnett County Georgia
My Commission Expires July 7 1996

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CLERK
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Handwritten signature
CLERK OF SUPERIOR COURT
CARROLL COUNTY, GEORGIA

IN THE SUPERIOR COURT FOR THE COUNTY OF CARROLL
STATE OF GEORGIA

NEWTON LEROY GINGRICH,

Plaintiff

Vs.

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MOTION FOR JUDGMENT ON THE PLEADINGS

NOW COMES the Plaintiff and Defendant, individually and through their attorneys of record, and move the Court to grant judgment on the pleadings as to the issue of Modification of Alimony.

Both parties have executed said Motion, as well as their respective attorneys, and all parties are in agreement.

THEREFORE, there is no genuine issue as to any material fact concerning the granting of said Modification, and all parties are entitled to said granting of the Motion.

Respectfully submitted,

JOHNSON, BECKHAM & DANGLE

BY: 
J. Eugene Beckham, Jr.

ATTORNEYS FOR NEWTON L. GINGRICH

306 Tanner Street
Carrollton, Georgia 30117-3208
(404)832-1471 -- Carrollton
(404)525-8286 -- Atlanta
State Bar of Georgia Membership
No. 046100

LYNCH & POWELL

BY: 
Mona S. Shuman

ATTORNEYS FOR JACQUELINE B. GINGRICH

Suite 400
Two Decatur TownCenter
125 Clairmont Road
Decatur, Georgia 30030
(404)377-1250
State Bar of Georgia Membership
No. 644470

Rachel Phillips
Witness

Sworn to and Subscribed
before me this the 15
day of MARCH, 1994.

[Signature]
Notary Public

Mona S. Shuman
Witness

Sworn to and Subscribed
before me this the 3rd
day of march, 1994.

Kay B. Ginnel
Notary Public

Notary Public, Gwinnett County Georgia
My Commission Expires July 7 1996

CONSENTING TO SAID MODIFICATION AND
MOTION

Newton L. Gingrich
Newton L. Gingrich

Caroline F. Klemm
Notary Public, Dist. of Columbia
Commission Expires April 30, 1995

CONSENTING TO SAID MODIFICATION AND
MOTION

Jacqueline B. Gingrich
Jacqueline B. Gingrich

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Clerk Superior Court
Carroll County Georgia

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NEWTON LEROY GINGRICH,
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ORDER


The Court having considered a Petition for Modification of Alimony and a Motion for Judgment on the Pleadings, all of which having been consented to by the parties, and having found to be in order by the Court, it is,

HEREBY ORDERED, DECREED AND ADJUDGED, that the Plaintiff increase his alimony payment to the Defendant by the sum of THREE HUNDRED FIFTY & NO/100 (\$350.00) DOLLARS per month beginning on March 1, 1994, and to continue thereafter until the Defendant dies or remarries, or the Plaintiff dies, whichever event shall first occur.

IT IS FURTHER ORDERED that in consideration of said increase stated in the foregoing paragraph, any other settlement language notwithstanding, the Defendant waives her statutory right to further modifications up or down, of alimony payments provided for in this Order or any other Order heretofore entered, based upon a change of income or financial status of either party as presently expressed in O.C.G.A. §19-6-19 et seq. or any other State provisions relating to modification of alimony. It has been made known to the Court that it is the intent of the parties hereto that the Defendant is waiving the right to seek any further modification of alimony as stated in Varn v. Varn, 242 Ga. 309 (1978), and Geraghty v. Geraghty, 259 Ga. 525 (1989), and it is so ORDERED by the Court.

IT IS FURTHER ORDERED DECREED AND ADJUDGED, that notwithstanding the above and foregoing MODIFICATION FOR ALIMONY, all other aspects of the Settlement Agreement dated January 31, 1981, between Plaintiff and Defendant are in full force and effect.

THIS the 22nd day of April, 1994.


Dewey Smith, Judge, Superior
Courts, Coweta Judicial