

July 2022
MPT-1 File

In re Marriages of Walter Hixon

Law Office of Marianne Morton
10 Court Plaza, Suite 2000
Franklin City, Franklin 33705

MEMORANDUM

To: Examinee
From: Marianne Morton
Date: July 26, 2022
Re: Walter Hixon matter

We represent Walter Hixon in connection with complications of his marital status. Mr. Hixon married Joan Prescott in 1986 in the State of Columbia. Several years later they separated. Mr. Hixon believed that Ms. Prescott died in 2001.

In 2012, he married Frances Tucker in the State of Columbia. They purchased a house together in Columbia early in the marriage. A few years ago, Mr. Hixon moved to Franklin for a job opportunity; Ms. Tucker remained in Columbia.

Last month, Mr. Hixon learned that Joan Prescott is still alive. He has informed Ms. Tucker of that fact. He wants to divorce Ms. Prescott, end his purported marriage with Ms. Tucker, and work out shares in the residential property that he and Ms. Tucker own.

I need you to write a memorandum to me addressing the following questions:

1. Does Columbia or Franklin law govern the grounds for annulling Mr. Hixon's marriage to Ms. Tucker?
2. Must Mr. Hixon file a lawsuit to annul his second marriage, and if yes, would he be able to obtain an annulment under the applicable law?
3. If Mr. Hixon files an annulment action in Franklin, would a Franklin court have jurisdiction to annul the marriage and to dispose of the parties' property?
4. Should we advise Mr. Hixon to file in Columbia or in Franklin?

Do not prepare a separate statement of facts, but be sure to incorporate the relevant facts into your analysis and state the reasons for your conclusions and recommendation. Do not address either Mr. Hixon's ending his marriage to Ms. Prescott or the risks of criminal prosecution he may face for bigamy; another associate will research those issues.

Transcript of Interview with Walter Hixon, July 14, 2022

Att'y Morton: Thank you for coming in today, Mr. Hixon.

Hixon: I appreciate your making the time. I am in a real mess.

Morton: Tell me how I can help you.

Hixon: Well, to make it short, I got married twice, but I didn't divorce my first wife because I thought she had died.

Morton: Yes, that would be a problem. If you can, it would help to start at the beginning.

Hixon: All right. I married my first wife, Joan Prescott, in 1986. I was 20 years old at the time and, to be honest, I had no idea what I was doing.

Morton: We may need to look up records of that marriage. Were you married here in Franklin?

Hixon: No. We married in Sparta, Columbia.

Morton: Do you remember the date?

Hixon: Yes, June 7, 1986. We got married at City Hall.

Morton: What happened after that?

Hixon: It was clear pretty quickly that we had made a bad mistake. We just couldn't find a way to make it work. We tried for a few years, living in a rented apartment. In 1990, I just moved out and started living with a friend of mine. Then I moved several hundred miles away to Corinth, Columbia, for a job.

Morton: You said you rented together. Did you buy anything together? Share finances?

Hixon: No. We had nothing at all, both working close to minimum wage. We made ends meet and didn't get into debt.

Morton: So when you separated, did you have any arguments over anything?

Hixon: We agreed that we would each keep our own cars. That was really all we had.

Morton: Any children?

Hixon: No.

Morton: Were you in college? Did either of you have any student debt?

Hixon: No. We had both finished high school a few years before we married, but neither of us went to college.

Morton: Did either of you have family in Columbia?

Hixon: Joan did. She came from Sparta originally. My family is all from here in Franklin.

Morton: Okay. You say you moved away.

Hixon: Yes. I got a job on a construction crew based in Corinth, and they offered me another job if I would move. So I did. After that, I had no contact with Joan at all.

Morton: Did you think about filing for divorce?

Hixon: No, I didn't. I thought the marriage was over, and I didn't have any reason to think about it. Honestly, I just avoided thinking about it. And eventually, I heard that she had died.

Morton: Tell me about that.

Hixon: That was much later, I guess. Sometime in 1993, I was promoted to crew chief and decided to stay in Corinth.

Morton: Any relationships during that time?

Hixon: Nothing serious.

Morton: You say you heard that Joan had died? What did you hear?

Hixon: Well, in 2001, I ran into an old mutual friend. He told me that Joan had just died in a car accident. I was sorry to hear about it, but we had had no contact for 11 years. I just moved on.

Morton: All right. I understand. Tell me about your second marriage.

Hixon: Well, in 2011, I met Frances Tucker. We really hit it off and started going out together. Franny and I saw eye to eye on most things at that point. So I proposed. We got married in July 2012.

Morton: Where?

Hixon: We got married in Corinth, Columbia. Her mother was still alive, and Franny wanted her mother to be part of it. So we had a church wedding, the reception, the whole deal.

Morton: And after that?

Hixon: Things went well for a while. I was working up to a management position in the construction company. When I met her, Franny was training to become a radiology technician and then got a good job with a local lab. About two years after that, we bought a house together.

Morton: When was that?

Hixon: February 2015. On the outskirts of Corinth.

Morton: Who owned it? And did you take out a mortgage?

Hixon: We were both on the deed and both on the mortgage with the bank.

Morton: Did you share expenses?

Hixon: Everything went into a joint account, and we paid bills out of that.

Morton: Again, any children?

Hixon: No.

Morton: You gave a Franklin address when you called in. When did you move to Franklin?

Hixon: In 2019. My company opened an office here in Franklin City and asked me to get it started. I talked with Franny. She did not want to move, but we both knew that this would be a good opportunity for me. So we decided to live apart.

Morton: Did you sell the Columbia house?

Hixon: No, Franny still lives there. We have both continued to make payments on the mortgage.

Morton: What happened next?

Hixon: My job went really well. But the separation really took it out of both of us. Our relationship fell apart. I visited her a few times, but Franny never came here, even for a visit.

Morton: You said at the start that your first wife, Joan, is still alive. When did you learn that?

Hixon: Recently. To my shock, last month I got an email from Joan asking to talk with me by phone. When we talked, I told her that I had heard that she had died. She said that she had been in a bad accident and had almost died, but she had recovered. She said that she was thinking of getting married again and asked if I would agree to a divorce.

Morton: What did you do then?

Hixon: I didn't know what to do. I called Franny to let her know. She was upset, as you would expect. And she was clear about two things. First, that was the end for us. And second, I had to clean up the mess.

Morton: Just a few more questions. Do you and Franny still own the house in Columbia?

Hixon: Yes.

Morton: So, what do you want to happen?

Hixon: I want to figure out what I have to do about the second marriage. I want my fair share of the Columbia house. And I want to get the divorce from Joan.

Morton: Thank you. Your situation raises some complicated questions. We will have to do some research before we can let you know your options.

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Franklin City, Franklin 33705

MEMORANDUM

To: Marianne Morton
From: George Dugger, investigator
Date: July 19, 2022
Re: Walter Hixon: marital records

At your instruction, I searched for records on the marriages of Walter Hixon.

Marriage to Joan Prescott

I contacted the Division of Vital Records in the State of Columbia and found a record of a marriage between Walter John Hixon and Joan Marie Prescott on June 7, 1986. Hixon is listed as age 20 and Prescott as age 21.

Marriage to Frances Tucker

I contacted the Division of Vital Records in the State of Columbia and found a record of a marriage between Walter John Hixon and Frances Frost Tucker on July 14, 2012. Hixon is listed as age 46 and Tucker as age 51.