

PEARL S. BERGA,

Complainant,

VS.

PETE BERGA,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER _____.

DECREE ORDERING REFERENCE.

This cause coming on to be heard on this date and being submitted on the original Bill of Complaint from which the Court is of the opinion that the Complainant is without means of support and that a reference should be held with all convenient dispatch, WHEREUPON IT IS Ordered, Adjudged and Decreed by the Court that the said Bill of Complaint be and it is hereby referred to the Register of this Court to hold a reference, of the time of which he shall give notice to the Respondent as provided by law; and at such reference he shall:

1. Hear testimony, ascertain and report to the Court what sums should be paid to the Complainant as alimony pendente lite from the estate of the said Respondent.

~~2. He shall hear testimony, ascertain and report to the Court what sums shall be paid to the Complainant as permanent alimony.~~

3. He shall hear testimony, ascertain and report to the Court what is a reasonable attorney's fee to be paid to Complainant's solicitor of record for services rendered by him in this cause.

All other matters are reserved by the Court for further action in the said cause.

Ordered, Adjudged and Decreed this 29th day of May

1941.



Judge.

CHANCERY EXECUTION

BILL OF COSTS

No. Real & Barga Vs. Pete Barga Plaintiff
728 Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward	
Filing each bill and other papers.....	\$	10	For Receiving, keeping and paying out or distributing money, etc.; 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	3
Issuing each subpoena.....		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	35
Issuing each copy thereof.....		40	Each notice sent by mail to creditor...	
Entering each return thereof.....		15	Filing, receipting for and docketing each claim, etc.....	
For each order of publication.....	1	00	For all entries on subpoena docket, etc.....	
Issuing writ of injunction.....	1	50	For all entries on commission docket, etc.....	
For each copy thereof.....		50	Making final record, per 100 words	
Entering each return thereof.....		15	Certified copy of decree.....	1
Issuing Writ of Attachment.....	1	00	Report of divorce to State Health Office (Acts 1915)	
Entering each return thereof.....		15	Total Fees of Register.....	580
Issuing Writ of Attachment.....	1	00	FEES OF SHERIFF	700
Entering each return thereof.....		15	Serving and returning subpoena on deft.....	\$1
Docketing each case.....	1	00	Serving and returning subpoena for witness.....	65
Entering each appearance.....		25	Levying attachment.....	3
Issuing each decree pro confesso on per. ser.....	1	00	Entering and returning same.....	25
Issuing each decree pro confesso on publication.....	1	00	Selling property attached.....	
Each order appointing guardian.....	1	00	Impaneling Jury.....	75
Any other order by Register.....		50	Executing writ of possession.....	2
Issuing commission to take testimony...		50	Collecting execution for costs.....	1
Receiving and filing.....		10	Serving and returning sci. fa., each	65
Endorsing each package.....		10	Serving and returning notice.....	65
Entering order submitting cause.....		50	Serving and returning writ of injunction	1
Entering any other order of court.....		25	Serving and returning writ of exeat.	1
Noting all testimony.....		50	Taking and approving bonds, each...	75
Abstract of cause, etc.....	1	00	Collecting money on execution.....	
Entering each decree.....		75	Making deed.....	2
For every 100 words over 500.....		15	Serving and returning application, etc.....	1
Taking account, etc.....	3	00	Serving attachment, contempt of court.....	1
Taking testimony, etc.....		15	Total Fees of Sheriff.....	
Each report, 500 words or less.....	2	50	RECAPITULATION	
For every 100 words over 500.....		15	Register's Fees.....	900
Amount claimed less than \$500, etc.....	2	00	Sheriff's Fees.....	
Issuing each subpoena.....		25	Commissioner's Fees.....	
Witness certificate, each.....		25	Solicitor's Fees.....	
Issuing execution, each.....		75	Witness Fees.....	
Entering each return.....		15	Guardian Ad Litem.....	
Taking and approving bond, each.....	1	00	Printer's Fees.....	
Making copy of bill, etc.....		15	Trial Tax.....	3
Each notice not otherwise provided for		50	Recording Decree in Probate Court....	
Each certificate or affidavit, with seal...		50	Total.....	1000
Each certificate or affidavit, no seal.....		25		
Hearing and passing on application, etc.	3	00		
Each settlement with receiver, etc.....	3	00		
Exam'ing each voucher of Receiver, etc.		10		
Examining each answer, etc.....	3	00		
Recording resignation, etc.....		75		
Entering each cert. to Supreme Court...		50		
Taking questions and answers, etc.....		25		
For all other ser. relating to such proceedings.....	1	00		
For services in proceeding to relieve minors, etc., same fee as in similar cases.				
Commission on sales, etc.: 1st \$100, 2 per ct.; all over \$100 and not exceeding \$1,000, 1½ per ct.; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, ¼ of 1 per ct.				
Sub Total Carried Forward.....				

The State of Alabama, } No. _____
 Baldwin County. } Circuit Court, In Equity Term, 194

To Any Sheriff of the State of Alabama—GREETINGS:
 You are hereby commanded, That of the goods and chattels, lands and tenements of _____ Defendant.....
 you cause to be made the sum of _____ Dollars,
 which _____ Plaintiff.....
 recovered of _____ on the 6/13/48 day of _____ 194
 by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____ Dollars,
 costs of suit, and have the same to render to the said _____
 and make return of this Writ and the execution thereof, according to law.
 Interest from _____ 194 to date of collection.
 Witness my hand, this _____ day of _____ 194.

_____, Register.

SUMMONS

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Pete Berga to appear within thirty days from the service of this writ at the Circuit Court, Equity Side, to be held for said County at the place of holding same, then and there to demur, plead to, or answer the Bill of Complaint of Pearl S. Berga.

Witness my hand this 29th day of May, 1941.

R. S. Duch

Register.

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Oratrix, Pearl S. Berga, presents this Bill of Complaint against Pete Berga, and thereupon your Oratrix complains and shows unto the Court and your Honor as follows:

1. Your Oratrix and the said Pete Berga are each over twenty-one years of age and are each residents of Baldwin County, Alabama.

2. Your Oratrix and the said Pete Berga were lawfully married in Pensacola, Florida by the County Judge during the year 1931 and were re-married at Daphne, in Baldwin County, Alabama, during the year 1931 by the Reverend Father J. J. Loftus. Your Oratrix and the said Pete Berga have lived together as man and wife in Baldwin County, Alabama, continuously from the time of their said marriage until May 24, 1941, when they separated. Your Oratrix further alleges that she is a bona fide resident citizen of Baldwin County, Alabama, where she has resided continuously for more than one year next preceding the filing of this Bill of Complaint.

3. There was born to the said union four children, namely: Pete Berga, Jr., a boy, nine years of age; Vernon J. Berga, a boy seven years of age; Pearl Catherine Berga, a girl five years of age and Virginia Louise Berga, a girl one year of age; each and all of whom are now residing with and in the custody of your Oratrix, in Baldwin County, Alabama.

4. The said Pete Berga has become addicted after marriage to habitual drunkenness and because of such action on the part of the said Pete Berga, he has failed to properly maintain and support your Oratrix and his said children and has made it impossible for them to continue to live with him, because of which your Oratrix separated from him.

5. Your Oratrix does not have any funds or property

with which to support herself and the said children. The said Pete Berga owns in his own right approximately one hundred forty (140) acres of valuable land with the improvements thereon, which said property is situated at Belforest, in Baldwin County, Alabama, and is described as follows, to-wit:

East Half of Southwest Quarter of Northeast Quarter;
East Half of Northwest Quarter of Southeast Quarter of
Section Fifteen (15);
West Half of Northeast Quarter of Northeast Quarter;
Northwest Quarter of Northeast Quarter of Section Twenty-
three (23);
Northwest Quarter of Northwest Quarter of Section Twenty-
three, all in Township Five (5) South Range 2 East;
EXCEPT that part owned by M. H. Grimes, et al, and also
excepting one and one-half acres described as follows; to-wit:
Beginning at the Northwest Corner of the Northwest Quarter
of the Northwest Quarter of said Section Twenty-three (23),
run thence East 313 feet, South 209 feet, West 313 feet,
North 209 feet to the place of beginning;

and also owns in his own right an automobile, truck and other personal property. The said Pete Berga also owns an undivided one-half interest in and to Lots One (1) and Two (2) in Block "B" Ellenwood, according to the plat of said subdivision recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 1 at pages 109-10, Baldwin County Records. The said Pete Berga also owns an undivided one-third interest in eleven (11) acres of land situated in Belforest, Baldwin County, Alabama, described as follows, to-wit:

Commencing at the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section Twenty-two (22), in Township Five (5) South, Range Two (2) East, thence South 70 yards, thence East 56 rods, thence South 43 rods 10 feet, thence in a straight line to a point on the East line of said quarter section 61 1/11 rods to the Northeast corner of said quarter section, thence West 80 rods to the place of beginning; being the property conveyed by C. E. Myrick to Joe Berga by deed recorded in Deed Book Number 26 at page 388, Baldwin County Records, and the property on which the store and garage of the said Joe Berga was located at the time of his death.

The said Pete Berga also owns an undivided one-fifth interest in and to Lots Numbered Five (5), Six (6), Seven (7), Eight (8), Nine (9) and Ten (10) in Block Numbered Three (3) of Dryer's Subdivision according to the official plat thereof recorded in Map Book 1 at page 198, Baldwin County Records, and also an undivided one-fifth interest in and to Lots Numbered Fifteen (15) and Sixteen (16) in Block One

(1) and Lots Numbered One (1), Two (2), Three (3) and Four (4) in Block Three (3) of the Stoddard Grove Addition to the Town of Robertsdale, being the property acquired by Joe Berga, now deceased, by deeds recorded in Deed Book Number 41 N. S. at pages 81 and 83, Baldwin County Records. The said Pete Berga also owns an undivided one-fourth interest in all livestock, farm implements, equipment and tools; an undivided one-fourth interest in ten (10) shares of stock of the Alabama Power Company and of six (6) shares of stock in the First National Bank of Mobile. The said Pete Berga also owns an undivided one-sixth interest in all moneys, stocks, bonds, notes, mortgages, choses in action and any and all other property of every kind and description that was owned by his father, Joe Berga, now deceased; all of which property is conservatively valued at more than Fifteen Thousand Dollars (\$15,000.00) and free from all liens and encumbrances.

6. Your Oratrix further alleges that she is without means of support for herself and the said children and has no funds or money to pay her solicitor for the services rendered by him in the prosecution of this suit.

PRAYER FOR PROCESS.

Your Oratrix prays that the Court will take jurisdiction of the cause made by this Bill of Complaint and that due notice thereof be given to the Respondent, Pete Berga, in the form and manner prescribed by law, requiring him to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law, and the practice of this honorable Court.

PRAYER FOR RELIEF.

The premises considered, your Oratrix respectfully prays for the following relief:

1. That the Court will order a reference to be held before the Register in order that he may ascertain and report the following:

(a). The amount of alimony pendente lite that should be allowed your Oratrix.

(b). The amount of permanent alimony to be allowed your Oratrix.

(c). The amount of solicitor's fee to be allowed and paid the solicitor for your Oratrix.

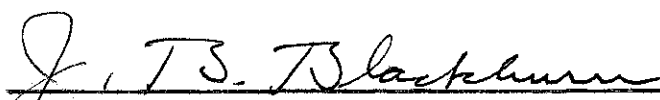
2. That the bonds of matrimony now existing between your Oratrix and the said Pete Berga be dissolved and that your Oratrix be divorced from him.

3. That your Oratrix be given and granted the permanent custody and control of the said minor children.

4. That alimony pendente lite, permanent alimony and a reasonable solicitor's fee for the attorney for your Oratrix be fixed and allowed to be paid out of the estate of the said Pete Berga, and that all of said sums be decreed to be a lien on all of the property of the said Pete Berga.

5. Your Oratrix further prays for such other, further and general relief as she may be equitably entitled to the premises considered.

Respectfully submitted,



Solicitor for Oratrix.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority within and for said County in said State, personally appeared Pearl S. Berga, who, after being by me first duly and legally sworn, deposes and says: That she is the complainant named in the foregoing Bill of Complaint; that she has read over the said Bill of Complaint and that the allegations contained therein are true.

Pearl S. Berga

Sworn to and subscribed before me on
this the 28th day of May, 1941.

J. B. Blackburn

Notary Public, Baldwin County, Alabama.

RECORDED

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J. B. BLACKBURN

ATTORNEY AT LAW

BAY MINETTE, ALABAMA

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IN EQUITY.

Filed May 29, 1941

R. S. Duck, Register

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA