

The State Of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

<u>Dan N. I</u>	CE. BISHOP.	KITCHENS.	Complainant
	V	5	
OBB IE	KITCHENS.		Respondent
This cause coming on to be h	leard was submitt		•
		and Testimony as no	ated by the Register, and upor
It is therefore ordered, adjudge of ore existing between the Con	ged and decreed by a plainant and De	by the Court that the fendant be, and the	he bonds of matrimony here he same are hereby, disolved
nd that the said Bernice	Bishop Kit	chens.	
s forever divorced from the sa		•	
0bbi	.e Kitchens.		
or and on account of Abar			
or and on account of and on account	idonment.		
**	•		
·			·
		-	
except to each other until sixty within sixty days, neither party appeal. It is further ordered that	shall again marr	y except to each oth	er during the pendency of sai •
_ '			
nis suit.		*	the payment of the cost of
It is further ordered that—	Bernice B	ishop. ^h itche	ns.
he Complainant. pay		•	
			An
This day of Se	eptember.	No.	
	,		Locare
		Judge	Circuit Court, in Equity.
<u> </u>			
-	•		Posiston of the Circuit
Ι,		rin County Alaham	. •
I,	Court of Baldw foregoing is a co Judge of the Ci	vin County, Alaban orrect copy of the o	na, do hereby certify that the riginal decree rendered by the above stated cause, which sai
I,	Court of Baldw foregoing is a co Judge of the Ci decree is on file	vin County, Alabam orrect copy of the o recuit Court in the a e and enrolled in m	na, do hereby certify that the riginal decree rendered by the above stated cause, which sainly office.
I,	Court of Baldw foregoing is a co Judge of the Ci decree is on file Witness my	vin County, Alabam orrect copy of the o ircuit Court in the a e and enrolled in m y hand and seal this	na, do hereby certify that the riginal decree rendered by the above stated cause, which saily office.
I,	Court of Baldw foregoing is a co Judge of the Ci decree is on file Witness my	vin County, Alabam orrect copy of the o ircuit Court in the a e and enrolled in m y hand and seal this	na, do hereby certify that the riginal decree rendered by the above stated cause, which said y office.

· Charles Markey Barrella

				DIVORCE DECREE	Respondent.	vs. Complainant.	In Circuit Court, In Equity	The State Of Alabama Baldwin County	No. Page
. i		#] # #	# 1 4 1 4	华 【沙】 6	l i i i i i i i			401 (44)	N W

The State of Alabama, BALDWIN COUNTY

CIRCUIT COURT. (Equity)

-Term, 194...

No. 333 vs.

TOTAL TRANS	AMOUNT	F COSTS sheriff's fees:	AMOUNT
REGISTER'S, FEES	AMOUNI		
ees in Circuit Court— ocketing Cause, One fee only of	106.	Summoning on Bill, Each Defendant	
suing Summons on Bill, each		Executing Writ of Injunction, or Ne Exeat, each. 1.50	
ssuing Copies Thereof, each		Executing Subpoenas for Witnesses, each	
ntering Return of Same, each		Executing Writs of Possession, each	
	100	Executing Scire Pacias or Notice, each	
rders of Publication to Non-Residents, each1.00		Taking and Approving Bonds, each1.00	
iling Bill or Other Paper, each		Impaneling Jury75	
opies of Same, Per 100 Words	2 4	Collecting Execution for Costs Only, each1.50	
ntering Appearances, each	1	Sheriff's Commissions	
suing Writs of Injunction, Ne Exeat, each1.50			
suing Copies Thereof, each			i
ntering Return of Same, each	£ an #	Total Sheriff's Fees	
ecrees Pro Confesso, each	A See Const.		
rder Appointing Guardian Ad Litem, each1.00*	سيدم سو مو		
ssuing Commissions to Take Testimony, each 50		SUMMARY OF FEES, COSTS, AND JUDGMENT	:
aking Testimony, Per Day1.50			
aking Testimony, Per 100 words20	.	Register's Fees	104
ecciving and Filing Depositions, each pkg., 10		Register's Fees Ex-Register's Fees	
ndorsing Depositions Published, each pkg.,10		l · · · · ·	
.ll Entries on Commission Docket, Each Cause50		Sheriff's Fees	."
intering Order Submitting Cases for Decree, each50		Ex-Sheriff's Fees	
ther Orders of Court, each	.	Witness Fees	
Noting Testimony on Hearing of Cause, each50	50	Commissioner's Fees	
Intering Decrees, of 500 Words of Less, each	م و*	Guardian Ad Litem	
Per 100 words over 500	A	~ Publisher's Fees	
aking Accounts, etc., on Ref., per Day3.00*	.	Solicitor's Fees	
laking Testimony on Reference Relating to		Court Reporter's Fees, Per Day or fraction thereof .5.00	
Trustee, etc., per 100 words		Trial Tax	
leference and Reports, each2.00*		· · · · · · · · · · · · · · · · · · ·	
teports of 500 Words or Less			
Per 100 Words over 500			<u> </u>
ssuing Subpoenas for Witnesses, each		Fees and Costs in Inferior Court:] ¹ [§
ssuing Witness Certificates, each		Clerk of Inferior Court Fees] .
All Entries on Subpoena Docket, each Cause50		Sheriff's Fees	l
Taking and Approving Bonds, each		Witness Fees	
Making Complete Record, per 100 Words	350		
Hearing, etc., Regarding Appointment of Re-			
ceiver or Trustee3.00		Total Fees and Costs in Inferior Court	13 11
Settlements with Receiver or Trustee, each3.00			
Examining Vouchers in Settlements, each			
Examining Answers on Exceptions, each Answer . 3.00			
Removal Disabilities on Non-Age		Total Fees and Costs	
Commissions on Sales		Judgment	
Making Deeds to Property Sold, each2.00			·
Receiving and Paying Out Money Other Than That Arising from Sales			·
Certificates or Affidavits, with Seal, each		Total Fees, Costs, and Judgment	
Certificates or Affidavits without Seal, each25			
Issuing Scire Facias or other Notice, each			
Other Orders of Register, except Cont., each	1	1 m/s	.
Entering Certificates of Supreme Court, each50	1		
Transcript for Supreme Court, per 100 words, each15	11 1	Ⅱ	
Additional Copies, per 100 words			
Appeal Bond, each			
ertificate of Appeal, each	11		
Notice of Appeal, each	#.*d		
Report to State Board of Health, each case 50	- H - T		
Certificate of Judgment, each			
Issuing Executions, each	!		
Entering Returns Thereof, each	1 1 200		
	· / **	\mathcal{A}^{*}	
		1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	
Total Register's Fees	1 1 1 2 2 2		- 11 1

BERNICE BISHOP KITCHENS, Complainant.

-VS-

OBBIE KITCHENS, Respondent.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY - No.

STATE OF ALABAMA, COUNTY OF MOBILE.

Personally appeared before me, C. H. Denton, a Notary Public, in and for said County, in said State, Bernice Bishop Kitchens, who being by me first duly sworn upon oath, deposes and says as follows: that she is the complainant in the above styled cause and that Obbie Kitchens is her husband and is the respondent; that the said respondent is not a member of any branch of the armed services or forces of the United States of America.

Bernice Bishop-Witchenie

Subscribed and sworn to before me on this the 24th day of August 1942.

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

My Commission expire on 3-17-44

BERNICE BISHOP KITCHENS, Complainant,	IN THE CIRCUIT COURT OF
⇔VS∞	BALDWIN COUNTY, ALABAMA.
OBBIE KITCHENS,	IN EQUITY - No.

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

Now comes your complainant and shows unto your Honor that more than thirty (30) days have elapsed since the 15th day of July 1942, the date named by this Honorable Court in the notice published in this cause, and that the respondent has failed to appear and plead, answer or demur to the bill of complaint filed in this cause.

Now, therefore, your complainant prays and moves this Honorable Court to make, render and enter a decree pro confesso against the respondent.

Memo E. Jon SOLICITOR FOR COMPLAINANT

194—; or after thirty days therefrom a decree Pro Confesso may be taken against Obbie Kitchens.

to answer or demur to the Bill of Complaint in this cause by the 15th

Register.

THE STATE OF ALABAMA, Baldwin County

CIRCUIT COURT

TO Regina W		2			and the same of th		y	- ALADO
· · · · · · · · · · · · · · · · · · ·	1						··	<u> </u>
		÷		s ²²				
	· · · · · · · · · · · · · · · · · · ·		12					
			. * *. \$					
KNOW YE:	That we, havir	ng full fait	th in your	prudence and	l competen	.cy, have ap	pointed	you Commis
sioner, and by the	ese presents d	o authori:	ze you, a	t such time a	nd place a	s you may	appoint,	to call befor
you and examine	Bernice Bi	Lshop K	itchen	s and Alm	a Huffma	an		
v								
								·
		·					·	
				·				
as witnesses in beh	alf of the (lomplai	nant	.		_in a cause	pending	in our Circui
Court of Baldwin (aunty of said	d State w	horoin B e	ernicen Bis	shon Ki	tehens		
Court of Dalawin (Journey, or san	a Diate, w	iici ciir -			· · · · · · · · · · · · · · · · · · ·		
							•	·
			٠					•
					-			
	·			1				<u> </u>
•			is	the			C	omplainant_
								ompiamam—
and wherein	Obbie I	ĭitchen	s is t	20	-			
			· .					
					177.			
								Defendant
on oath to be by y	ou administer	ed, upon	said Bo	ernice Bi	shop Ki	tchens &	: Alma	Huffman
to take and certify	the deposition	of ti	he witness	Sand ret	urn the sa	ime to our	Court.	with all Cor
	_							.,
venient speed, und	-			\cap	ζ.	-		
Witness —	26-	day c	of	Meye	W.	- 19LZ.		
					Ra,	A)	- 1\	
							<u> </u>	REGISTER
Commissioner's Fe	e \$		•					
	- ··r							
Witness' Fees, \$								

TESTIMONY OF BERNICE BISHOP KITCHENS, COMPLAINANT, A WITNESS IN HER OWN BEHALF, WHO BEING BY ME FIRST DULY SWORN UPON OATH, DEPOSES AND SAYS AS FOLLOWS:

My name is Bernice Bishop Kitchens. I am the complainant in this cause. Obbie Kitchens is my husband and he is the respondent. Each of us is over the age of twenty-one years. I am a bona-fide resident citizen of Baldwin County, Alabama, and have been such continuously for a period of more than three years next immediately preceding the filling of my suit against the respondent for a divorce; that the respondent's exact post office address and place of residence and whereabouts are unknown to your complainant and same cannot be ascertained after reasonable effort, diligence, search and inquiry, but that it is her belief that he is residing somewhere in Baldwin County, Alabama; that she has enquired of a number of persons in Baldwin County, Alabama, who might know his present whereabouts, exact post office address and place of residence, but no one was able to furnish her withthis information. That about two months prior to the time of the filing of her suit for a divorce, the respondent was seen by a lady friend of mine in the Town of Foley, Alabama, but the respondent has not been seen in Foley, Alabama, since that time and he is probably not there any more because it was his habit not to remain in any one place for any length of time. We were lawfully married in Pensacole, Florida, on June 17th, 1931, and we lived together as husband and wife in Point Clear, Alabama, until March 25th, 1938, when the respondent, my husband, without fault on my part, and without my consent voluntarily abandoned my bed and board and we have lived separate and apart since that time, and he has not offered to return and live and said voluntary abandonment on his part has been continuous&uninterrupted with me as my husband, / I was always kind and dutiful to my husband, kept a good home for him, prepared good meals for him and treated him in the manner in which a wife should treat her husband. Two children, age six years, Winona Kitchens, age nine and Roy Kitchens/were born of our marriage and they are in my care and custody and I ask the Court to award their

full care, custody and control to me because I am a fit and suitable

person to have their custody; I am kind to them and rearing them like

a mother s hould rear her children.

Bernies Bishop Witchens

TESTIMONY OF ALMA HUFFMAN, A WITNESS ON BEHALF OF THE COMPLAINANT, WHO BEING BY ME FIRST DULY SWORN UPON OATH, DEPOSES AND SAYS AS FOLLOWS:

My name is Alma Huffman. I reside in Mobile, Alabama. Bernice Bishop Kitchens is the complainant in this case and she is my sister. She resides in Baldwin County, Alabama. Obbie Kitchens is the husband of the complainant and he is the respondent in this cause. Each of them is over the age of twenty-one years. The complainant is a bona-fide resident of Baldwin County, Alabama, and has been such continuously for a period of more than three years next immediately preceding the filing of her suit against her husband, the respondent for a divorce. The respondent is believed to be residing somewhere in Baldwin County, Alabama, although I have not seen him since he voluntarily abandoned the bed and board of the complainant on March 25th, 1938. I know that the complainant has undertaken to learn the whereabouts of the respondent because she has enquired among numerous persons in Baldwin County, Alabama, who might know his exact post office address, place of residence and whereabouts and I happen to know that so far no one has been able to furnish her such information and I know that she has been very diligent in her efforts in making inquiries to try to learn the exact post office address, place of residence and whereabouts of the respondent. The complainant and the respondent were lawfully married at Pensacola, Florida, on June 17th, 1931, and they lived together as husband and wife in Point Clear, Baldwin County, Alabama, until March 25th, 1938, when the respondent voluntarily abandoned the bed and board of the complainant without any fault on her part and I know it was without her consent because she loved the respondent very much and was certainly devoted to him, and they have lived separate and apart since March 25th, 1938; that said voluntarily abandonment of the complainant's bed and board by the respondent has been continuous and interrupted since March 25th, 1938, and he has not offered to return and live with the complainant as her husband. The complainant kept and maintained a good confortable home for the respondent and prepared good wholesome meals for him and treated him like a wife should treat her husband, that is, she was kind and dutiful to him, and I certainly cannot understand why he voluntarily abandoned her bed and board. Two children, Winona Kitchens, age nine years and Roy Kitchens, age six years, were born of their marriage and these children are in the care and custody of the complainant and she is a fit and suitable person to have the Court award their custody to her because she is very kind and devoted to them and she is a very good mother to them and I can certainly state that she is rearing them like a good mother should rear her children.

Alma Huggmon

CERTIFICATE

I, Regina Weremy, the Commissioner named in the Commission duly issued in this cause, pending in the Circuit Court of Mobile County. Alabama, In Equity, wherein Bernice Bishop Kitchens is the complainant, and wherein Obbie Kitchens is the respondent, under and by virtue of the power conferred upon me as said Commissioner, I caused the said Bernice Bishop Kitchens of Fairhope, Alabama, and Alma Huffman of Mobile, Alabama, who are known to me and who are known to me to be the identical witnesses testifying in said cause, to come before me at the times and places hereinafter set out; that is to say, I caused the said Bernice Bishop Kitchens and Alma Huffman to come before me at 905 First National Bank Building, Mobile, Alabama, on August 28, 1942; that said witnesses were by me first duly sworn upon oath and they were then and there examined orally by Weems C. Dorn, Solicitor for Complainant and they testified in response thereto as it is hereinbefore written as specifically set out on pages One (1) and Two (2), which are hereto attached and which was all of the testimony taken in said cause, and that their testimony was by me reduced to writing as given by them and in as near as might be in the identical language of the said witnesses; that it was read over by me to the said witnesses, and they assented to it and signed their names to it in my presence and in the presence of the Solicitor for the complainant to the said cause.

I do further certify that I am not of counsel nor of kin to either party to said cause and am not in anywise interested in the result thereof.

Witness my hand on this the 28th day of August, 1942.

TOWN COLUMN

BERNICE BISHOP KITCHENS, Complainant,

11 M

OBBIE KITCHENS, Respondent.

IN	THE	CIR	CU	IT	COURT	OF	
BAI	DWIN	CO	UN	TY	, ALABA	LWA	•
IN	equi	TY	*	No			

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

Now comes your complainant and shows unto your Honor that more than thirty (30) days have elapsed since the 15th day of July 1942, the date named by this Honorable Court in the notice published in this cause, and that the respondent has failed to appear and plead, answer or demur to the bill of complaint filed in this cause.

Now, therefore, your complainant prays and moves this Honorable Court to make, render and enter a decree pro confesso against the respondent.

MANAGE TO COMPANY



<u> Partina de la compaño de</u>

Mortal approximation of a first angle of the first of the

tak op blasvija i od okrolik denomente ovorban og blas i jordina ett i og s

entra e esta e de la filipación de la companya de l

and the commence of the season of the commence of the commence of the commence of the commence of the commence





ji ta ne gerita ka 🌲 🌲 🥫 e kata Kabupitan ka 1970 a akin e

en film for the film of the fi

e Paragonal de la proportion de la companya de la c

SGS.

COMMISSIONER: Regina Weremy Winesses:	Obbie Kitchens Defendant Commission To Take Deposition	Bernice Bishop Kitchens Complainant VS.	CIRCUI	
---------------------------------------	--	---	--------	--

minitios hillion kardanis. Compleinen.

998 (J. J. 1889)

IN THE CIRCUIT COURT OF BAILDING COURT, ALAMADA.

TO THE HORORABLE. FRANCIS W. HARR, JUNEOU THE CEROSE COURT
OF TRADMIN COURT, ALABAMA - SITTING IN FOURTY:

- and the respondent are each over the age of brenty-one (21) years, and that she is a bone-fide resident citizen of Daldwin County, Alabam, and has been such continuously for a period of more than three (3) years next immediately proceeding the filing of this her bill of complaint against the respondent; that the respondent's exact post office address and place of residence are unknown to your complainant and cannot be ascertained by her after respondent offort, diligence and inquiry, but that she believes that he is residing sessenbers in Baldwin County, Alabama.
- 2. Your emplainant further shows that she end the respondent are insband and wife, having been hardly married to each other at Pensscola, Florida, on June 17th, 1931, and that two children, nearly, Vinora Litchens, age cight years and boy Litchens, age six years were born as the issue of their marriage, and that said children are in the care, susbedy and control of your complainent and that she is a fit, proper and Bultable person to have the quatody of said children averaged to her by this London to have the
- J. Your completeent further evers that on towit, the 25th day of hereh 1936, while she and the respondent were living toward and wife in Delimin County, Lisbana, the respondent, without fault or cause on her part, voluntarily abandonment of completeents bet and board on 110 part to return and there are consont, and that main the best continued as unfateering the best and board on 110 part has been considered and that he has not offered to return and live with the completeent as bor boards.

Compleinent proper and the filling of this her bill of our-

served on Obble Kitchens, making him a party respondent hereto, and requiring him to appear and plead, answer or demur to this bill of complaint within the time required by law and the rules, regulations and practice of this Honorable Court.

Compleinant prays that upon the finel hearing of this cause. and upon consideration of the evidence offered in support thereof. that your Honor will grant unto her an absolute divorce from the respondent; she also prays that your Honor will sward to her the full care, oustody and control of their said two minor children, Winone Kitchens, age eight years, and Roy Kitchens, age six years; will also grant unto her the right to remarry should she so desire, and your complainant prays for all such other, further or different relief, as in Equity, she may be entitled to receive, the premises considered.

or Kitcheise and 6 d

STATE OF ALABAM. COUNTY OF FOULTS.

Personally appeared before me, C. H. Denton, a Notary Public, in and for said County in said State, Bernice Dishop Kitchens, who being by me first duly sworn upon oath, deposes and says; that the allegations of the above and foregoing bill of complaint are true and correct, and that the respondent is over the age of twenty-one (21) years and that the respondents exact post office address and place of residence are unknown to her and cannot be ascertained by her after reasonable effort, diligence and inquiry; that he is believed to be residing comewhere in Baldwin County, State of Alabama; that when last seen, which was about two months prior to this date, he was walking on one of the streets in the town of Foley. Weldwin County, Alabama, but he has not been seen in said Town of Foley, Alebama, since that time, and that it has been the oustom or habit of the said respondent not to remain at or in any specific town or place for any length of time; that she has enquired of a number of persons in Baldwin County, Alabama, who might know his present wheremboute, exact post office address and place of residence, but no one was or has been able to furnish her with

Of Lance Sworn to and subscribed before me on this the 6th day of June 1962.

such information.

NOTARY PUBLIC, NOBILE COUNTY, ALABAMA.

ATL

BERNICE BISHOP KITCHENS,
Complainant,
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

OBBIE KITCHENS,
Respondent.

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

- and the respondent are each over the age of twenty-one (21) years, and that she is a bona-fide resident citizen of Baldwin County, Alabama, and has been such continuously for a period of more than three (3) years next immediately preceding the filing of this her bill of complaint against the respondent; that the respondent's exact post office address and place of residence are unknown to your complainant and cannot be ascertained by her after reasonable effort, diligence and inquiry, but that she believes that he is residing somewhere in Baldwin County, Alabama.
- 2. Your complainant further shows that she and the respondent are husband and wife, having been lawfully married to each other at Pensacola, Florida, on June 17th, 1931, and that two children, namely, Winona Kitchens, age eight years and Roy Kitchens, age six years were born as the issue of their marriage, and that said children are in the care, custody and control of your complainant and that she is a fit, proper and suitable person to have the custody of said children awarded to her by this Honorable Court.
- 3. Your complainant further avers that on towit, the 25th day of March 1938, while she and the respondent were living together as husband and wife in Baldwin County, Alabama, the respondent, without fault or cause on her part, voluntarily abandoned her bed and board without her consent, and that said voluntary abandonment of complainant's bed and board on his part has been continuous and uninterrupted and that he has not offered to return and live with the complainant as her husband.

PRAYER FOR PROCESS

Complainant prays that upon the filing of this her bill of complaint, that proper and due process and notice issue to and be served on Obbie Kitchens, making him a party respondent hereto, and requiring him to appear and plead, answer or demur to this bill of complaint within the time required by law and the rules, regulations and practice of this Honorable Court.

PRAYER FOR RELIEF

and upon consideration of the evidence offered in support thereof, that your Honor will grant unto her an absolute divorce from the respondent; she also prays that your Honor will award to her the full care, custody and control of their said two minor children, Winona Kitchens, age eight years, and Roy Kitchens, age six years; will also grant unto her the right to remarry should she so desire, and your complainant prays for all such other, further or different relief, as in Equity, she may be entitled to receive, the premises considered.

Berniece Bishop Witcheus SOLIGITOR FOR COMPLAINANT

STATE OF ALABAMA, COUNTY OF MOBILE.

Personally appeared before me, C. H. Denton, a Notary
Public, in and for said County in said State, Bernice Bishop Kitchens,
who being by me first duly sworn upon oath, deposes and says; that
the allegations of the above and foregoing bill of complaint are true
and correct, and that the respondent is over the age of twenty-one (21)
years and that the respondents exact post office address and place of
residence are unknown to her and cannot be ascertained by her after
reasonable effort, diligence and inquiry; that he is believed to be
residing somewhere in Baldwin County, State of Alabama; that when last
seen, which was about two months prior to this date, he was walking on
one of the streets in the town of Foley, Baldwin County, Alabama, but
he has not been seen in said Town of Foley, Alabama, since that time,
and that it has been the custom or habit of the said respondent not to
remain at or in any specific town or place for any length of time;

that she has enquired of a number of persons in Baldwin County, Alabama, who might know his present whereabouts, exact post office address and place of residence, but no one was or has been able to furnish her with such information.

Blunice Bushos Titel.

Sworn to and subscribed before me on this the 8th day of Type 10/2

this the 8th day of June 1942.

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

ANDRIGAN AGRICULTURAL COMPANY, I IN THE CIRCUIT COURT OF DAIDUTE COTTURE

Tininiditi.

ALABARA

SERVE STANDSLEE

WB a

And the said deferient, Stave Stejskal, by and the ngh his attorney, Richard J. Demoreo, comes and cays that the plaintiff outhor not to have or maintain his aforementioned action equinet him because he payer

First, that he is a male person ever the age of twentyone, residing in Saldwin County, Duabe of Alabams, and that ho did rake and sign contract in writing and deliver the same to the plaintiff of which the plaintiff is the present owner and holder according to the tener and effect of said embrace and in every respect has claimed by the plaintiff, and the enso indebted did not and have not paid said note to the plaintiff or any other person.

Second, that the said contract of the plaintiff was given by the defendant in good faith and with the bone fide intention of paying some at the time of making and delivering same, and defendant averst at said contract is evidentee of a dobt of a kind and nature dischargeable in bankruptcy within the intent and meaning of the actor bankruptcy of the United States relating to the dobt dischargoable thereby.

Third, that the defendant before and on the 15th day of June, 1941, and from thence continuously until the 15th day of January, 1942, has been and is now a resident of the county of Baldwin, State of Alabama Wilkin the jurisdiction of the District Court of the Unbied States for the Southern District of Alabama and as each became entitled to become and be a bunkrupt within the intent and seaming of the act of bankruplay of the United States and amendments and statutes relating to JANETONEST .

Fourth, that this defendant will so residing as next above alloged on the 15th day of January, 1942, being insolvent made and filed his benkruptoy potition in bankruptey in the said District of the United States for the "outhern "istrict of Alabama under and by virtue of the note of bankruptoy of the United States and accordments and statutes relating to bankruptey and in and upon our schoolie of liabilities schedule A-S of enid voluntary petition in beniruptoy did list and fully doscribe the very same and identical dobt and upon by the plaintiff in this action evidenced by said promisenry note together with the name and address of the plaintiffs in the form and manner prescribed by the act of bankruptor of the Unite: States. and exendments and statutes, rules and regulations thoreto relating and in such case provide a claim or debt for that petition to be adjuiged a bankrupt as to; as and will fully appear by certified copy of schedule of said voluntary polition in bankrupicy herete attached and herete made a part of this decree.

ruptery and that on to-wit the 96th day of January, 1942, this defendant was duly and regularly adjudicated a bankrupt by the said District Court of the United States for the Pouthern Pistrict of Albana, as to plaintiff's deed, the very same identical deed sured on in Platintiff's declaration and notice thereof was published as required by the bankruptcy has and that said plaintiff, the creditor of the defendant, was duly, regularly and actually notified in writing by the District Court of the United States for the Southern Platrict of Alabama, of such adjudication, and to file his claim upon said debt, and of the first meeting of creditors of defendant, and did have actual notice and opportunity to file his claim and participate in the dividence of the assets of defendant surrendered to the

and statutes, rules and regulations relating to bankruptey.

Sixth, at the time and in the manner required by the Act of Bankruptcy and statutes, rules and regulations relating to bankruptcy, defendant applied to the said District Court of the United States for the Southern District of Alabama, for discharge in bankruptcy, and the said plaintiff was actually notified of said application for discharge and also to object to soun discharge. And, thereafter, in due course of the proceedings in bankruptcy, defendant was duly discharged in said bankruptcy, and of and from the very same identical debt to the plaintiff, as listed in said Schedule A-S, and as set forth and alleged in plaintiff's declaration. A true and certified copy of the said discharge in bankruptcy being hereto attached and hereby made a part of this plea as emhibit B thereof.

Seventh, and the Defendant further says that the cause of action in plaintiff's declaratic sued upon, accrued to the plaintiff before the defendant so became a bankrupt, as aforeald, and was discharged in bankruptcy. And this defendant has never since offered to pay, nor paid, any part of said debt, nor either orally, or in writing, promised to pay, in whole or in part, nor either expressly nor impliedly admitted or acknowledged the same as a debt for which he is liable, nor in anywase ratified same, or otherwise revived the same from the bar of said discharge in bankruptcy.

Wherefore, the defendant says that the date and cause of action such upon in and by plaintiff's declaration has been discharged by the bankruptcy of defendant, and the same is barred. And he prays judgment if the plaintiff ought further to maintain aforesaid action against him.

Actornay for the Decembers

Vicion Vistal

STATE OF ALABAMA.

COURSE OF BALDMIN

In porson before the undersigned, an officer duly authorised to administer cethe and take admostrationable of deck,
under and by virbue of the laws of Alabama, appeared Steven
Stejskal, who after being first duly evern, on oath says that
he is the defendant in the within and foregoing plea in bankruptoy and that he has reed the same and the same is true.

Subscribed and sworn to before no this

Timed Denne Topogr Poulto, Interior Country, Mahana

Attached is exhibit A, certified copy of the Schedule. Attached is exhibit B, copy of the discharge.

THE FAIRHOPE COURIER

E. B. GASTON ESTATE, PUBLISHER

A PROGRESSIVE PAPER FOR PROGRESSIVE PEOPLE

ESTABLISHED 1894

FAIRHOPE, ALABAMA

This is to certify that the attached legal notice appeared in the following issues of the Fairhope Courier, a paper published weekly in Fairhope, County of Baldwin. June II, I8, 25 and July 2.

Frances Gaston Crawford, Editor.

State of Alabama Baldwin County

Subscribed and sworn to this 6th day of July. A. D. 1942, before me.

Notary Public, Baldwin County, Alabama.

Notice to Non-Residents

Bernice Bishop Kitchens. No. 833 vs. Obbie Kitchens. The State of Alabama, Baldwin County. Circuit Court, in Equity.

Circuit Court, in Equity.

This the 10th day of June 1942.

In this cause it being made to appear to the Clerk of this Court by the affidavit of Bernice Bishop Kitchens, that the Defendant, Obbie Kitchens, is a non-resident of the State of Alabama and further, that, in the belief of said Affiant the Defendant is over the age of 21 years; it is therefore ordered that publication be made in the Fairhope Courier a newspaper published in Fairhope, Baldwin County, Alabama, once a week for four consecutive weeks, requiring the said Obbie Kitchens to answer or os neugrande of ing illy not is other os beneiroqqs tegbud bionesnor o meet this month. Is your of OF TOWN BESS WAT BOMD

	1
*	• •
Bernice Bisop, Kitchen	THE STATE OF ALABAMA,
	BALDWIN COUNTY
VS. Obbie Kitchens.	IN EQUITY CIRCUIT COURT OF BALDWIN COUNTY
Decree, Pro Conffeso. and. and Alma, He	and Testimony of Bernice Bishop Kitcher
and in behalf of Defendant upon	
and in behalf of Defendant upon	
and in behalf of Defendant upon	
and in behalf of Defendant upon	

Register.

Bernice Bishop Kitchens,

Complainant.

No. VS. CIRCUIT COURT OF MOBILE COUNTY ALABAMA. IN EQUITY

Obbie Kitchens.

DEMAND FOR ORAL EXAMINATION

The State of Alabama, (Mobile County

The complainant

requests the oral examination of the following named witnesses

on her behalf, viz:

> Bernice Bishop Kitchens, Fairl Hopelahabama. Alma Huffman, Mobile, Alabama,

said witnesses reside in the County of Baldwin

State of Alabama.

Regina Weremy who resides at Mobile, Alabama.

is suggested as a suitable person to be appointed Commissioner to take depositions of said witnesses on such oral examination.

Solicitor for Complainant

MLESXAXIARANE. Register

CLCORDED

No. 833

Baldwin
Circuit Court of **Makin** County
Bay Minette

IN EQUITY

Bernice Bishop Kitchens, Complainant,

vs.

Obbie Kitchens, Respondent.

DEMAND FOR ORAL EXAMINATION

200 my 24/902

	TIEL
077	COLUMN
No	RECORDER

The State of Alabama,

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

Benice B Kitchens.

•

vs.

Obbie Kitchens.

NOTE OF TESTIMONY

Filed in Open Court this ______16th day of ______194_2

Register.

Moore Printing Co.

Files Ory 24 19442