

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2484

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon AARON W. WILEY

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

AARON W. WILEY

, Defendant

by

CLARA M. WILEY

, Plaintiff

Witness my hand this 6th day of June 19 50

Clerk

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

CLARA M. WILEY

Plaintiffs

vs.

AARON W. WILEY

Defendants

SUMMONS and COMPLAINT

Filed June 6, 19 50

_____, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

_____, 19____

_____, Sheriff

I have executed this summons

this _____, 19____

by leaving a copy with

Sheriff

Deputy Sheriff

STATE OF ALABAMA
COUNTY OF BALDWIN

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA - IN EQUITY

CLARA M. WILEY
Complainant

vs.

AARON W. WILEY
Respondent

TO ANY JUDGE OF SAID COURT, IN EQUITY SITTING:

Comes your Complainant, Clara M. Wiley, in the above styled cause and respectfully shows unto your Honor the following:

1. That your Complainant is over the age of 21 years and a bona fide resident of Baldwin County, Alabama, and has for the past year resided in the City of Robertsedale, Alabama; that Respondent, Aaron W. Wiley, is over the age of 21 years and is a bona fide resident of Jefferson County, Alabama, and resides at 110 3rd. Ave. West, Birmingham, Alabama.
2. That your Complainant and Respondent were lawfully married on, to-wit; the 1st. day of November, 1936 and separated on the 22nd. day of April, 1948; that there were three children born as a result of this union, namely; John Michael Wiley, age 12 years, Dixie Lynn Wiley, age 11 years, and Norman Wiley, age 3 years.
3. That your Complainant now has the care, custody and control of the said children and is a woman of good moral standing and a fit person to have such care, custody and control of the said children; that the Respondent is not a person of good moral character and is not fit to have such care, custody and control.
4. That during the marriage between your Complainant and the Respondent your Complainant purchased real property situated in the City of Birmingham, Alabama at the value of Five Thousand and Two Hundred Dollars; that the deed to this property was made to your Complainant and Respondent jointly.
5. That during the marriage between your Complainant and the Respondent your Complainant acquired thirteen rooms of household furniture to furnish the home purchased as aforesaid; this acquisition was made by your Complainant's own industry and endeavors.
6. That your Complainant is a woman of limited means and does not have money enough to retain legal representation in this suit; that your Complainant is in immediate need of contribution from the Respondent for the support of the said children.
7. Your Complainant avers and charges that the Respondent has committed actual violence upon the person of your Complainant, attended with danger to her life and health; that on or about January 28, 1948 the Respondent struck her several times and pulled out a great quantity of her hair.

7. Your Complainant further avers and alleges that the said Respondent has, since her said marriage with him, become addicted to habitual drunkenness, and that said habit continued to the date of separation as aforesaid; that during the said marriage she has suffered hardship and deprivation because of said habit and has earnestly tried to help Respondent cure it but is convinced it is impossible and that she cannot put up with it or live with him longer.

WHEREFORE, THE PREMISES CONSIDERED, your Complainant prays that the said Aaron W. Wiley be made a party Respondent to this her Bill of Complaint and that all proper process of service be directed to him requiring him to plead, answer or demur within the time required by law; that your Honor will order a reference to be taken of Respondent's financial status; that your Honor will enter a decree granting your Complainant temporary alimony and attorney's fees to be paid by the Respondent pending this suit.

PREMISES FURTHER CONSIDERED, your Complainant respectfully prays that upon the final hearing in this cause your Honor will enter a decree granting her relief as follows:

- (a) Divorcing your Complainant from said Respondent, granting the Complainant the right to remarry.
- (b) Granting your Complainant the care, custody and control of the said children.
- (c) Granting your Complainant permanent alimony for the support and education of the said children.
- (d) Granting your Complainant full and complete title to the personal property set out in this Bill of Complaint.
- (e) Granting your Complainant full and complete title in fee simple to the real property set out in this Bill of Complaint, and described as follows:

Lot No. 6, in Block No. 1, King Land and Improvement Company's Addition to Birmingham, as recorded in Map Book 6, on Page 77, in the office of the Judge of Probate of Jefferson County, Alabama.

And your Complainant prays for such other, further and different relief as in the premises may seem to your Honor just and proper, as to which your Complainant will in duty bound ever pray.

A. B. Miller
Solicitor for Complainant

STATE OF ALABAMA :
 :
COUNTY OF BALDWIN :

Before me, the undersigned authority in and for said county, in said state, personally appeared A. B. Miller, who, being duly sworn deposes and says: "I am Solicitor of Record for Clara M.

Wiley, and have knowledge of the matters set forth in the foregoing Bill of Complaint. The same are true as therein stated".

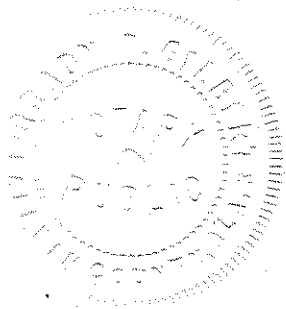
R. B. Miller

Sworn to and subscribed to before me this 5th day of June, 1950.

Grady P. Guebert

Notary Public
Baldwin County

My Comm. expires 4/9/52



SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2484

TERM, 19

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You Are Hereby Commanded to Summon AARON W. WILEY

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

AARON W. WILEY, Defendant

by CLARA M. WILEY

Plaintiff

Witness my hand this 6th day of June 19 50

Alice J. Smith, Clerk

No. 2484

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

CLARA M. WILEY

Plaintiffs

vs.

AARON W. WILEY

Defendants

SUMMONS and COMPLAINT

Filed June 6, 19 50

Angela Smith Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

June 6, 19 50
Raylor Williams Sheriff
I have executed this summons

this, 19
by leaving a copy with

Sheriff

Deputy Sheriff

STATE OF ALABAMA
COUNTY OF BALDWIN

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA - IN EQUITY

CLARA M. WILEY
Complainant

vs.

AARON W. WILEY
Respondent

TO ANY JUDGE OF SAID COURT, IN EQUITY SITTING:

Comes your Complainant, Clara M. Wiley, in the above styled cause and respectfully shows unto your Honor the following:

1. That your Complainant is over the age of 21 years and a bona fide resident of Baldwin County, Alabama, and has for the past year resided in the City of Robertsdale, Alabama; that Respondent, Aaron W. Wiley, is over the age of 21 years and is a bona fide resident of Jefferson County, Alabama, and resides at 110 3rd. Ave. West, Birmingham, Alabama.
2. That your Complainant and Respondent were lawfully married on, to-wit; the 1st. day of November, 1936 and separated on the 22nd. day of April, 1948; that there were three children born as a result of this union, namely; John Michael Wiley, age 12 years, Dixie Lynn Wiley, age 11 years, and Norman Wiley, age 3 years.
3. That your Complainant now has the care, custody and control of the said children and is a woman of good moral standing and a fit person to have such care, custody and control of the said children; that the Respondent is not a person of good moral character and is not fit to have such care, custody and control.
4. That during the marriage between your Complainant and the Respondent your Complainant purchased real property situated in the City of Birmingham, Alabama at the value of Five Thousand and Two Hundred Dollars; that the deed to this property was made to your Complainant and Respondent jointly.
5. That during the marriage between your Complainant and the Respondent your Complainant acquired thirteen rooms of household furniture to furnish the home purchased as aforesaid; this acquisition was made by your Complainant's own industry and endeavors.
6. That your Complainant is a woman of limited means and does not have money enough to retain legal representation in this suit; that your Complainant is in immediate need of contribution from the Respondent for the support of the said children.
7. Your Complainant avers and charges that the Respondent has committed actual violence upon the person of your Complainant, attended with danger to her life and health; that on or about January 28, 1948 the Respondent struck her several times and pulled out a great quantity of her hair.

7. Your Complainant further avers and alleges that the said Respondent has, since her said marriage with him, become addicted to habitual drunkenness, and that said habit continued to the date of separation as aforesaid; that during the said marriage she has suffered hardship and deprivation because of said habit and has earnestly tried to help Respondent cure it but is convinced it is impossible and that she cannot put up with it or live with him longer.

WHEREFORE, THE PREMISES CONSIDERED, your Complainant prays that the said Aaron W. Wiley be made a party Respondent to this her Bill of Complaint and that all proper process of service be directed to him requiring him to plead, answer or demur within the time required by law; that your Honor will order a reference to be taken of Respondent's financial status; that your Honor will enter a decree granting your Complainant temporary alimony and attorney's fees to be paid by the Respondent pending this suit.

PREMISES FURTHER CONSIDERED, your Complainant respectfully prays that upon the final hearing in this cause your Honor will enter a decree granting her relief as follows:

- (a) Divorcing your Complainant from said Respondent, granting the Complainant the right to remarry.
- (b) Granting your Complainant the care, custody and control of the said children.
- (c) Granting your Complainant permanent alimony for the support and education of the said children.
- (d) Granting your Complainant full and complete title to the personal property set out in this Bill of Complaint.
- (e) Granting your Complainant full and complete title in fee simple to the real property set out in this Bill of Complaint, and described as follows:

Lot No. 6, in Block No. 1, King Land and Improvement Company's Addition to Birmingham, as recorded in Map Book 6, on Page 77, in the office of the Judge of Probate of Jefferson County, Alabama.

And your Complainant prays for such other, further and different relief as in the premises may seem to your Honor just and proper, as to which your Complainant will in duty bound ever pray.

A. B. Miller

Solicitor for Complainant

STATE OF ALABAMA |
 |
COUNTY OF BALDWIN |

Before me, the undersigned authority in and for said county, in said state, personally appeared A. B. Miller, who, being duly sworn deposes and says: "I am Solicitor of Record for Clara M.

Wiley, and have knowledge of the matters set forth in the foregoing Bill of Complaint. The same are true as therein stated".

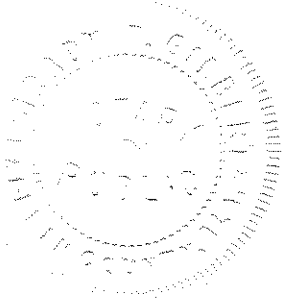
A. B. Miller

Sworn to and subscribed to before me this 5th day of June,
1950.

Grady D. Guebert

Notary Public
Baldwin County

My Comm. expires 4/9/51



A. B. MILLER
ATTORNEY AT LAW
ROBERTSDALE, ALABAMA

June 21, 1950

Mrs. Alice J. Duck
Clerk of the Circuit Court
Baldwin County
Bay Minette, Alabama

Re: Wiley vs. Wiley, #2484

Dear Mrs. Duck,

Since personal service could not be had in this case, I would like to delay a week or so before attempting service by registered mail. The Respondent is in the Army and is stationed in England, but I don't know his address as yet.

I am writing the Judge Advocate General in Washington, D.C. to assist me in getting the relief I am asking for in the way of allotments to Mrs. Wiley. Until I hear from him, I had rather not have service on the Respondent.

Thank you for cooperating with me on this case.

Very truly yours,

A. B. Miller
A. B. Miller

ABM/sm

Alice J. Duck, Clerk
Circuit Court, Baldwin County
Bay Minette
State of Alabama

26 July 1950

Dear Madam:

This letter is written on behalf of Private First Class Aaron W. Wiley, RA 14069571, 544th Quartermaster Company, APO 541, c/o Postmaster, New York, New York, who on or about 24 July 1950 received in the mail a copy of a Summons and Complaint, issued from your court, naming him as respondent in a divorce action instituted by his wife, Clara M. Wiley.

Private First Class Wiley is now serving with the Armed Forces overseas. He has stated that he has not waived any of the rights accorded him under the Soldiers' and Sailors' Civil Relief Act as amended.

It is suggested that you write directly to Private First Class Wiley at the address indicated above rather than through this office indicating whether, in view of the Soldiers' and Sailors' Civil Relief Act as amended, and in view of the manner in which the Summons and Complaint were received, a divorce action may be maintained by his wife in his absence and without his consent.

Thank you for your interest in this matter.

Norman B. Murphy
NORMAN B. MURPHY
Judge Advocate Section
Hqs Salzburg Sub-Post
APO 541, U. S. Army

STATE OF ALABAMA
COUNTY OF BALDWIN

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA - IN EQUITY

CLARA M. WILEY
Complainant

vs.

AARON W. WILEY
Respondent

TO ANY JUDGE OF SAID COURT, IN EQUITY SITTING:

Comes your Complainant, Clara M. Wiley, in the above styled cause and respectfully shows unto your Honor the following:

1. That your Complainant is over the age of 21 years and a bona fide resident of Baldwin County, Alabama, and has for the past year resided in the Town of Summerdale, Alabama; that Respondent, Aaron W. Wiley, is over the age of 21 years and is a resident of Jefferson County, Alabama, but is at present outside the State of Alabama, last address known to your Complainant is; U. S. Army, A.P.O. 541, Saulsburg, Austria.
2. That your Complainant and Respondent were lawfully married on, to-wit; the 1st. day of November, 1936 and separated on the 22nd. day of April, 1948; that there were three children born as a result of this union, namely; John Michael Wiley, age 12 years, Dixie Lynn Wiley, age 11 years, and Norman Wiley, age 3 years.
3. That your Complainant now has the care, custody and control of the said children and is a woman of good moral standing and a fit person to have such care, custody and control of the said children; that the Respondent is not a person of good moral character and is not fit to have such care, custody and control.
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WHEREFORE, THE PREMISES CONSIDERED, your Complainant prays that the said Aaron W. Wiley be made a party Respondent to this her Bill of Complaint and that all proper process of service be directed to him requiring him to plead, answer or demur within the time required by law; that upon the final hearing in this cause your Honor will enter a decree granting her relief as follows:

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R. B. Miller

Solicitor for Complainant

A. B. MILLER
ATTORNEY AT LAW
ROBERTSDALE, ALABAMA
June 5, 1950

Alice J. Duck
Register in Chancery
Circuit Court of Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck;

Enclosed is a Bill of Complaint I would like to have filed. A copy will have to be forwarded to Sheriff McDowell of Jefferson County in order to have personal service upon the Respondent. I am having to take the long way around in this case, since the Respondent is reluctant to sign a quit claim deed to the property involved.

Incidentally, service may be had of the Respondent by June 12, but after that date, he may be out of the state for quite a while. I still don't have forms for summons in Equity, so please attach one to this Complaint and forward it on to Sheriff McDowell.

Thank you for your fine cooperation.

Very truly yours,
A. B. Miller
A. B. Miller

ABM/sm

C O P Y

Alice J. Duck, Clerk
Circuit Court, Baldwin County
Bay Minette
State of Alabama

26 July 1950

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Thank you for your interest in this matter.

NORMAN B. MURPHY
Judge Advocate Section
Hqs Salzburg Sub-Post
APO 541, U. S. Army

COPY

*This case is yet pending
and no action has been
taken*

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300



Return to *Alice J. Huck, Circuit Clerk*
(NAME OF SENDER)
Street and Number, } *Baldwin County*
or Post Office Box, }

REGISTERED ARTICLE

No. *46* Post Office *Bay Minette,*

INSURED PARCEL

No. _____ State *Ala*

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1

Gordon W. Wiley
(Signature or name of addressee)

2

(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery

July 24, 19*45*

U. S. GOVERNMENT PRINTING OFFICE

16-12421

FILED
JUL 31 1950
APR 1. DUCK, Register

RECEIPT FOR REGISTERED ARTICLE No. 46

25 Fee paid. 7-14-50 class postage paid. 19

Declared value, \$ Papers Surcharge paid, \$ 0.00

From Alice S. Dink (Sender) C.E. B.E. (Post office and State)

Addressed to Canon W. Wiley (Addressee) (Street and number) (Post office and State)

Accepting employee will place initials in space below, indicating restricted delivery

Return receipt fee 25 (in person 25 Special delivery fee 25)
Delivery restricted to addressee 25 (or order 25 Postmaster, per 25)
Fee paid 25

670 16-12066

