

2413

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

LARAIN B. DeMARLO, Complainant

vs.

ANTHONY DeMARLO, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Publication and Testimony as noted by the Register, and upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in said bill.

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby, dissolved, and that the said Larain B. DeMarlo is forever divorced from the said Anthony DeMarlo for and on account of Abandonment

~~IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the care, custody and control of the minor child of the marriage, namely Anthony DeMarlo, Jr., is awarded to Larain B. DeMarlo, the complainant.~~

It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

It is further ordered that the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that Anthony DeMarlo the Respondent pay the cost herein to be taxed, for which execution may issue.

This 24th day of May, 1950.

Jeffrey J. Mashburn Jr.
Judge Circuit Court, In Equity.

I, _____ Register of the Circuit

Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

Witness my hand and seal this the _____ day
of _____, 19-----

Register of Circuit Court, In Equity.

RECORDED

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

LARAIN B. DeMARLO
Complainant

vs.

ANTHONY DeMARLO

Respondent

DIVORCE DECREE

FILED

MAY 24 1950

ALICE J. DUCK, Registrar

LARAIN B. DeMARLO,

Complainant,

-vs-

ANTHONY DeMARLO,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, Sitting in Equity:

Your complainant, Larain B. DeMarlo, respectfully represents and shows unto your Honor:-

1. That complainant is over the age of twenty-one years and is a resident of said State and County, and has been a bona fide resident of said State for more than one year next preceding the filing of this Bill of Complaint; that Anthony DeMarlo is over the age of twenty-one years and is not a resident of Baldwin County, Alabama, and whose place of residence is unknown to your complainant.

2. That your complainant and respondent were lawfully married on or about, to-wit, October 8, 1943.

3. Complainant further avers that respondent voluntarily abandoned the bed and board of complainant for more than one (1) year next preceding the filing of this Bill of Complaint, to-wit, May 22, 1944, since which time complainant and respondent have not lived together nor in any way recognized each other as husband and wife.

4. There was born to the complainant and respondent of this marriage one child, Anthony DeMarlo, Jr., age five years, which said child has, since the abandonment of the respondent as aforesaid, been in the sole custody and control of the complainant.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED: Your complainant prays that Anthony DeMarlo be made a party defendant to this cause by the usual process of this Honorable Court requiring him to plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the statutes in such cases made and provided; that service be had upon the said respondent by publication in compliance with Equity Rule 6; that upon a final hearing of this

cause that your complainant be granted a divorce from said respondent and that she be granted custody of Anthony DeMarlo, Jr. Should your complainant be mistaken in the relief prayed for, that there be granted to her such other, different and general relief to which she may be entitled and as in duty bound she will ever pray. -



Solicitor for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Cecil G. Chason, a Notary Public in and for said County in said State, personally appeared Larain B. DeMarlo, who is known to me, and who after being by me first duly and legally sworn, deposes and says under oath as follows:

That her name is Larain B. DeMarlo; that she is over the age of twenty-one years and a resident of Baldwin County, Alabama; that she was married to Anthony DeMarlo on the 8th day of October, 1943; that he voluntarily abandoned her on, to-wit, May 22, 1944; That Anthony DeMarlo is over the age of twenty-one years; that when last heard from he was a resident of California, however, that she has not heard from him or anything concerning his whereabouts for a number of years; that her efforts to learn his present post office address have failed; that to the best of her knowledge and belief he is not a resident of the State of Alabama and that affiant believes the place of his residence and post office address to be unobtainable; that this affidavit is made for the purpose of securing service by publication on the said Anthony DeMarlo.

Larain B. De Marlo

Sworn to and subscribed before me,
a Notary Public, on this 9th day
of January, 1950.

Cecil G. Chason
Notary Public, Baldwin County
State of Alabama

RECORDED

A F F I D A V I T

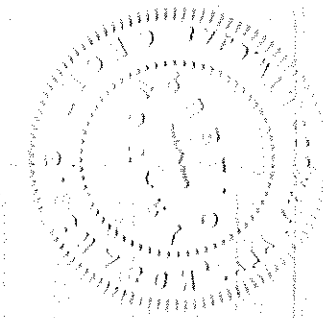
- of -

LARAIN B. DeMARLO

FILED

JAN 10 1950

ALICE J. DUCK, Register



LARAIN B. DeMARLO,

Complainant,

-vs-

ANTHONY DeMARLO,

Respondent.


IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

MOTION FOR SERVICE ON NON-RESIDENT DEFENDANT BY PUBLICATION

Comes the complainant in the above entitled cause and shows unto this Honorable Court that affidavit has been made as required by law showing the respondent to be a non-resident of the State of Alabama and showing his place of residence to be unknown, wherefore motion is hereby made and complainant prays that the Court will make and enter an order of publication authorizing and directing service upon said non-resident defendant through publication once a week for four consecutive weeks in the Fairhope Courier, a newspaper published in Baldwin County, Alabama, and shall order a copy of said notice to be posted at the door of the Courthouse of Baldwin County, Alabama, all as provided by law in such cases.


Solicitor for Complainant

RECORDED

MOTION FOR SERVICE ON NON-
RESIDENT DEFENDANT BY PUBLICA-
TION

LARAIN B. DeMARLO,
Complainant,

-VS-

ANTHONY DeMARLO,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

JAN 10 1950

ALICE A. DUCK, Register

*Pub. Mailed copies 1-10-50
J.L.H.*

LARAIN B. DeMARLO

vs.

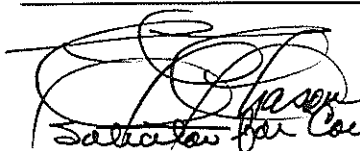
ANTHONY DeMARLO

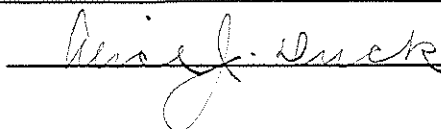
THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____
Motion for Decree Pro Confesso on Publication, Decree Pro Confesso
of Publication and Testimony of Larain B. DeMarlo and Fannie Boswell

and in behalf of Defendant upon _____


Plaintiff


Register.

RECORDED

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

LARAIN B. DeMARLO

vs.

ANTHONY DeMARLO

NOTE OF TESTIMONY

Filed in Open Court this 7th

day of May, 1947

W. J. W. W. W.
Register.

Printed By The Baldwin Times

THE STATE OF ALABAMA }
Baldwin County }Circuit Court of Baldwin County, Alabama,
(In Equity)LARAIN B. DeMARLO

COMPLAINANT

vs.

ANTHONY DeMARLO

RESPONDENT

I, Lorna Underwoodas Register and Commissioner in chanceryhave called and caused to come before me Larain B. DeMarlo and Fannie Boswellwitness ~~es~~ named in the requirement for Oral Examination, on the 3rd day of May1945, at the office of C. G. Chasonin Foley, Alabama, and having first sworn said witness ~~es~~ to speak thetruth, the whole truth, and nothing but the truth, the said Larain B. DeMarlo andFannie Boswell doth depose and say as follows:TESTIMONY OF LARAIN B. DeMARLO:

My name is Larain B. DeMarlo; I am over the age of twenty-one years and a bona fide resident of Foley, Baldwin County, Alabama, having been such a bona fide resident for more than one year next preceding the filing of my Bill of Complaint for divorce; Anthony DeMarlo, who is also over the age of twenty-one years, and I were married on October 8, 1943, and lived together as man and wife until May 22, 1944, at which time he voluntarily and without cause abandoned my bed and board and we have not lived together or in any way recognized each other as husband and wife since that date; his place of residence is unknown to me as I have had no word of him or from him for over five years, although I am reasonably sure and so state that he is not a resident of this county and state; there was born of our marriage one child, Anthony DeMarlo, Jr., who has been in my sole custody and control since the abandonment by my husband; I have requested the Court to grant to me legal custody and control; nothing has been paid or given for his support in any way by his father since May 22, 1944.

Larain B. De MarloTESTIMONY OF FANNIE BOSWELL:

My name is Fannie Boswell; I am over the age of twenty-one years and a resident of Foley, Baldwin County, Alabama; I am personally acquainted with Anthony DeMarlo, who married my daughter, Larain B. DeMarlo, on October 8, 1943; they lived together as man and wife from that time until May 22, 1944, on which date Anthony DeMarlo voluntarily and without cause abandoned the bed and board of Larain B. DeMarlo; she has received no support from him for herself or for their child, Anthony DeMarlo, Jr., since that date and they have not since that date lived together or in any manner recognized each other as husband and wife; Larain B. DeMarlo has been a bona fide resident of this county and state for more than one year.

Fannie Boswell

I, Lorna Underwood as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness es and read over to them and they signed the same in the presence of myself and C. G. Chason at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof made before me of the identity of said witness es; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 3rd day of May 1945.

Lorna Underwood (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

LARAIN B. DEMARLO

COMPLAINANT

vs.
ANTHONY DEMARLO

RESPONDENT

ORAL DEPOSITION

Filed 2-5-, 1947

RECORDED IN

Alfred Underwood, Register.

Record

Vol. _____ Page _____

Register

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Lorna Underwood

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Larain B. DeMarlo and Fannie Boswell

as witnesses in behalf of Larain B. DeMarlo in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein

Larain B. DeMarlo is

_____, Complainant

and Anthony DeMarlo is

_____, Respondent

on oath, to be by you administered, upon them

to take and certify the deposition S of the witnessES and return the same to our Court, with all convenient speed, under your hand.

Witness 2nd day of May, 19450

Commissioner's Fee, \$ 5.00

Witness' Fees, \$ _____

W. F. Duck
Register.

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

LARAIN B. DeMARLO

Complainant

VS.

ANTHONY DeMARLO

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Lorna Underwood

WITNESSES:

Larain B. DeMarlo

Anthony DeMarlo

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

LARAIN B. DeMARLO _____ Complainant_____

Vs.

ANTHONY DeMARLO _____ Defendant_____

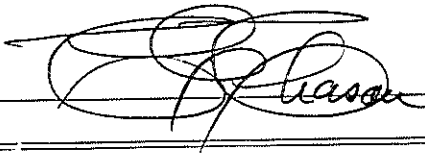
~~Motion is hereby made for a Decree Pro Confesso against~~ Anthony DeMarlo _____

Defendant_____

in the annexed stated cause. on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 2nd _____ day of May _____ 1950

746 Code

 _____ Solicitor.

RECORDED

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

LARAIN B. DeMARLO

Complainant _____

Vs.

ANTHONY DeMARLO

Defendant _____

Motion for Decree Pro Confesso
on Publication

Filed 3-30 1950

Wm. J. Ruck
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

LARAIN B. DeMARLO

Complainant

Vs.

ANTHONY DEMARLO

Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 12th day of January, 1950, in the Fairhope Courier a newspaper published in Fairhope, Alabama, that a copy of said order was posted at the Court House door in _____ County, on the 12th day of January 1950 and _____

And it now further appearing to the Register Alice J. Duck, that the said

Anthony DeMarlo

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant_____, ordered and decreed by the Register Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Anthony DeMarlo

This 3rd day of May 1950

Alice J. Duck Register.

RECORDED

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

LARAIN B. DeMARLO

Vs.

ANTHONY DeMARLO

Decree Pro Confesso of Publication

Issued _____ 19 _____

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Fairhope, Ala.,

Jan. 31 1949

M. Mrs. Alice Duck

Bay Minette Ala.

In Account With

The Fairhope Courier

E. B. GASTON ESTATE, PUBLISHER

Advertising And Commercial Printing

Rates on Application

Jan 12	Legal notice of 163 words Re. Sorain B. De Marlo Jan-12- 19-26-Feb. 2-				47.35
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THE FAIRHOPE COURIER

E. B. Gaston Estate, Publishers



TELEPHONE 5201

A Progressive Paper for Progressive People

ESTABLISHED 1894

FAIRHOPE, ALABAMA

"On Beautiful Mobile Bay"

This is to certify that the attached legal notice appeared in the Fairhope Courier, a newspaper published in Fairhope, Baldwin County on the dates of
Jan. 12, 19, 26, and Feb. 2, 1950

James L. Crawford

Editor

State of Alabama, Baldwin County
Subscribed and sworn to this 3rd day of February, 1950, before me.

E. Cramer

Notary Public, Baldwin County, Ala.

Legal Notice

LARAIN B. DeMARLO,
Complainant vs.
ANTHONY DeMARLO, Respondent
In The Circuit Court of
Baldwin County, Alabama.
In Equity

In this cause it being made to
appear to the Clerk of this Court

by the affidavit of Larain B. DeMarlo, the complainant, that the defendant, Anthony DeMarlo, is a non-resident of the State of Alabama and that his post office address is unknown and cannot be ascertained; it being further shown by said affidavit that the defendant is over the age of twenty-one 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 Anthony DeMarlo to plead, answer or demur to the Bill of Complaint filed in this cause by the 23rd day of February, 1950, or after thirty (30) days thereafter a decree pro confesso may be taken against him.

Alice J. Duck, Register

C. G. Chason,
Attorney for Complainant

25-4t