

2615

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

Circuit Court, In Equity

Virginia Arlene Collier, Complainant
vs.

Otest Owen Collier, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ on Answer and Waiver 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 Virginia Arlene Collier is forever divorced from the said Otest Owen Collier for and on account of Cruelty

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, the custody of the minor children, be awarded to their father, Otest Owen Collier, subject to the right of their mother, Virginia Arlene Collier, to visit them from time to time.

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 Virginia Arlene Collier the Complainant pay the cost herein to be taxed, for which execution may issue.

This 10th day of March, 1957.

Jeffery G. Mashburn Jr.
Judge Circuit Court, In Equity.

I, Alice J. Duck

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.

No. 2615 Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

Virginia Arlene Collier

Complainant

vs.

Otest Owen Collier

Respondent

DIVORCE DECREE

FILED

MAR 10 1951

ALICE J. DUCK, Register

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Virginia Arlene Collier

Complainant

VS.

Otest Owen Collier

Respondent

I, Evelyn Watts

as Register and Commissioner

have called and caused to come before me Virginia Arlene Collier and W. J. Ard

witness named in the Requirement for Oral Examination, on the 22 day of February 1945, at the office of Hubert M. Hall

in Bay Minette, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Virginia Arlene Collier and W. J. Ard doth depose and say as follows:

My name is Virginia Arlene Collier. I am a bona fide resident of Baldwin County, Alabama, and have been all of my life. I am over twenty-one years of age.

The Respondent, Otest Owen Collier, is over twenty-one years of age, a bona fide resident of Baldwin County, Alabama, and has been for more than 20 years. The Respondent and I married at Robertsedale, Alabama, on November 24, 1944. We lived together as husband and wife, in Baldwin County, Alabama, until December 25, 1950.

The Respondent on December 25, 1950, and on various occasions prior thereto threatened and abused me and threatened to do actual violence to my person which would necessarily endanger my life and health. The conduct of the Respondent was such as to give me every reasonable apprehension to believe and I did actually believe that if I continued to live with him he would carry out his threats and do actual violence to my person which would necessarily endanger my life and health.

The conditions in our home was such as to render it absolutely impossible for us to make a go of it.

The Respondent lives with his father, W. P. Collier, near Loxley, in this court, where he has a suitable, fit and proper place to maintain and rear our children. He is better able to care and provide for the children than I, and I believe that it is to their interest that they be permitted to live with him in the home of his father. The Respondent is now in the Navy and has been for the past ten years and is drawing a good salary and fully able to care and provide for the children.

The Respondent and I have three children, Virginia Carol Collier, age 5, Elva Joyce Collier age 2, and Wanda Faye Collier, age six months.

Virginia Arlene Collier

My name is W. J. Ard. I live near Robertsedale, in Baldwin County, Alabama. I am personally acquainted with the Complainant and the Respondent in this cause and have had occasion to see them regularly from time to time during the time they have lived together as husband and wife. I know that the conditions are such that the Complainant and the Respondent cannot make a go of it, and it is to their best interest that they be granted a divorce.

The Respondent is in the Navy, Aviation Mechanist Mate First Class, He is fully able to care and provide for the three minor children and is willing to assume full responsibility for caring for them. It is my opinion that it is to the best interest of the children that they be placed in the custody of the Respondent, who has a home near Loxley, with his father.

W. J. Ard

NO. 2615 PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Virginia Arlene Collier

vs. Complainant

Otest Owen Collier

Respondent.

Oral Deposition

Filed _____, 194_____

Register.

Recorded in 1

Record

Vol. _____ Page _____

Register.

ORAL EXAMINATION.

I, Evelyn Watts, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness _____ and read over to them and they signed the same in the presence of myself and Hubert M. Hall at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness _____ or had proom made before me of the identity of said witness _____; 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 22 day of February, 194 51.

Evelyn Watts (L. S.)

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Evelyn Watts

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 Virginia Arlene Collier and W.J. Ard

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Virginia Arlene Collier

and Orest Owen Collier, Complainant

Respondent

on oath, to be by you administered, upon Evelyn Watts to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 22nd day of Feb, 1947

Deacy J. Albrecht
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 2615

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Virginia Arlene Collier

Complainant

vs.

Otest Owen Collier

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Evelyn Watts

WITNESSES:

Virginia Arlene Collier

W. J. Ard

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are commanded to summons OTEST OWEN COLLIER, to appear and plead, answer or demur within thirty days from the service hereof, to the bill of complaint, filed in the Circuit Court of Baldwin County, Alabama, in Equity, by Virginia Arlene Collier, as Complainant and against Otest Owen Collier as Respondent.

WITNESS my hand this the _____ day of January, 1951.

Register

VIRGINIA ARLENE COLLIER

COMPLAINANT

VS

OTEST OWEN COLLIER

RESPONDENT

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

TO HONORABLE TELFAIR J. MASBURN, JR., JUDGE OF THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Your Complainant, Virginia Arlene Collier, respectfully represents
unto your Honor and this Honorable Court as follows:

1.

That your Complainant and the Respondent are both over twenty-one
years of age and bona fide residents of Baldwin County, Alabama.

2.

That your Complainant and the Respondent married at Robertsdale,
Alabama, on November 24, 1944, and lived together as husband and wife
until on December 25, 1950.

3.


That on December 25, 1950, and on several occasions prior thereto
the Respondent threatened and abused the Complainant and threatened to
do actual violence to her person which would necessarily endanger her
life and health. The conduct of the Respondent was such as to give the
Complainant every reasonable apprehension to believe and she did actually
believe that if she continued to live with him he would carry out his
threats and do actual violence to her person, which would necessarily
endanger her life and health.

4.

That there was born to the marriage between your Complainant and the Respondent three children, Virginia Carol Collier, age 5, Elva Joyce Collier, age 2, and Wanda Faye Collier age six months; that the Respondent is the suitable, fit and proper person to have the care, custody and control of the said children.

WHEREFORE, the premises considered, the Complainant prays that your Honor will by proper process make the said Otest Owen Collier, party respondent to this cause of action, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a hearing hereof, your Honor will enter an order and decree granting to her an absolute decree of divorce, forever barring the bonds of matrimony existing between her and the Respondent; that a decree be made awarding to the Respondent the care, custody and control of the minor children, Virginia Carol Collier, Elva Joyce Collier and Wanda Faye Collier; Your Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive.


Solicitor for the Complainant

RECORDED

NO 2415

VIRGINIA ARLENE COLLIER

COMPLAINANT

VS

OTEST OWEN COLLIER

RESPONDENT

BILL OF COMPLAINT

FILED
MAR 1 1951

ALICE I. DUCK, Register

VIRGINIA ARLENE COLLIER

COMPLAINANT

VS

OTEST OWEN COLLIER

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Now comes the Respondent and accepts service of the summons and complaint in this cause.

The Respondent admits the allegations as to ages, residences, and marriage, but denies all other allegations contained in the bill of complaint, and demands strict proof of the same.

The Respondent waives notice of the time of taking of testimony on behalf of the Complainant; the right to cross examine Complainant's witnesses; and agrees that this cause be submitted for final decree without further notice.

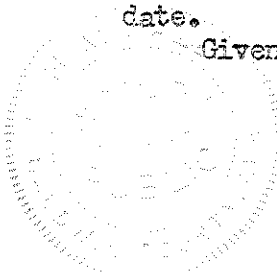
Otest Owen Collier

STATE OF ALABAMA
BALDWIN COUNTY

I, [Signature], A Notary Public, in and for said County, in said State, hereby certify that Otest Owen Collier, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 19 day of February, 1951.

[Signature]
Notary Public, Baldwin County, Ala.



702615 RECORDED

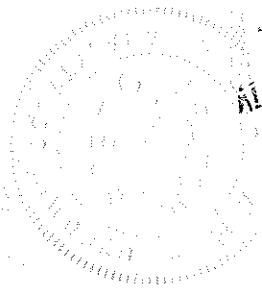
VIRGINIA ARLENE COLLIER
COMPLAINANT
VS
LOTEST OWEN COLLIER
RESPONDENT

ANSWER AND WAIVER

FILED

APR 1 1951

ALICE J. DUCK, Register



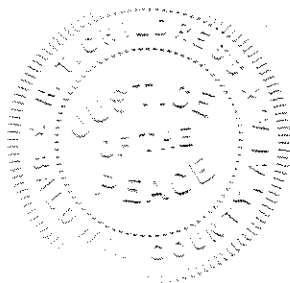
STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, in and for said County, in said State, personally appeared William Pressley Collier, who is known to me, and who having been by me first duly sworn, deposes and says: that he is a resident of Loxley, Baldwin County, Alabama; that he has been a resident of Baldwin County, Alabama, since 1918; that he has during that time maintained a home in Baldwin County, Alabama; that he is the father of Otest Owen Collier; that his son has three children, Virginia Carol Collier age 5, Elva Joyce Collier, age 2, and Wanda Faye Collier age five months; that his son is now and has been in the U. S. Navy for the past ten years in August 1951; that he and his son has made arrangements as to the maintenance and support of the three children herein named; that he is able and willing to assume the maintenance and support of the children herein named, if awarded to his son in the divorce proceedings in which Virginia Arlene Collier, the mother of said children, is complainant.

William Pressley Collier

Sworn to and subscribed before me on this the 24 day of February, 1951.



W. B. Childress Notary Public, Baldwin County, Ala.

Virginia Arlene Collier

vs.

Otest Owen Collier

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, _____

Answer and waiver of Respondent, and testimony of Virginia Arlene _____

Collier and W. J. Ard _____

and in behalf of Defendant upon _____

Wm. L. Lee

W. J. Ard

Register.

RECORDED

No. 2615

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Virginia Arlene Collier

vs.

Otest Owen Collier

NOTE OF TESTIMONY

Filed in Open Court this

day of

FILED
MAR 1

194

195 Register.

ALICE J. DIXON, Register
Printed by The Baldwin Times

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are commanded to summon OTEST OWEN COLLIER, to appear and plead, answer or demur within thirty days from the service hereof, to the bill of complaint, filed in the Circuit Court of Baldwin County, Alabama, in Equity, by Virginia Arlene Collier, as Complainant and against Otest Owen Collier as Respondent.

Witness my hand this the 22 day of Nov, 1954.

David L. Smith
Register

VIRGINIA ARLENE COLLIER,	↓	
Complainant	↓	IN THE CIRCUIT COURT OF
vs.	↓	BALDWIN COUNTY, ALABAMA
OTEST OWEN COLLIER,	↓	IN EQUITY
Respondent	↓	

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND
TO THE HONORABLE H. M. HALL, JUDGE THEREOF:

Now comes your petitioner, Virginia Arlene Collier, by her
Solicitor, and respectfully represents and shows unto your Honor and
unto this Honorable Court as follows:

ONE:

That on the 9th day of April, 1954, this Honorable Court ordered, adjudged and decreed that the bond of matrimony theretofore existing between Virginia Arlene Collier and Otest Owen Collier to be dissolved, and that Virginia Arlene Collier to be divorced from the said Otest Owen Collier for and on account of cruelty and abandonment.

TWO:

That this Honorable Court further adjudged that Otest Owen Collier be awarded care, custody and control of the minor children, Virginia Carol, age 8, Elba Joyce Collier, age 5 and Wanda Faye Collier, age 3, subject to the right of visitation by your petitioner herein at reasonable times and subject to the right of your petitioner to have said children visit her at reasonable times.

THREE:

That your petitioner has from time to time since the rendition of the decree by this Honorable Court on the 9th day of April, 1954 visited her children; that during the first three month period after the divorce, the petitioner had visit her from time to time the children herein named; that since the earlier part of the summer of 1954, the respondent, Otest Owen Collier, re-married, and by such marriage obtained responsibility of three step-children; that since the respondent re-married he has interfered with the right of your petitioner to see her children, and he has refused to allow the above named children to visit the petitioner; that the respondent has shown open hostility and dislike for the petitioner in the presence of your petitioner's children and the respondent has sought to influence the children and prejudice the minds of the children against your petitioner. Further that the respondent has since his re-marriage caused the children named in Paragraph Two to live in quarters which are crowded and unhealthy in that he has maintained his residence in a two room house-trailor and that eight persons are living in the said house-trailor and the safty, health and welfare of the minor children is threatened.

FOUR:

That your petitioner in this cause is a fit and suitable person to have custody of the children and can offer them a Christian home and suitable education facilities.

PRAYER FOR PROCESS

The premises considered your petitioner respectfully prays that your Honor and this Honorable Court shall cause the usual writ of process to be issued to the respondent , Otest Owen Collier, requiring him to plead, answer or demur within the time required by law and the rules of this Honorable Court.

PRAYER FOR RELIEF:

The premises considered your petitioner respectfully prays that your Honor will, on the date set for hearing of this petition enter an order amending the divorce decree herein referred to, and so as to allow your petitioner to have the care, custody and control of the said minors, to-wit: Virginia Carol Collier, age 8; Elba Joyce Collier, age 5; Wanda Faye Collier, age 3, as your Honor and this Honorable Court may deem proper for the welfare of said minors and your petitioner prays that the

respondent be ordered to pay twenty (\$20.00) dollars per month for the support of said children. Your petitioner prays for such other, further and different relief to which she may be entitled and as in duty bound she will forever pray.

James Owens Jr.
Solicitor for the Complainant

2615 1/2

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

VIRGINIA ARLENE COLLIER,
COMPLAINANT

VS.

OTEST OWEN COLLIER,
RESPONDENT

Foley also works at
Battins Field
SUMMONS AND COMPLAINT
Lived in house under
in law field

FILED **FILED**
NOV 22 1954

***** ALICE E. DUCK, Registrar *****

J. CONNOR OWENS, JR.
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

Received ¹⁹⁻²⁻⁵⁴ 22 day of Nov 1954
and on 2 day of Dec 1954
I served a copy of the within
on Otest Owen Collier
By service on
TAYLOR WILKINS, Sheriff
By *Edmund Steadler*

VIRGINIA ARLENE COLLIER,

Complainant,

vs.

OTEST OWEN COLLIER,

Respondent.

I

I IN THE CIRCUIT COURT OF

I BALDWIN COUNTY, ALABAMA

I IN EQUITY NO. 2615 $\frac{1}{2}$

I

Comes the Respondent in the above styled cause and demurs to the Complaint filed in said cause and each and every paragraph thereof, separately and severally, and assigns the following separate and several grounds, viz:

1. That said Complaint does not state a cause of action.
2. That Paragraph Two of said Complaint affirmatively shows that the Respondent in this cause was awarded the care, custody and control of the minor children involved in such suit by decree of this Court rendered on April 9, 1954, and said Complaint fails to show any material change of circumstance or conditions of the parties which would justify a modification of said decree.
3. That the allegation in Paragraph Three that the Respondent has remarried is not such a material change in the circumstances or conditions of the parties as would justify a modification of the decree.
4. That the allegation in Paragraph Three that the Respondent by such marriage obtained responsibility of three step-children is not such a material change in the circumstances or conditions of the parties as to justify a modification of the decree.
5. That the allegation in Paragraph Three that the Respondent has interfered with the right of Petitioner to see her children and refused to allow the children to visit her, if true, might amount to grounds for a contempt proceeding but would not justify a modification of the decree.
6. That the allegation in Paragraph Three that the Respondent has shown open hostility and dislike for the Petitioner in the presence of the children and that the Respondent has sought to influence the children and prejudice their minds against the Petitioner

is not sufficient allegation of changed conditions or circumstances as to justify a modification of the decree.

7. That the allegation in Paragraph Three that since his re-marriage the Respondent has caused the children to live in quarters which are crowded and unhealthy in that he has maintained his residence in a two-room house trailer and that eight persons are living in such are but conclusions of the Pleader and are not sufficient to justify a modification of the decree.

8. That said Complaint fails to allege that the Respondent is not a fit and proper person to have the care, custody and control of the minor children named in said Complaint.

9. That the allegation in Paragraph Three of the Complaint that the safety, health and welfare of the children are threatened is but a conclusion of the Pleader and does not state that such conditions are injurious.

10. That said Complaint does not allege that it would be to the best interest of the children for the decree to be modified.

CHASON & STONE

By: 

Solicitors for Respondent.

DEMURRER

VIRGINIA ARLENE COLLIER,
Complainant,

vs.

OTTEST OWEN COLLIER,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 2615 $\frac{1}{2}$

Filed this 23 day of December,
1954.

Reice French
Register.