ANTOINETTE	DISIBIO,
	Plaintiff
VS.	
JOE DISIBIO	,
	Defendant

THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

AFFIDAVIT

)

STATE O	FC	ALIF	ORNIA	:	
COUNTY	OF	SAN	DIEGO	:	SS.

Comes now ANTIOINETTE DISIBIO, who after first being duly sworn deposes and says:

In answer to paragraph 1 of defendant's answer herein affiant avers that Aurora Disibio is a minor, and that Aurora Disibio is not self supporting; that affiant is the chief support of said Aurora Disibio, who is a college student and who makes her home with affiant, except during the time she is actually at school.

Answering paragraph 2 of defendant's answer, affiant reiterates that Mr. Disibio's pension is as follows: \$90.00 per month from the United States Government, and \$52.00 a month from the State of West Virginia.

In answer to paragraph 3 of defendant's answer, affiant says that for a while after defendant deserted affiant he paid house payments and gas and electric bills; that he has not paid any amount whatsoever to plaintiff for the support of plaintiff and the minor children for approximately a year and a half; that affiant has never forged any checks on defendant's bank account, or on any bank account; that affiant does not receive a monthly rental in any amount whatsoever; that affiant owns some real property subject to an encumbrance in Detroit; that the money received as rental therefrom is used to pay the installment payments on said encumbrance in the amount of \$57.00 per month, and pays \$65.00 per month for the home in California. That plaintiff and the three minor children reside in the home at 70k9 Mohawk Avenue, San Diego, California, which is in joint ownership of plaintiff and defendant, and which has an estimated value of \$10,000.00, subject to an encumbrance of \$5,000.00; that affiant pays the \$65.00 monthly payments on said joint property from the proceeds of her separate realty in Detroit, Michigan, which has an estimated value of \$15,500.00, subject, however, to an encumbrance of \$3,000.00. That the real property in Florida from which defendant receives the amount of \$51,37 is owned by both affiant and defendant, although affiant receives no benefit therefrom.

In answer to paragraph 4 of defendant's answer, affiant alleges that she has been ill and unable to work for a good part of the last four or five months; that she has been advised by her physician that hospital care and a major operation are necessary; that she works when she is able at Consolidated Air Craft Corporation; that she has, within the last month fallen and broken some of her ribs and is incapacitated now and will be for some time to come.

Antoinette Disibio

Subscribed and sworn to before me this \_\_\_\_\_27 day of February, 1954.

(SEAL)

Quintin Whelan Notary Public in and for the County of San Diego, State of California



"An act to add Title 10a, comprising Sections 1650 to 1681, to Part 3 of the Code of Civil Procedure, providing a civil and criminal procedure for enforcement of the duties of support," approved May 28, 1951.

I further certify that said Title 10a, as in said act provided, is designated and may be cited as the:

Reciprocal Enforcement of Support Law.

I further certify that the transcript hereunto annexed correctly sets forth the text of said law and that the provisions appearing therein have continued in full force and effect since the 22nd day of September, 1951, said law not having been amended or repealed.

> IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California this Scholar of December 1952

FRANK M. JORDAN Secretary &f State By Chas. Hager Assistant Secre State

62841 6-52 3M SPO

#### CHAPTER 694

An act to add Title 10a, comprising Sections 1650 to 1681, to Part 3 of the Code of Civil Procedure, providing a civil and criminal procedure for enforcement of the duties of support.

# [Approved by Covernor May 28, 1951, Filed with Secretary of State May 28, 1951.]

The people of the State of California do enact as follows:

SECTION 1. Title 10a is added to Part 3 of the Code of Civil Procedure, to read:

### TITLE 10a. RECIPROCAL ENFORCEMENT OF SUPPORT LAW

### CHAPTER 1. GENERAL PROVISIONS

1650. This title is known and may be cited as the Reciprocal Enforcement of Support Law.

1651. The purposes of this law are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

1652. Unless the context requires otherwise, the definitions in this section govern the construction of this title.

(a) "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

(b) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(c) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state

is or may be commenced. (d) "Court" means the superior court and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(e) "Law" includes both common and statute law.

(f) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial separation, separate main-

tenance or otherwise.
(g) "Obligor" means any person owing a duty of support.
(h) "Obligee" means any person to whom a duty of sup-

port is owed.

1653. The remedies provided in this title are in addition to and not in substitution for any other remedies.

1654. The duty of support imposed by the laws of this State or by the laws of the state where the obligee was present. when the failure to support commenced as provided in Section 1670 and the remedies provided for enforcement thereof, including any penalty imposed thereby, bind the obligor regardless of the presence or residence of the obligee.

#### CHAPTER 2. CRIMINAL ENFORCEMENT

1660. The Governor of this State (a) may demand from the governor of any other state the surrender of any person found in such other state who is charged in this State with the crime of failing to provide for the support of any person in this State and (b) may surrender on demand by the governor of any other state any person found in this State who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fied there-from. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fied from justice, or at the time of the commission of the crime was in the demanding or the other state.

1661. Any obligor contemplated by Section 1660, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for desertion or nonsupport entered in the courts of this State during the period of such compliance.

CHAPTER 3. CIVIL ENFORCEMENT

1670. Duties of support enforceable under this law are

those imposed or imposable under the laws of any state where the alleged obligor was present during the period for which support is sought or where the obligee was present when the failure to support commenced, at the election of the obligee. 1671. Whenever the state or a political subdivision thereof

has furnished support to an obligee it shall have the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made.

1672. All duties of support are enforceable by action, irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the superior court.

1673. The complaint shall be verified and shall state the name and, so far as known to the plaintiff, the address and circumstances of the defendant and his dependents for whom support is sought, and all other pertinent information.

1674. If the court of this State acting as an initiating state finds that the complaint sets forth facts from which it may be determined that the defendant owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, he shall so certify and shall cause certified copies of the complaint, the certificate and an authenticated copy of this law to be transmitted to the court of the responding state.

1675. When the court of this State, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall (a) docket the cause, (b) notify the county counsel, or district attorney of the county, (c) set a time and place for a hearing, and (d) take such action as is necessary in accordance with the laws of this State to obtain jurisdiction.

1676. If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order.

1677. The court of this State when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or for reimbursement therefor.

1678. In addition to the foregoing powers, the court of this State when acting as the responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular:

(a) To require the defendant to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant.

(b) To require the defendant to make payments at specified intervals to the probation officer of the county or the obligee and to report personally to such probation officer at such times as may be deemed necessary.

(c) To punish the defendant who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

1679. The court of this State when acting as a responding state shall have the following duties which may be carried out through the probation officer of the county :

(a) Upon receipt of a payment made by the defendant pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state.

(b) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the defendant.

1680. The court of this State when acting as an initiating state shall have the duty which may be carried out through the probation officer of the county to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state.

1681. Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this law. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage.

SEC. 2. If any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

ANTOINETTE	DISIBIC,	)
	Plaintiff	)
VS.		)
JOE DISIBI	),	)
	Defendant	)

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AFFIDAVIT

STATE OF CALIFORNIA : SS. COUNTY OF SAN DIEGO :

Comes now ANTIGINETTE DISIBIC, who after first being duly sworn deposes and says:

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Answering paragraph 2 of defendant's answer, affiant reiterates that Mr. Disibio's pension is as follows: \$90.00 per month from the United States Government, and \$52.00 a month from the State of West Virginia.

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In answer to paragraph 4 of defendant's answer, affiant alleges that she has been ill and unable to work for a good part of the last four or five months; that she has been advised by her physician that hospital care and a major operation are necessary; that she works when she is able at Consolidated Air Craft Corporation; that she has, within the last month fallen and broken some of her ribs and is incapacitated now and will be for some time to come.

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antoinette Desiluio

Subscribed and sworn to before me this 2.7 day of February, 1954.

Notary Public in and for the County of San Diego, State of California

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ANTOINETTE	DISIBIO		
	Plaintiff	)	THS
	Frairiorr	)	BAI
vs.		}	
JOE DISIBI	D		
watesk (b. j	Defendant	)	

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

Comes the defendant in the above styled cause and for answer to the bill herein says:

1. He admits the allegations of paragraph one of the complaint except for the ages of said minor children, whose ages are as follows: Aurora Disibio, age 18 years, Loretta Disibio, age 14 years, and Ramona Disibio, age 12 years, And that Aurora Disibio is no longer a minor, that she does not actually reside with the plaintiff and that she is selfsupporting.

2. In answer to paragraph two of said bill, the defendant says: that he receives a monthly pension from the government for total disabilities in the sum of \$126.00, and the further sum of \$51.37 per month as principal and interest on a note as his total income per month.

3. For answer to paragraph three of said bill the defendant says: that he strictly denies the allegations therein and avers That the defendant has paid \$930.40 on debts made by the plaintiff since their separation; that the plaintiff obtained \$500.00 belonging to the defendant from his savings account in a California bank; that the plaintiff has forged two checks each in the amount of \$51.37 on the defendants bank account; and that the plaintiff receives a monthly rental from property purchased by the defendant with his earnings, of the sum of \$140.00.

4. For answer to paragraph four of said bill, the defendant denies the allegations therein and says: that the plaintiff and two minor children are residing in their home jointly owned by the defendant and the plaintiff; that the plaintiff is employed by Consolidated Vultee Aircraft Company and earns in excess of \$65.00 weekly; that the plaintiff receives \$140.00 per month rental from property equitably belonging to the defendant; and that the plaintiff has an adequate income for the support of herself and minor children.

Defendant torney

STATE OF ALABAMA BALDWIN COUNTY

Before me Arthur <sup>C</sup>. Epperson, a Notary Public, in and for the State of Alabama, at large, personally appeared Joe Disibio, who first being duly sworn, doth depose and says: That he is the defendant in the foregoing answer and entitled cause; that he has read the foregoing answer and knows the contents thereof; that he is informed and believes, and upon such information and belief says that the allegations and averments

contained in the foregoing answer are true.

January, 1954.

<u>gae Disbio</u> Defendant

Subscribed and sworn to before me on this the Fourth

My commission

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SUMMONS	1.	Form 1	531-3	McQuiddy Printing Co., Nashville,
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12-12-53 Page..... 81hO. The State of Alabama Received in office, this the ........ day of ell. , 195 COUNTY. Sheriff IN CIRCUIT COURT, IN EQUITY ANTIONETTE DISIBIO I have executed the within by leaving a copy **vs**. thereof with ..... Jal Disibia JOE DISIBIO SUMMONS Returned by the Sheriff and filed in office, this , Register. defendant named herein, on this the day of Della, 1953 Taylan Willams, Sheriff. ered Steadlaces Deputy. Sit Jol 32 west in fance

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	8	In the Superior Court of the State of California	
	9	IN AND FOR THE COUNTY OF SAN DIEGO	-
	10	No. <b>184346</b>	
	11	ANTOINETTE DISIBIO, )	
	12	Plaintiff ) CERTIFICATE	
· · ·	13	vs. ) (Reciprocal Enforce ment of Support Law	)
	14	JOE DISIBIO, )	
	15	Defendant )	
1. A	16		
	17	The undersigned, a Judge of the above-entitled Court,	
	18	hereby certifies:	
	19	1. That on the 13th day of October, 1953, a duly verified complaint by the plaintiff above-named was duly filed in	
	20	this Court in a proceeding against the above-named defendant com-	
-1.	21 22	menced under the provisions of the Reciprocal Enforcement of	
	23	Support Law (Stats. of Calif. 1951, ch. 694) to compel the sup-	
	24	port of the dependent(s) named in that complaint.	
	25	2. That the above-named defendant is believed to be residing	g
	26	or domiciled in the State of Alabama, , having a	
	27	mailing or home address as follows: Lillian, Baldwin County,	-
	28	Alabama.	
	29	that plaintiff also states that defendant, to the best of her	
	30	knowledge,	
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	32 "		
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	Sitting in Equity and that the Circuit Court of malawin wounty,
1	Alabama,
2	may obtain jurisdiction of the defendant or his property.
3	3. That the undersigned, a Judge of the above-entitled
.4	Court, has examined the plaintiff under oath and she has affirmed
5	the allegations contained in the complaint; and that according
6	to the testimony of the Plaintiff the need of the dependent(s)
7	named in the complaint for support is in the sum of \$135.00
8	per month.
9	4. That in the opinion of the undersigned Judge of the
10	above-entitled Court, the defendant should be compelled to
11	answer such complaint and to be dealt with according to law.
12	
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17	
- 18	WHEREFORE, it is hereby ordered that certified copies of
19	this certificate and the complaint herein and an authenticated
20	copy of the Reciprocal Enforcement of Support Law (Chapter 694,
21	Stats. 1951 of the State of California) be transmitted to
22	the Solicitor of Baldwin County, Alabama
23	
24	Dated: November 5th, 1953.
25	
26	
27	L. N. TURRENTINE
28	Judge of the Superior Court
29	
30	The foregoing instrument is a full, true and correct copy ca
31	the original on file in this office.
32.	T. H. SEXTON, County Clerk and Chik A the Superior Court of the State
_	of California, in another the found of San Diego.
33	Br W weel Deputy
<u> </u>	-53 -2-
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(SPACE BELOW FOR FILING STAMP ONLY) QUINTIN WHELAN ATTORNEY AT LAW 1 413 ORPHEUM THEATRE BUILDING SAN DIEGO 1, CALIFORNIA 2 MAIN 5108 3 4 Plaintiff Attorney for\_ 56 7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA 8 IN AND FOR THE COUNTY OF SAN DIEGO 9 No. 184346 10 ANTOINETTE DISIBIO, ) 11 Plaintiff ) 12 COMPLAINT FOR SUPPORT ) VS . 13 (Reciprocal Enforcement ) JOE DISIBIO, 14 of Support Law) Defendant N. 15 16 Plaintiff complains of defendant and for cause of action 17 alleges that: 18 T 19 Plaintiff ANTOINETTE DISIBIO is the legal custodian and 20 has actual physical custody of the following minor children: 21 AURORA DISIBIO, age 17 years, LORETTA DISIBIO, age 13 years, 22 and RAMONA DISIBIO, age 12 years. 23 Plaintiff and said minor children now reside at 247049 Mohawk Street, San Diego, California, and have resided 25 in the County of San Diego, State of California, for the past 26 27 two years. ΤT 28 Plaintiff is informed and believes and therefore alleges 29 that defendant JOE DISIBIC now resides in the State of Alabama, 30 and, so far as known to plaintiff, his address and circumstances 31 are as follows: 32

His address is Lillian, Baldwin County, Alabama. That defendant has pensions in the amount of \$140.00 per month, and receives interest on notes in the amount of \$65.00 per month.

## III

Defendant is the father of said minor children and is 6 7 responsible for the support of said children under the laws of the State of California and of the Alabama, but said 8 defendant since the 4th day of May, 1952, has refused, neglected 9 and failed to provide such support. Plaintiff Antionette Disibio 10 is not now receiving and has not since May 4th, 1952, received 11 any money, property or thing of value from said defendant for 12 the support of said children and plaintiff has never received 13 from said defendant any property, settlement or arrangement 14 15 of any sort providing for the current care or support of said 16 children.

## IV

Plaintiff is unable to support said children from her
own resources and earnings, and said children may therefore
have to look for partial support by public relief agencies.
Necessary additional amount needed by plaintiff for the care
of said children is \$135.00 a month.

WHEREFORE, plaintiff prays that this Court find that said defendant owes a duty of support to said minor children, as defined in the Reciprocal Enforcement of Support Law, and that a court in the State of Alabama can obtain jurisdiction of said defendant or his property; and for such other and further relief as this Court may deem just.

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Plaintiff

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STATE OF CALIFORNIA ) 1 S8. COUNTY OF SAN DIEGO ) 2 ANTOINETTE DISIBIO being sworn, says: That she is the 3 plaintiff in the above entitled action; that she has read the 4 foregoing complaint, and knows the contents thereof; that the 5 same is true of her own knowledge, except as to the matters which 6 are therein stated on her information or belief, and as to 7 those matters that she believes it to be true. 8 9 Antoinette Disibio Plaintiff 10 Subscribed and sworn to before me 11 12 on this 11th day of August, 1953. Quintin Whelan 13 Notary Public in and for said 14 County and State. Notarial Seal 15 16 17 18 19 20 21 22 The foregoing instrument is a full fue and correct copy of 23 the original op file in this office 24 NOV /2 4-1953 Ades) T. H. SEXTON, County Cherk and C 19 ior Lourt of the State 25 of California, in and y ci San Djego. 26 Deputy 27 28 29 30 31 32 - 3--

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABANA

IN EQUITY, CASE NO.

# DECREE

It appearing to the Court that the above cause is inactive, upon consideration, it is ARDERED, ADJUDGED and DECREED by the Court that said cause be and hereby is transferred to the active docket of this Court, and it is further ORDERED that the costs incurred in this cause be taxed against the State of Alabama pursuant to Section 119 (b), Title 34, 1955 Cumulative Pocket Parts, Code of Alabama.

This <u>M</u> day of <u>Allelling</u> 19<u>5</u>.

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8	In the Superior Court of the State of California
. 9	IN AND FOR THE COUNTY OF SAN DIEGO
10	No <b>184346</b>
11	ANTOINETTE DISIBIO, ) CERTIFICATE
12	Plaintiff ) CERTIFICATE (Reciprocal Enforce-
13	ment of Support Law)
14	JOE DISIBIO, )
15	Defendant )
16	The undersigned, a Judge of the above-entitled Court,
17 18	hereby certifies:
	1. That on the 13th day of October, 1953, a duly
19 20	verified complaint by the plaintiff above-named was duly filed in
20	this Court in a proceeding against the above-named defendant com-
22	menced under the provisions of the Reciprocal Enforcement of
23	Support Law (Stats. of Calif. 1951, ch. 694) to compel the sup-
-5 24	port of the dependent(s) named in that complaint.
25.	2. That the above-named defendant is believed to be residing
26	or domiciled in the State of Alabama, , having a
27	mailing or home address as follows: Lillian, Baldwin County,
28	Alabama.
29	that plaintiff also states that defendant, to the best of her
30	knowledge,
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. 32	
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	Sitting in Equity
. – – – – – – – – – – – – – – – – – – –	and that the Circuit Court/of Baldwin County,
- 1	Alabama.
2	may obtain jurisdiction of the defendant or his property.
- 3	3. That the undersigned, a Judge of the above-entitled
4	Court, has examined the plaintiff under oath and she has affirmed
5	the allegations contained in the complaint; and that according
6	to the testimony of the Plaintiff the need of the dependent(s)
7	named in the complaint for support is in the sum of \$ 135.00
8	per month.
. 9	4. That in the opinion of the undersigned Judge of the
10	above-entitled Court, the defendant should be compelled to
11	answer such complaint and to be dealt with according to law.
12	
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18	WHEREFORE, it is hereby ordered that certified copies of
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20	copy of the Reciprocal Enforcement of Support Law (Chapter 694,
21	Stats. 1951 of the State of California) be transmitted to
22	the Solicitor of Baldwin County, Alabama
23	
24	Dated: November 5th, 1953.
25	
26	
27	
28	Judge of the Superior Court
29	
30	The foregoing instrument is a full, true ent fortect copy of
-	the original on file in this cities.
31	T. H. SEXTON, County Clork and Charles Joseph Control the State
32	of California, in and ar the County of Sch Divide
33	Brock Q Depuir
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