

(3208)

DIVORCE DECREE

Printed by Moore Printing Co.

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

MYRTIS F. THOMAS

, Complainant

vs.

WILLIAM L. THOMAS

, Respondent

Answer and Waiver

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Con~~ Agreement Between the Parties 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

MYRTIS F. THOMAS

is forever divorced from the

said WILLIAM L. THOMAS

for and on account of

"ABANDONMENT"

It is further ORDERED, ADJUDGED AND DECREED that the written agreement between the parties filed herewith be, and it is hereby, ratified and confirmed and both parties are hereby ordered and directed to keep and abide by the terms of said agreement.

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 William L. Thomas the respondent pay the cost herein to be taxed, for which execution may issue.

This 6 day of March, 1954.

Hubert M. Hall

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.

No. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

*Filed 5-6-54
Divorce
Sargent*

MYRTIS F. THOMAS,

Complainant,

VS.

WILLIAM L. THOMAS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 3208 $\frac{1}{2}$

This came MYRTIS F. THOMAS and filed herein her verified petition praying that WILLIAM L. THOMAS be required to appear and show cause, if any he have, why he should not be punished as for a contempt in regard to the nature of things set out in the verified petition; and upon consideration of the said petition, it is

ORDERED, ADJUDGED AND DECREED by the Court that the said WILLIAM L. THOMAS appear before the Court at 10:00 O'clock, A. M., on the 20th day of October, 1959, in the Court room of the Circuit Court of Baldwin County, at Bay Minette, Alabama, and show cause, if any he have, why he should not be punished as for a contempt.

Let a copy of said petition and of this rule to show cause be served forthwith personally upon the said WILLIAM L. THOMAS by the Sheriff of Baldwin County, Alabama.

DONE AND ORDERED this the 23rd day of September, 1959.

Robert M. Stein
CIRCUIT JUDGE, IN EQUITY SITTING.

TO ANY SHERIFF OF THE STATE OF ALABAMA--GREETING:

You are hereby commanded to execute the foregoing and due return thereof make according to law.

This the 23rd day of September, 1959.

Robert M. Stein
CIRCUIT JUDGE, IN EQUITY SITTING.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 32081

MYRTIS F. THOMAS,
Complainant,

VS.

WILLIAM L. THOMAS,
Respondent.

RULE TO SHOW CAUSE.

Respondent may be served
at Sims & Company,
Birmingham, Alabama

MYRTIS F. THOMAS,
Complainant,
VS.
WILLIAM L. THOMAS,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 32081

Comes your Petitioner, MYRTIS F. THOMAS, who is over the age of twenty-one years, and respectfully shows unto the Court as follows: That by Decree of this Court, dated 6 March 1954, your Complainant was divorced from the respondent, WILLIAM L. THOMAS; that your complainant was given the care, custody and control of their six minor children; and that in said decree the said WILLIAM L. THOMAS was directed to pay to your Petitioner on the 2nd day of each month the sum of \$200.00 as alimony and for the support and maintenance of their six minor children;

That the said WILLIAM L. THOMAS has failed for more than the last past twelve months to make the said payment of \$200.00 per month as required by said decree, although having sufficient means to comply with said decree, and has willfully and contemptuously refused to obey said decree.

THE PREMISES CONSIDERED, your Petitioner prays that a rule be issued to the said WILLIAM L. THOMAS, requiring him at a time and place to be therein stated, to appear before this Honorable Court and show cause, if any he have, why he should not be punished as for a contempt; and Petitioner prays for such other and further relief as may be mete and proper.

Telfair J. Mashburn
SOLICITOR FOR PETITIONER

STATE OF ALABAMA, |
COUNTY OF BALDWIN. |

Before me, James Owens Jr., a Notary Public in and for said State and County, personally appeared TELFAIR J. MASHBURN, who is known to me and who, being by me first duly sworn, deposes and says that he is informed and believes, and, on such information and belief, avers that the allegations of the above petition are true.

FILED

SEP 23 1959

ALICE J. DUCK, Register

Sworn to and subscribed before me this 23 day of September, 1959.

80 Telfair J. Mashburn
Notary Public, Baldwin County, Ala.

80
004 To Record

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 3208

MYRTIS F. THOMAS,
Complainant,

VS.

WILLIAM L. THOMAS,
Respondent.

PETITION FOR RULE TO SHOW
CAUSE.

2/15 2nd time no
Respondent may be served
at Sims & Company,
Birmingham, Alabama

FILED

SEP 29 1959

ALICE J. DUCK, Register

Hogb

EXECUTED this the 8 day of OCT 1959
by leaving a copy of the within with
William L. Thomas
HOLT A. McDOWELL, Sheriff
Jefferson County, Alabama
By *J. H. H. of* D.S.

~~TRAVELING EXPENSE \$1.00~~
D.S.

2 Miles

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: JAMES R. OWEN

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 MYRTIS F. THOMAS

as witnesses in behalf of THE COMPLAINANT in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein MYRTIS F. THOMAS

is the , Complainant
and WILLIAM L. THOMAS

is the Respondent

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

Witness 4th day of March, 1954

Reid J. Remick

Register.

Commissioner's Fee, \$

Witness' Fees, \$

MYRTIS F. THOMAS

vs.

WILLIAM L. THOMAS

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, _____
Agreement Between the Parties, Answer and Waiver of the respon-
dent and testimony of Myrtis F. Thomas

and in behalf of Defendant upon Answer and Waiver and Agreement Between the
Parties.

Julius J. Mableberry, Jr.

Alice J. Lewis
Register.

W

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this 3-2-54

day of _____, 194

Register.

Printed by the Baldwin Times

MYRTIS F. THOMAS
Complainant,
VS.
WILLIAM L. THOMAS
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY.
NO.....

DEMAND FOR ORAL EXAMINATION.

COMES the Complainant, by attorney, and represents to the Court as follows:

1. That the following named witnesses reside within one hundred miles from
Bay Minette, in the County of Baldwin
Alabama, the place of trial of said cause, to-wit: MYRTIS F. THOMAS

2. That said complainant requires an oral examination of said witnesses before a com-
missioner appointed by the Register of this Court.

Tuffair J. Masliburg, Jr.
Solicitor for Complainant.

NOTE:

Complainant suggests the name of JAMES R. OWEN,

as a suitable and competent person to act as commissioner upon the examination of said witnesses.

Tuffair J. Masliburg, Jr.
Solicitor for Complainant.

BT-6-40-500

DEMAND FOR ORAL EXAMINATION.

.....
Complainant,

Vs.

.....
Respondent.

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

Filed this 5th day of March,

1942 41.

.....
August Wilck
Register.

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

MYRTIS F. THOMAS

Complainant

VS.

WILLIAM L. THOMAS

Respondent

James R. Owen

I,

as ~~Register and~~ Commissioner

have called and caused to come before me MYRTIS F. THOMAS

witness named in the Requirement for Oral Examination, on the 5th day of March

19 54, at the office of Telfair J. Mashburn, Jr.

in Bay Minette, Alabama, and having first sworn said Witness to speak the

truth, the whole truth, and nothing but the truth, the said MYRTIS F. THOMAS

doth depose and say as follows: "My name is MYRTIS F. THOMAS. I am the complainant in this cause. I am over the age of twenty one years and am a bona fide resident citizen of Baldwin County, Alabama, and have been for more than two years next preceding the filing of the bill of complaint in this cause. WILLIAM L. THOMAS, the respondent in this cause, is over the age of twenty-one years and is presently residing in Jefferson County, Alabama, his address being 2107 Second Avenue, North, Birmingham, Alabama. I was married to the respondent on the 14th day of January, 1933, at Harpersville, Mississippi. More than one year before the filing of the bill of complaint in this cause, while I was pregnant, my husband left me, and since that time, up to and including this day, he has refused to return to live with me as my husband. I did nothing to cause him to act as he has and I have often requested him to return to me and his family but he has refused. We have six children as the fruits of this marriage: William Harold Thomas, age 16; Alice Rebecca Thomas, age 15; Perry Farmer Thomas, age 14; James Lloyd Thomas, age 10; Joseph Paul Thomas, age 5; and Rachel Valeria Thomas, age 1. I have had the custody and control of these children during all of their lives and I believe that I am a fit and proper person to have their custody and control. I do not believe that the respondent is a fit and proper person to have their custody and control. I am not able to support the children, but the respondent has an income in excess of \$500.00 per month and he is able to support them. We have entered into an agreement with regard to the custody of the children and the amount the respondent should pay for their support, a copy of which agreement is attached to the bill of complaint in this cause. I believe that this agreement is just and reasonable and I hope that, if this Honorable Court grants me a divorce, it will decree that both parties abide by the terms of this agreement." Further Deponent says not.

Myrtis F. Thomas

ORAL EXAMINATION

I, JAMES R. OWEN, 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 her and she signed the same in the presence of myself Telfair J. Mashburn, Jr.

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proof 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 5th day of March, 1954

James R. Owen (L. S.)

No. _____ Page _____

The State of Alabama
Baldwin County.

In Circuit Court, In Equity

vs. Complainant

Respondent

Oral Deposition

Filed _____, 19____

Recorded in _____, Register

Record

Vol. _____ Page _____, Register

MYRTIS FARMER THOMAS,
Complainant,
Vs.
WILLIAM LLOYD THOMAS,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.
NO. _____

WAIVER AND ANSWER.

Comes the respondent in the above-styled cause and accepts service of a bill of complaint heretofore filed in said cause; waives notice of the filing of interrogatories in said cause, and the right to cross same; waives notice of the taking of testimony in said cause and consents that the same may be taken and the cause submitted for final decree at any time without further notice to him.

And for answer to the bill of complaint heretofore filed in this cause, respondent says:

1. He admits the allegations contained in paragraph 1 of said bill of complaint.
2. He admits the allegations contained in paragraph 2 of said bill of complaint.
3. He denies each and every allegation contained in paragraph 3 of said bill of complaint and demands strict proof thereof.
4. He admits the allegations of paragraph 4 of said bill of complaint, and, particularly, that the complainant is a fit and proper person to have the care, custody and control of their minor children.
5. He admits the allegations contained in paragraph 5 of said bill of complaint, and he agrees that \$200.00 per month would be a reasonable sum for him to pay for the support of the Complainant and his minor children, in the event this Honorable Court should see fit to grant a divorce to the Complainant.

Executed in the presence of:

W. J. JOHNSON
Paul Hutchinson

William L. Thomas
Respondent.

Answer & Waiver
Thomas No 3208

vs

Thomas

RECORDED

FILED

MAR 5 1954

CLICE J. DICK, Register

STATE OF ALABAMA,
COUNTY OF BALDWIN.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon WILLIAM L. THOMAS 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 MYRTIS F. THOMAS as Complainant and against WILLIAM L. THOMAS as Respondent.

WITNESS my hand this the ____ day of February, 1954.

REGISTER.

MYRTIS F. THOMAS,	0	IN THE CIRCUIT COURT OF
	0	
Complainant,	0	BALDWIN COUNTY, ALABAMA.
	0	
Vs.	0	IN EQUITY.
	0	
WILLIAM L. THOMAS,	0	NO. _____
	0	
Respondent.	0	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Your complainant, MYRTIS F. THOMAS, respectfully represent and shows unto your Honor and this Honorable Court as follows:

1. That complainant is over the age of twenty-one years and is a bona fide resident citizen of said State and County, residing at Fairhope, Alabama, and has been a bona fide resident citizen of said State and County for more than five years next preceding the filing of this bill of complaint; that WILLIAM L. THOMAS is over the age of twenty-one years and is presently a resident of Jefferson County, Alabama.
2. That your complainant and the respondent were lawfully married on or about, to-wit: the 14th day of January, 1933, at Harpersville, Mississippi.
3. That the said respondent voluntarily abandoned the bed and board of complainant for more than one year next preceding the filing of this bill of complaint, since which time complainant and respondent have not lived together nor in any way recognized each other as husband and wife; that such abandonment was without cause, fault or consent on the part of your complainant.
4. That there was born of this marriage the following: WILLIAM HAROLD THOMAS, age 16; ALICE REBECCA THOMAS, age 15; PERRY FARMER

THOMAS, age 14; JAMES LLOYD THOMAS, age 10; JOSEPH PAUL THOMAS, age 5; and RACHEL VALERIA THOMAS, age 1; that all of said children are minors; and that your complainant is a fit and proper person to have the care, custody and control of said children

5. That your complainant is without means of support and that the respondent is and able-bodied man, whos is well able to support and provide for your complainant and said minor children; that complainant and respondent have entered into an agreement with reference to alimony and support, a copy of which is hereto attached as Exhibit "A" and, by reference, made a part hereof, and by the terms of which agreement the respondent agrees to pay to your complainant the sum of \$200.00 per month for the support of herself and said minor children and to deed to her his interest in their home at Fairhope, Alabama.

Complainant avers that this is a reasonable, just and proper agreement and prays the Court that in the event a decree of divorce is given in this cause that the Court will decree that the parties keep and abide by the terms of said agreement.

WHEREFORE, the premises considered, your Complainant makes the said WILLIAM L. THOMAS a party respondent to this bill of complaint, and in order that complainant may have the relief herein prayed for, may it please your Honors to cause the State's writ of subpoena to be issued, directed to the said WILLIAM L. THOMAS, commanding him to answer, plead or demur to this bill of complaint, within the time required by law; and that on a final hearing of this cause your Honor will enter a decree divorcing your complainant from said respondent, giving her the custody and control of the minor children named in paragraph 4 hereof, with rights of reasonable visitation in the respondent, giving both parties the right to remarry, and ordering both parties to keep and abide by the terms of the agreement filed herewith as Exhibit "A"; and that your Honor will grant her such other, further, different and general relief as unto your Honor may seem just and proper and, as in duty bound, your Complainant will ever pray, etc.

Julian A. Maddux
Solicitor for Complainant.

DIVORCE AGREEMENT.

This agreement made and entered into on this the 17th day of February, 1954, by and between MYRTIS FARMER THOMAS, hereinafter referred to as the party of the first part, and WILLIAM LLOYD THOMAS, hereinafter referred to as the party of the second part, WITNESSETH:

~~WHEREAS, the parties hereto have been husband and wife for a~~
period of twenty-one years, and as a result of such union have six children: WILLIAM HAROLD THOMAS, age 17; ALICE REBECCA THOMAS, age 16; PERRY FARMER THOMAS, age 14; JAMES LLOYD THOMAS, age 10; JOSEPH PAUL THOMAS, age 5; and RACHEL VALERIA THOMAS, age 1; and

WHEREAS, said parties have definitely concluded that under conditions now existing it is impracticable for them to live together as man and wife.

NOW, THEREFORE, IN CONSIDERATION THEREOF, and of the mutual agreements hereinafter made, they have mutually agreed to a complete separation under the following terms and conditions:

1. The said parties shall entirely and completely separate as man and wife, live separate and apart, and neither party hereafter shall in any way harass, threaten, intimidate, or otherwise act in any way so as to embarrass or humiliate the other party.
2. The party of the first part shall have exclusive custody and control of the above named minor children, subject only to the right of reasonable visitation on the part of the party of the second part, such visitation to be exercised in a proper and reasonable manner and at such times as may be convenient to and consented to by the party of the first part.
3. The party of the second part agrees to pay to the party of the first part for the support and maintenance of herself and minor children, on or before the 2nd day of each month, the sum of not less than \$200.00 per month, and to secure the payment of the same, he hereby authorizes and empowers her to sign his name to his U. S. Government Compensation check; it being understood and agreed that in consideration of the prompt payment of said sum, he shall be, and hereby is, released from any further obligation of any kind or character by way of alimony, court decree or otherwise, to contribute towards the maintenance of said children, or of the party of the first part.

DIVORCE AGREEMENT, page two:

It is further understood and agreed that the party of the second part will make, execute and deliver to the party of the first part a deed conveying all of this interest in their home in Fairhope, Alabama.

It is further understood and agreed between the parties hereto that the payment of \$200. 00 per month hereinbefore mentioned is the minimum amount which the party of the second part shall pay for the maintenance and support of the party of the first part and their minor children and is based on his present earnings of \$300⁰⁰ per month, and, should his earnings increase, he agrees to increase his payments for their support and maintenance in direct proportion.

It is further agreed and understood that there shall be no change in the payment for the support of the minor children and the party of the first part--that is to lessen said payments--until at least three of the said minor children have become self-supporting.

This agreement has been made and executed by the parties hereto on the day and date hereinabove first set forth, in good faith, with full understanding of all of its provisions, and with the mutual promise on the part of each to comply therewith faithfully and completely.

John W. Wash
Witness to the signature of
MYRTIS FARMER THOMAS.

Paul R. Roberts
Witness to the signature of
WILLIAM LLOYD THOMAS.

Myrtis Farmer Thomas
William L Thomas

MYRTIS F. THOMAS,)
 Complainant,)
vs.)
WILLIAM L. THOMAS,)
 Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY, CASE NO. 3208

Comes now the Complainant in the above styled cause, and files this Motion to Dismiss the contempt decree filed herein, and for grounds thereof says: That the Respondent has complied with the Decree by paying the Complainant the sum ordered by said Decree.


SOLICITOR FOR COMPLAINANT

FILED
JUL 8 1965
AIDE L. DUCK, CLERK
REGISTERED

MYRTIS F. THOMAS,)
 Complainant,)
vs.)
WILLIAM L. THOMAS,)
 Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY, CASE NO. 3208

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

WHEREAS, the Honorable Telfair J. Mashburn, Judge of the Circuit Court of Baldwin County, Alabama, in Equity, did render a Decree on the 14 day of Oct, 1965, adjudging WILLIAM L. THOMAS to be in contempt of this Court and ordering the said WILLIAM L. THOMAS to pay to MYRTIS F. THOMAS the sum of SIX HUNDRED FIFTY-SIX AND 30/100 (\$656.30) DOLLARS and in addition thereto to pay to JOHN V. DUCK, Attorney at Law, Fairhope, Alabama, the sum of SEVENTY-FIVE (\$75.00) DOLLARS as a reasonable Attorney's Fee, and further adjudging the said WILLIAM L. THOMAS to be in contempt of this Court and ordering the said WILLIAM L. THOMAS to pay the above said sums or be arrested and imprisoned in the County Jail of Baldwin County, Alabama, for such contempt.

You are therefore commanded to forthwith arrest the said WILLIAM L. THOMAS and commit him to the County Jail of Baldwin County, Alabama, until he has complied with the Decree of said Court by paying the above said sums which is in accordance with the aforesaid Decree, and due return to make as to how you have executed this Writ.

DONE this the 14 day of October, 1965

Deirdre J. Duck
REGISTER IN EQUITY, BALDWIN COUNTY,
ALABAMA.

MYRTIS F. THOMAS,)
 Complainant,)
vs.)
WILLIAM L. THOMAS,)
 Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY, CASE NO. 3208

This matter now coming on to be heard before the Court, is submitted for decision upon the verified Petition for Rule to Show Cause, and upon the testimony which has been taken orally before the Court; and upon consideration of the same, the Court is of the opinion that the said WILLIAM L. THOMAS possesses the means, and has willfully and contemptuously refused to pay to MYRTIS F. THOMAS the sum of SIX HUNDRED FIFTY-SIX AND 30/100 (\$656.30) DOLLARS as alimony and support heretofore directed in her favor by the said Decree of this Court dated the 19th day of July, 1965.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court:

1. That the said WILLIAM L. THOMAS is in contempt of this Court.

2. That the said WILLIAM L. THOMAS pay to MYRTIS F. THOMAS, the sum of SIX HUNDRED FIFTY-SIX AND 30/100 (\$656.30) DOLLARS, and in addition thereto, to pay to JOHN V. DUCK, Attorney at Law, Fairhope, Alabama, the sum of SEVENTY-FIVE (\$75.00) DOLLARS as a reasonable attorneys fee, or that he be confined in the Jail of Baldwin County, Alabama, until he shall comply with the terms of said Decree or be otherwise discharged by due process of law.

DONE this the 14th day of October, 1965.

Jeffrey H. Madsen
CIRCUIT JUDGE

FILED

OCT 14 1965

FILED

324-1649
Home 833-5257

RECEIVED

OCT 1 1965

TAYLOR WILKINS
SHERIFF

NOV 8 1965

*Return Miller
Court*

MELVIN BAILEY, Sheriff

M. Adams

*Baldwin
Circuit Court
#3208*

Myrtis F. Thomas

VS.

William L. Thomas

*1717 Falcon Drive
Birmingham, AL*

*SIMS + CO.
2115 2nd AVE North
Attach
BETWEEN 8 + 10 AM*

8 + 10

MYRTIS F. THOMAS

Complainant,

vs:

WILLIAM L. THOMAS

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY CASE NO. 3208

RULE TO SHOW CAUSE

This day came Myrtis F. Thomas and filed her verified petition praying that William L. Thomas be required to appear and show cause, if any he may have, why he should not be punished as for a contempt in regard to the nature of things set out in the verified petition; and upon consideration of the said petition, it is

ORDERED, ADJUDGED and DECREED by the Court that the said William L. Thomas appear before this Court at 2:00 P.M. on the 20th day of May, 1965, in the Courtroom of the Circuit Court of Baldwin County, Alabama, and show cause, if any he may have, why he should not be punished as for a contempt.

Let a copy of said petition and of this rule to show cause be served forthwith, personally, upon the said William L. Thomas by the Sheriff of Baldwin County, Alabama.

Done this 19th day of April, 1965.

FILED

APR 19 1965

RECEIVED

Justin A. Washburn

Judge, Circuit Court of
Baldwin County, Alabama

MYRTIS F. THOMAS,) IN THE CIRCUIT COURT OF
Complainant,) BALDWIN COUNTY, ALABAMA
vs.) IN EQUITY
WILLIAM L. THOMAS,)
Respondent.)

MOTION FOR RULE NI SI

Comes now MYRTIS F. THOMAS, the Complainant in the above styled cause, and respectfully represents that heretofore and on the 6th day of March, 1954, a Decree was entered in the above styled cause, which, among other things, the Respondent was ordered to pay to your Complainant the sum of TWO HUNDRED (\$200.00) DOLLARS per month as support for the parties minor children and that your Petitioner further represents that the Respondent is now approximately EIGHT HUNDRED (\$800.00) DOLLARS in arrears in said payments.

WHEREFORE, your Petitioner respectfully prays that an Order be issued directing the Respondent to show cause why he should not be held in contempt of Court and your Petitioner prays for such other, further and different relief as may be just and proper, these premises considered.

Mrs Myrtis F. Thomas
PETITIONER

FILED

APR 19 1965

ALICE L. DUCK, CLERK
REGISTER

Subscribed and sworn to before me
this the 16th day of April
1965.

John V. Duck
NOTARY PUBLIC

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No.....

.....TERM. 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon WILLIAM L. THOMAS

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.....

WILLIAM L. THOMAS....., Defendant.....

by MYRTIS F. THOMAS.....

..... Plaintiff.....

Witness my hand this.....day of..... 19.....

Reinhold Wick Clerk

No. 3208

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

MYRTIS F. THOMAS

Plaintiffs

vs.

WILLIAM L. THOMAS

1217 Falcon Drive

Defendants

~~SUMMONS AND COMPLAINT~~

Petition & Order

Filed 4-19 1965

W. J. Duck Clerk

JOHN V. DUCK

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

1217 Falcon Drive
Birmingham, Alabama

RECEIVED

Received In Office

APR 19 1965

19.....

TAYLOR WILKINS

SHERIFF

Sheriff

I have executed this summons

MAY 7 1965

this 19.....

by leaving a copy with

William L. Thomas

Melvin Bailey, Sheriff of
Jefferson County, Alabama,
claims \$1.50 each for serving

1 process(es) and \$1.00
travel expense in each of

1 process(es) or a total of

\$ 2.50

W. O. Fisher Deputy Sheriff.

MELVIN BAILEY

Sheriff

W. O. Fisher Deputy Sheriff

MYRTIS F. THOMAS,	)	IN THE CIRCUIT COURT OF
Complainant,	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY
WILLIAM L. THOMAS,	)	<i>no. 3206</i>
Respondent.)	

MOTION FOR RULE NISI

Comes now MYRTIS F. THOMAS, the Complainant in the above styled cause, and respectfully shows unto your Honor and this Honorable Court as follows:

1. That heretofore and on, to-wit: the 6th day of March, 1954, a Decree was entered in the above styled cause, which, among other things, the Respondent was ordered to pay to your Complainant the sum of TWO HUNDRED (\$200.00) DOLLARS per month as support for herself and the minor children of the parties herein.

Your Complainant further shows to your Honor that on the 19th day of April, 1965, your Complainant filed a Motion for Rule Nisi alleging that the Respondent was in arrears in the support in the amount of EIGHT HUNDRED (\$800.00) DOLLARS.

Your Complainant further shows that a Decree was rendered in this cause on the 19th day of July, 1965 wherein the parties agreed that upon the payment of TWO HUNDRED (\$200.00) DOLLARS the Respondent would be paid to the 28th day of May, 1965, and Complainant now alleges that the Respondent is now SIX HUNDRED SIXTY-THREE (\$663.00) DOLLARS in arrears in said payments.

Your Complainant further avers that in and by the terms of said Decree rendered on the 19th day of July, 1965, the Court ordered the said WILLIAM L. THOMAS to pay to the law firm of DUCK & LACEY the sum of FIFTY (\$50.00) DOLLARS as attorneys fee, and your Complainant further avers that the Respondent has failed and refused to pay the said fee.

WHEREFORE, your Petitioner respectfully prays that an Order be issued directing the Respondent to show cause why he should not be held in contempt of Court, and your Petitioner prays for such other, further and different relief as may be just and proper, the premises considered.

FILED

APR 22 1965

CLERK

Myrtis F. Thomas
Petitioner

Sworn to and subscribed before me this the 22nd day
of September, 1965.

Lucia Higher
NOTARY PUBLIC

MYRTIS F. THOMAS

IN THE CIRCUIT COURT OF

Complainant,

BALDWIN COUNTY, ALABAMA

vs:

WILLIAM L. THOMAS

IN EQUITY CASE NO. 3208

Respondent.

RULE TO SHOW CAUSE

This day came Myrtis F. Thomas and filed her verified petition praying that William L. Thomas be required to appear and show cause, if any he may have, why he should not be punished as for a contempt in regard to the nature of things set out in the verified petition; and upon consideration of the said petition, it is

ORDERED, ADJUDGED and DECREED by the Court that the said William L. Thomas appear before this Court at 9:30 A.M. on the 11th day of October, 1965, in the Courtroom of the Circuit Court of Baldwin County, Alabama, and show cause, if any he may have, why he should not be punished as for a contempt.

Let a copy of said petition and of this rule to show cause be served forthwith, personally, upon the said William L. Thomas by the Sheriff of Baldwin County, Alabama.

Done this 24th day of September, 1965.

James H. McAllister
Judge, Circuit Court of
Baldwin County, Alabama

1217 Falcon Dr.
B'ham

11/064 RECEIVED

SEP 24 1965

TAYLOR WILKINS
SHERIFF

EXECUTED this the
day of _____
by leaving a copy of the within with
William L. Thomas
Melvin Bailey, Sheriff
Jefferson County, Alabama, D.S.

Melvin Bailey, Sheriff of
Jefferson County, Alabama,
claims \$1.50 each for serving
process(es) and \$1.00
travel expense on each of
process(es) or a total of
\$2.50
J. L. Bailey Deputy Sheriff,

hwp-ph

Barclay County
Circuit Court, In Equity
No. 32068

11/064 Myrtis F. Thomas
vs
William L. Thomas

1. Return
2. Rule

833-5257
Edwards Lake Rd No
to Belvedere, Queerst
of Monterey Dr.
William L. Thomas
1217 - Falcon Dr.

JOHN V. DUCK
RICHARD C. LACEY

DUCK & LACEY
Attorneys at Law
FAIRHOPE, ALABAMA

319 MAGNOLIA AVENUE
P. O. BOX 296
TELEPHONE 928-2191

July 14, 1965

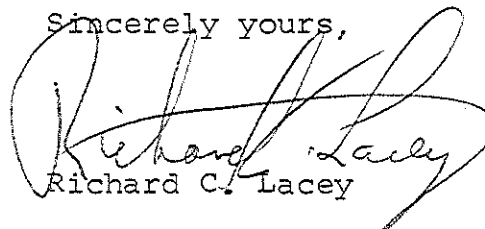
Mrs. Alice J. Duck
Clerk of the Circuit Court
Bay Minette, Alabama

RE: Myrtis F. Thomas Vs. William L. Thomas
Circuit Court of Baldwin County, in Equity
Case No. 3208

Dear Mrs. Duck:

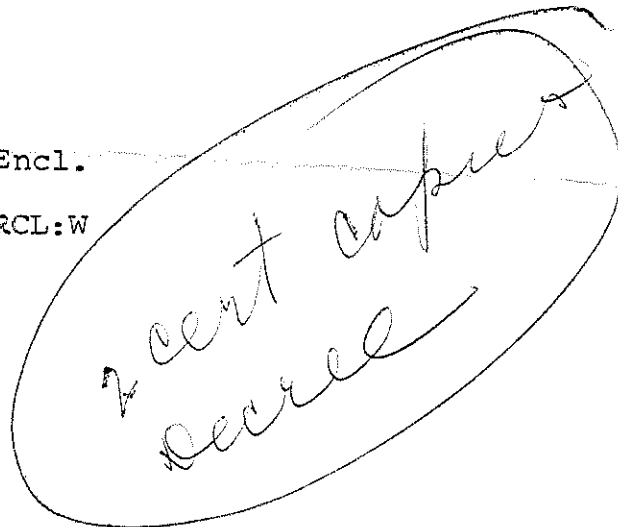
I am enclosing a decree arrived at by agreement by Mr. Lair
and myself. Please place same before Judge Mashburn for
his signature and return to me the original and one (1) copy.

Sincerely yours,


Richard C. Lacey

Encl.

RCL:W


2 cert copies
decree

MYRTIS F. THOMAS,) IN THE CIRCUIT COURT OF BALDWIN COUNTY,
Complainant (ALABAMA, IN EQUITY
VS.)
WILLIAM L. THOMAS, ()
Respondent) CASE NO. 3208

This matter now coming on to be heard before the Court, is submitted for decision upon the verified petition for a rule to show cause, upon the answer of the Respondent to said petition and upon the agreement between the Complainant and the Respondent; and upon the consideration of the same the Court is of the opinion that the terms of said agreement between the Complainant and Respondent as to alimony and support payments in arrears be complied with, it is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court:

1. That said William L. Thomas is hereby ordered to pay unto Myrtis F. Thomas the sum of Two Hundred Dollars (\$200.00) in alimony payments in arrears; and that upon the payment of said Two Hundred Dollars (\$200.00) the Court holds that said William L. Thomas is current and up-to-date on all alimony and support and maintenance payments decreed by this Court in this case from the date of the final decree divorcing said parties up to and including the date of May 28, 1965.

2. That said William L. Thomas is ordered to make all future payments to the Register of the Court.

3. That said William L. Thomas is hereby ordered to pay to the firm of DUCK AND LACEY the sum of Fifty Dollars (\$50.00) attorneys fee.

DONE this 19th day of July Telfair J. Mashburn 1965.

Telfair J. Mashburn
TELFAIR J. MASHBURN, Circuit Judge

MR. LAIR IN BIRMINGHAM REPRESENTS MR. THOMAS
AND SAID MR. THOMAS WAS SERVED ONLY THE DAY OR THE
DAY BEFORE THE HEARING AND THAT THEY WOULD LIKE TO BE
HEARD BEFORE YOU RENDER~~E~~ AN ORDER IN THIS CASE. I
TOLD HIM TO GET IN TOUCH WITH JOHN DUCK AND SEE IF
THEY COULDN'T WORK OUT SOMETHING.

MYRTIS F. THOMAS.

Complainant,

VS

WILLIAM L. THOMAS.

Respondent.

1234

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA. IN EQUITY.

May 20, 1965

MYRTIS F. THOMAS, THE COMPLAINANT, BEING FIRST DULY SWORN,
TESTIFIED AS FOLLOWS:

Examination by Mr. Duck.

Q. State your full name, please?

A. Myrtis F. Thomas.

Q. Were you the complainant in a divorce action in Baldwin County, Alabama, in 1954, against William L. Thomas?

A. Yes sir.

Q. Was a final decree rendered on March 6, 1954?

A. Yes.

Q. As a part of the decree, among other things, was the Respondent, William L. Thomas, ordered to pay you \$200.00 per month as support for yourself and your minor children?

A. Yes.

Q. Has he paid that \$200.00 each monty since that date?

A. No sir, he has not.

Q. How much is he now in arrears ?

A. \$1,748.78.

Q. How do you arrive at that figure?

A. Approximately from 1961, the way I figure it, he is \$31.26 each month short and that would make it up to that amount.

Q. Does he send you a check each month?

A. Part of this comes from the Veteran's Administration; I am

guardian for the children, and the other part he is supposed to make up with personal check and he has failed to make up the difference.

Q. You have asked him for the difference from time to time?

A. Yes sir; he knows that he is not doing it.

Q. Have you not filed a contempt proceeding before in this same matter?

A. I had to do the same thing a couple of years ago, and he did all right for a while and then he started missing again; We have had trouble before with the same thing.

Q. Have you heard from Mr. Thomas since this motion was filed?

A. He called Paul last night and Paul talked to him and he made out like he didn't know anything about it.

MYRTIS F. THOMAS,	)	IN THE CIRCUIT COURT OF
Complainant,	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY, CASE NO. 3208
WILLIAM L. THOMAS,)	
Respondent.)	

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

WHEREAS, the Honorable Telfair J. Mashburn, Judge of the Circuit Court of Baldwin County, Alabama, in Equity, did render a Decree on the _____ day of _____, 1965, adjudging WILLIAM L. THOMAS to be in contempt of this Court and ordering the said WILLIAM L. THOMAS to pay to MYRTIS F. THOMAS the sum of SIX HUNDRED FIFTY-SIX AND 30/100 (\$656.30) DOLLARS and in addition thereto to pay to JOHN V. DUCK, Attorney at Law, Fairhope, Alabama, the sum of SEVENTY-FIVE (\$75.00) DOLLARS as a reasonable Attorney's Fee, and further adjudging the said WILLIAM L. THOMAS to be in contempt of this Court and ordering the said WILLIAM L. THOMAS to pay the above said sums or be arrested and imprisoned in the County Jail of Baldwin County, Alabama, for such contempt.

You are therefore commanded to forthwith arrest the said WILLIAM L. THOMAS and commit him to the County Jail of Baldwin County, Alabama, until he has complied with the Decree of said Court by paying the above said sums which is in accordance with the aforesaid Decree, and due return to make as to how you have executed this Writ.

DONE this the _____ day of _____, 196

REGISTER IN EQUITY, BALDWIN COUNTY
ALABAMA.

MYRTIS F. THOMAS,	)	IN THE CIRCUIT COURT OF
Complainant,	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY, CASE NO. 3208
WILLIAM L. THOMAS,)	
Respondent.)	

This matter now coming on to be heard before the Court, is submitted for decision upon the verified Petition for Rule to Show Cause, and upon the testimony which has been taken orally before the Court; and upon consideration of the same, the Court is of the opinion that the said WILLIAM L. THOMAS possesses the means, and has willfully and contemptuously refused to pay to MYRTIS F. THOMAS the sum of SIX HUNDRED FIFTY-SIX AND 30/100 (\$656.30) DOLLARS as alimony and support heretofore directed in her favor by the said Decree of this Court dated the 19th day of July, 1965.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court:

1. That the said WILLIAM L. THOMAS is in contempt of this Court.
2. That the said WILLIAM L. THOMAS pay to MYRTIS F. THOMAS, the sum of SIX HUNDRED FIFTY-SIX AND 30/100 (\$656.30) DOLLARS, and in addition thereto, to pay to JOHN V. DUCK, Attorney at Law, Fairhope, Alabama, the sum of SEVENTY-FIVE (\$75.00) DOLLARS as a reasonable attorneys fee, or that he be confined in the Jail of Baldwin County, Alabama, until he shall comply with the terms of said Decree or be otherwise discharged by due process of law.

DONE this the 14th day of October, 1965.

Julian A. Maschbauer
CIRCUIT JUDGE

MYRTIS F. THOMAS,)
Complainant,)
vs.)
WILLIAM L. THOMAS,)
Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY, CASE NO. 3208

Comes now the Complainant in the above styled cause, and files this Motion to Dismiss the contempt decree filed herein, and for grounds thereof says: That the Respondent has complied with the Decree by paying the Complainant the sum ordered by said Decree.

SOLICITOR FOR COMPLAINANT

RECEIVED
CLERK OF COURT
BALDWIN COUNTY, ALA.

FILED
BALDWIN COUNTY, ALA.
JAN 10 1968

MYRTIS F. THOMAS,	)	IN THE CIRCUIT COURT OF
Complainant,	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY, CASE NO. 3208
WILLIAM L. THOMAS,)	
Respondent.)	

This matter now coming on to be heard before the Court, is submitted for decision upon the verified Petition for Rule to Show Cause, and upon the testimony which has been taken orally before the Court; and upon consideration of the same, the Court is of the opinion that the said WILLIAM L. THOMAS possesses the means, and has willfully and contemptuously refused to pay to MYRTIS F. THOMAS the sum of SIX HUNDRED FIFTY-SIX AND 30/100 (\$656.30) DOLLARS as alimony and support heretofore directed in her favor by the said Decree of this Court dated the 19th day of July, 1965.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court:

1. That the said WILLIAM L. THOMAS is in contempt of this Court.

2. That the said WILLIAM L. THOMAS pay to MYRTIS F. THOMAS, the sum of SIX HUNDRED FIFTY-SIX AND 30/100 (\$656.30) DOLLARS, and in addition thereto, to pay to JOHN V. DUCK, Attorney at Law, Fairhope, Alabama, the sum of SEVENTY-FIVE (\$75.00) DOLLARS as a reasonable attorneys fee, or that he be confined in the Jail of Baldwin County, Alabama, until he shall comply with the terms of said Decree or be otherwise discharged by due process of law.

DONE this the 14th day of October, 1965.

Jeffrey J. Maslowski
CIRCUIT JUDGE

MYRTIS F. THOMAS,)
Complainant,)
vs.)
WILLIAM L. THOMAS,)
Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY, CASE NO. 3208

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

WHEREAS, the Honorable Telfair J. Mashburn, Judge of the Circuit Court of Baldwin County, Alabama, in Equity, did render a Decree on the 14 day of Oct, 1965, adjudging WILLIAM L. THOMAS to be in contempt of this Court and ordering the said WILLIAM L. THOMAS to pay to MYRTIS F. THOMAS the sum of SIX HUNDRED FIFTY-SIX AND 30/100 (\$656.30) DOLLARS and in addition thereto to pay to JOHN V. DUCK, Attorney at Law, Fairhope, Alabama, the sum of SEVENTY-FIVE (\$75.00) DOLLARS as a reasonable Attorney's Fee, and further adjudging the said WILLIAM L. THOMAS to be in contempt of this Court and ordering the said WILLIAM L. THOMAS to pay the above said sums or be arrested and imprisoned in the County Jail of Baldwin County, Alabama, for such contempt.

You are therefore commanded to forthwith arrest the said WILLIAM L. THOMAS and commit him to the County Jail of Baldwin County, Alabama, until he has complied with the Decree of said Court by paying the above said sums which is in accordance with the aforesaid Decree, and due return to make as to how you have executed this Writ.

DONE this the 14 day of Oct, 196

Ellice J. Duck.
REGISTER IN EQUITY, BALDWIN COUNTY
ALABAMA.