

3209

FRED BROOKS EGGART

COMPLAINANT

VS

ELIZABETH WHITE EGGART

RESPONDENT

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

Comes now the Respondent in the above styled cause and demurs to the Complainant's bill of complaint and for grounds of demurrers says:

1.

For ought appearing the Complainant has not lived in Alabama during the last two years.

2.

For ought appearing this court does not have jurisdiction of this cause.

WILTERS & BRANTLEY

Albert M Brantley
Solicitor for the Respondent

3209

FRED BROOKS EGGART

COMPLAINANT

VS

ELIZABETH WHITE EGGART

RESPONDENT

DEMURRERS

FILED

MAY 22 1954

ALICE J. BUCK, Register

FRED BROOKS EGGART	§	
COMPLAINANT	§	IN THE CIRCUIT COURT OF
VS	§	BALDWIN COUNTY, ALABAMA,
ELIZABETH WHITE EGGART	§	IN EQUITY
RESPONDENT	§	

ANSWER AND CROSS BILL

For answer to the Complainant's complaint your Respondent says as follows:

1.

The Respondent admits the allegations contained in Section One of the Bill of Complaint.

2.

The Respondent denies the allegations in Section 2 of the Complaint and says that she did not voluntarily abandoned the Complainant, but was driven from the home by cats. That the Respondent accumulated a great number of cats of varied pedigrees and breeds and brought them into the home of the Complainant and Respondent. That the Complainant insisted that the cats and their kittens be made a part of the family. That they live in the house with the Complainant and Respondent and be kept indoors and protected. Your Respondent avers that the said cats were not house broken but on the contrary. That they used her rugs, chairs and beds as a place to sleep, to mate and to "answer the call of nature". That the Respondent repeatedly urged and begged the Complainant to get rid of the cats or a part of them, that he refused to do this. The Respondent avers that the house acquired a foul odor; that it was in a constant turmoil as a result of the allegations aforesaid. That this situation frustrated and humiliated the respondent so that she felt that she could not continue to live in it. The Respondent avers that at the time she left the home of the Complainant she insisted, and so stated to the Complainant that either she or the cats would have to go. The Respondent says that your Complainant took the position that he is keeping the cats, that the Respondent could go or stay as she pleased.

She left.

Now having fully answered the Bill of Complaint the Respondent now, by way of cross bill, shows unto Your Honor as follows:

3.

That the Cross Complainant and Cross Respondent are over the age of 21 years, that the Cross Complainant is a bona fide resident citizen of Atmore, Escambia County, Alabama, and has so resided for more than two years next preceding the time of the filing of this bill of complaint. That the Cross Respondent is a bona fide resident citizen of Bay Minette, Baldwin County, Alabama, and has so resided for more than two years next preceding the time of the filing of this Bill of Complaint; that the Cross Complainant and Cross Respondent were married to one another at Atmore, Escambia County, Alabama, on to-wit, September 3, 1934, that they lived together as man and wife until to-wit, September 1, 1948, at which time they separated. That from September 1, 1948, until the time of the filing of this Bill of Complaint, the Cross Complainant has lived separate and apart from the bed and board of the Cross Respondent without support from him during this period of time and has been a bona fide resident citizen of Atmore, Escambia County, Alabama, and continuously during this said period of time.

4.

The Cross Complainant avers that during the aforesaid marriage she worked in the home and helped the Cross Respondent accumulate and save a considerable sum of money. That the Cross Respondent purchased the following described lands with this money, to-wit:

Southeast quarter of Northeast quarter of Southwest quarter of Section 18, Township 2 South, Range 3 East, Baldwin County, Alabama.

That there is a four room house located on the said land, that the land together with the house located thereon, is in the opinion of your Cross Complainant worth Two Thousand (\$2000.00) Dollars.

PRAYER FOR RELIEF

Premises considered, your Cross Complainant prays that on a final hearing of this cause Your Honor will make and enter a decree granting your Cross Complainant a divorce from the Cross Respondent for an on account of having lived separate and apart from the bed and board of the Cross

Respondent without support from him for two years and will ascertain what equitable interest the Cross Complainant is entitled to in the aforesaid land and award such portion of it to her as gross alimony.

In the Alternative your Cross Complainant prays that Your Honor will declare here to be a tenant in common with the Cross Respondent in the aforesaid lands, declare her interest therein and enter an order requiring the Register to sell the same for a partition and division of the proceeds therefrom. Your Cross Complainant prays for such other further, different and general relief to which she in the premises may be entitled.

Wilters & Brantley

BY:

Albert M Brantley
Solicitor for Cross Complainant

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

WE COMMAND YOU, that you summon ELIZABETH WHITE EGGART, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery jurisdiction, within thirty days after the service of summons, and there to answer, plead, or demur, without oath, to a bill of complaint lately exhibited by Fred Brooks Eggart against the said Elizabeth White Eggart and further to do and perform what said judge shall order and direct in that behalf, and this the defendant shall in no wise omit, under penalty of the law; and we further command that you return this writ with your endorsement thereof, to our said court immediately upon the execution thereof.

WITNESS, Alice J. Duck, Register of said Circuit Court, this the 6 day of March, 1954.

Alice J. Duck
Register.

FRED BROOKS EGGART
COMPLAINANT

VS

ELIZABETH WHITE EGGART
RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

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

Comes your complainant, Fred Brooks Eggart, and humbly complaining against Elizabeth White Eggart, respondent, respectfully shows unto your Honor:

FIRST: That your complainant and the said Elizabeth White Eggart are each over the age of twenty-one years, that your complainant is a resident of Baldwin County, where he has resided for more than fifteen years; that the respondent is a resident of Atmore, Escambia County, Alabama;

SECOND: That your complainant and the said Elizabeth White Eggart intermarried at Atmore, Alabama, in 1936 and lived together as husband and wife until September 1948, that in September, 1948 the respondent voluntarily abandoned complainant at Bay Minette, Alabama, and has remained away continuously since that date; that

such abandonment was without just cause or reasonable excuse; that complainant and respondent have not lived together as husband and wife since September, 1948; that the said abandonment and separation occurred at Bay Minette, in Baldwin County, Alabama, as aforesaid; that the complainant and respondent have no children.

WHEREFORE your complainant prays that this Honorable Court will take the jurisdiction of the cause made by this bill of complaint and make the said Elizabeth White Eggart party defendant hereto and by appropriate process require her to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon the final hearing of this cause this Honorable Court will make and enter a decree forever dissolving the bonds of matrimony existing between this complainant and the said respondent and complainant prays for such other, further or different relief as in equity and good conscience he shall be entitled to receive in the premises.

Barber & Swearingen
Solicitor for complainant

FRED BROOKS EGGART

COMPLAINANT

VS

ELIZABETH WHITE EGGART

RESPONDENT

ANSWER AND CROSS BILL

FILED
JUN 22 1954
ALICE J. DICK, Register

FRED BROOKS EGGART, COMPLAINANT

and CROSS-RESPONDENT

VS

ELIZABETH WHITE EGGART, RESPONDENT

and CROSS-COMPLAINANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

ANSWER TO CROSS-BILL

Comes the Complainant and Cross-Respondent, and answering the Cross-Complaint in this cause filed, says:

1. He denies all of the allegations of paragraph two (2) and says that the same are untrue.
2. He admits the allegations in paragraph three (3) as to ages, places of residence, the time and place of their marriage, and the time and place of their separation, and further answering the allegations of the said paragraph and the Cross-Bill as a whole, the Cross-Respondent says that the Defendant and Cross-Complainant voluntarily left his bed and board and voluntarily remained away continuously since September, 1948.
3. Answering the allegations of paragraph four (4), the Cross-Respondent admits ownership of the property in paragraph four (4), and further answering the allegations of paragraph four (4), Cross-Respondent says that the Cross-Complainant in no way contributed toward the purchase of said property or accumulation of the money, and that the same is not exceeding \$1,000.00 in value; that it was purchased by the Cross-Respondent as a home for this Cross-Complainant and Cross-Respondent; that it is situated a short distance West of Bay Minette; that its chief value was and is for use as a home; that the Cross-Complainant refused to move therein with this Cross-Respondent, but on the contrary voluntarily left this Cross-Respondent and moved to Atmore where she has remained continuously since September, 1948, and during said period she has continuously refused to return to her home with this Cross-Respondent, though he has, during said period, been ready and willing to provide a home and proper maintenance and support for her therein.
4. And now, having fully answered the Defendant and Cross-Complainant's Bill of Complaint, the Complainant and Cross-Respondent prays that he may go hence with his reasonable costs in this behalf expended.

BEEBE & SWEARINGEN

By: F. B. Swearingen
Solicitor for Cross-Respondent

Answer to Cross-Bill

Ira Brooks Eggart,
Complainant and
Cross-Respondent
vs

Elizabeth White Eggart,
Respondent and
Cross-Complainant

FILED
JUN 29 1954
ALICE J. DUCK, Register

FRED BROOKS EGGART,	IN THE CIRCUIT COURT OF
COMPLAINANT,	BALDWIN COUNTY, ALABAMA,
VS	
ELIZABETH WHITE EGGART,	IN EQUITY
RESPONDENT.	

Comes your complainant in the above styled cause and, with leave of court having first been obtained, amends his bill of complainant to read as follows:

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

Comes your complainant, Fred Brooks Eggart, and humbly complaining against Elizabeth White Eggart, respondent, respectfully shows unto your Honor:

FIRST: That you complainant and the said Elizabeth White Eggart are each over the age of twenty-one years, that your complainant is a resident of Baldwin County, where he has resided for more than fifteen years continuously next preceding the filing of this bill of complaint; that the respondent is a resident of Atmore, Escambia County, Alabama;

SECOND: That your complainant and the said Elizabeth White Eggart intermarried at Atmore, Alabama, in 1936, and moved to Bay Minette, Alabama, more than fifteen (15) years ago and lived together as husband and wife at Bay Minette, Alabama, until September, 1948, that in September, 1948, while they both still resided at Bay Minette, Alabama, the respondent voluntarily abandoned complainant at Bay Minette, Alabama, and has remained away continuously since that date; that such abandonment was without just cause or reasonable excuse; that complainant and respondent have not lived together as husband and wife since September, 1948; that the said abandonment and separation occurred at Bay Minette, in Baldwin County, Alabama, as aforesaid; that the complainant and respondent have no children.

WHEREFORE your complainant prays that this Honorable

Court will take the jurisdiction of the cause made by this bill of complaint and make the said Elizabeth White Eggart party defendant hereto and by appropriate process require her to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon the final hearing of this cause this Honorable Court will make and enter a decree forever dissolving the bonds of matrimony existing between this complainant and the said respondent and complainant prays for such other, further or different relief as in equity and good conscience he shall be entitled to receive in the premises.

BEEBE & SWEARINGEN

B. J. Swearingen
Solicitors For Complainant

I, Tolbert M. Brantley, attorney for respondent in the above styled cause, hereby accept service of the above complaint.

This the 17 day of June, 1984

Tolbert M. Brantley
by: Tolbert M. Brantley
Attorney, for Respondent

3209

Fred Brooks Eggert,
Complainant

vs

Elizabeth White Eggert,
Respondent

Amended Complaint

FILED

JUN 22 1954

ALICE J. DWCK, Register

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Respondent's prayer for affirmative relief as against the Complainant involving real property standing in the name of the Complainant is denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that neither party to the suit shall again marry except to each other until sixty days after the rendition of this decree, and if an 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 the Complainant, Fred Brooks Eggart pay the cost herein to be taxed, for which execution may issue.

Done this 11th day of August, 1954.

Hubert M. Hall

Judge of the 28th Judicial Circuit of
Alabama.

3209

FILED

AUG 11 1954

ALICE J. DUCK, Register

John H. Kelly
1000 10th St. N.W.
Washington, D.C.