

1691

The State of Alabama, BALDWIN County

CIRCUIT COURT, IN EQUITY

MARIE LATNER Complainant

vs.

TIMMONS K. LATNER Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ ~~Answer and waiver of Respondent~~ 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 Marie Latner is forever divorced from the said

Timmons K. Latner

for and on account of Abandonment

That the Complainant is awarded the custody of the children, Shirley Belle Latner, and Joy Dell Latner, subject to the further orders of this Court.

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 both 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 Marie Latner, the complainant pay the cost herein to be taxed, for which execution may issue.

This 4th day of April, 19 44

F. W. Hare  
Judge Circuit Court, in Equity.

I, \_\_\_\_\_, Register of the Circuit Court for \_\_\_\_\_ 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, and the cost has been paid.

Witness my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Register of Circuit Court, in Equity.

The State of Alabama, {  
Baldwin County

CIRCUIT COURT

To Ora S Nelson.

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 Marie Latner.

as witnesses in behalf of Complainant. in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Marie Latner.

Complainant  
and Timmons K Latner.

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

Witness 3rd, day of April, 1944

REGISTER

COMMISSIONER'S FEE, \$

WITNESS' FEES, \$

MARIE LATNER,

Complainant,

VS.

TIMMONS K. LATNER,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

ANSWER

Now comes Timmons K. Latner, the Respondent named in this cause, and for answer to the Bill of Complaint filed herein, says:

1. He hereby accepts service of a copy of the Bill of Complaint and waives all other and further notice thereof.
2. He waives notice of appointment of a commissioner, notice of taking testimony and consents and agrees that a commissioner be appointed, testimony taken and the cause submitted for final decree without notice to him, all of which is hereby expressly waived.
3. Respondent denies each and all of the other allegations of the said Bill of Complaint and demands strict proof thereof.

Timmons K. Latner  
Respondent.

STATE OF ALABAMA

BALDWIN COUNTY

I, Ora S. Nelson, a Notary Public within and for the State of Alabama at Large, hereby certify that Timmons K. Latner, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 13th day of March, 1944.

Ora S. Nelson  
Notary Public, State of Alabama at Large.

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Oratrix, Marie Latner, presents this Bill of Complaint against Timmons K. Latner and thereupon your Oratrix complains and shows to the Court and your Honor as follows:

1. Your Oratrix is over twenty-one years of age and is a bona fide resident citizen of Baldwin County, Alabama, where she has resided all of her life. The Respondent, Timmons K. Latner, is over twenty-one years of age and a non-resident of the State of Alabama, his present residence and post office address being General Delivery, El Paso, Texas.

2. Your Oratrix and the said Respondent were lawfully married at Bay Minette, in Baldwin County, Alabama, by the Judge of Probate on, to-wit, February 10, 1937, and lived together as man and wife until on, to-wit, October 28, 1941, when the Respondent voluntarily abandoned her without fault on her part. Your Oratrix and the said Respondent have not lived together since on, to-wit, October 28, 1941.

3. There was born to your Oratrix and the said Respondent two children, namely, Shirley Belle Latner, a girl, now six years of age, and Joy Dell Latner, a girl, now four years of age, both of which said children have lived with your Oratrix since their respective births and are now living with her. Your Oratrix is, in all respects, a fit and proper person to have the custody and control of the said children.

#### PRAYER FOR PROCESS

Your Oratrix prays that the Court will take jurisdiction of the cause made by this Bill of Complaint, that due notice thereof be given the Respondent, Timmons K. Latner, in the form and manner prescribed by law requiring him to plead to, answer or demur to the Bill of Complaint within the time and under the pains and penalties prescribed by law and the practice of this honorable Court.

STATE OF ALABAMA,  
BALDWIN COUNTY.

Before me, the undersigned authority, within and for said County in said State, personally appeared Marie Latner, who, after being by me first duly and legally sworn, deposes and says: That she is the Complainant in the foregoing Bill of Complaint and that the facts stated therein are true.

Marie Latner

Sworn to and subscribed before me  
on this the 25th day of February, 1944.

Ora S. Nelson

Notary Public, Baldwin County, Alabama.

12891

ANSWER

**RECORDED**

MARIE LATNER,

Complainant,

VS.

TIMMONS K. LATNER,

Respondent.

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

*Filed April 3 1944  
D. J. Smith*

NO. 1091.

The State of Alabama  
BALDWIN COUNTY  
CIRCUIT COURT

Marie Latner,

Complainant  
vs.

Timmons K Latner.

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

**The State of Alabama**

Baldwin County.

**In Circuit Court, In Equity**

Marie Latner

vs. Complainant.

Timmons K. Latner

Respondent.

**DIVORCE DECREE**



(Original)

BILL OF COMPLAINT

MARIE LATNER,

Complainant,

VS.

TIMMONS K. LATNER,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

**THE STATE OF ALABAMA**  
**Baldwin County**Circuit Court of Baldwin County, Alabama.  
(In Equity)MARIE LATNER,

COMPLAINANT

VS.

TIMMONS K. LATNER,

RESPONDENT

I, Ora S. Nelsonas ~~Register and~~ Commissionerhave called and caused to come before me Marie Latnerwitness— named in the Requirement for Oral Examination, on the 1st day of April1944, at the office of J. B. Blackburnin Bay Minette, Alabama, and having first sworn said witness— to speak the truth,the whole truth, and nothing but the truth, the said Marie Latner

doth depose and say as follows:

My name is Marie Latner. I am over twenty-one years of age and a resident of Baldwin County, Alabama. The Respondent, Timmons K. Latner, is over twenty-one years of age and a non-resident of the State of Alabama.

I was lawfully married to the Respondent in Bay Minette, Baldwin County, Alabama, by the Judge of Probate on February 10, 1937, and we lived together as man and wife until on to-wit, October 28, 1941, when my husband, the said Respondent, voluntarily abandoned me without fault on my part. I have not lived with the said Respondent since October 28, 1941.

I am the mother and the Respondent is the father of Shirley Belle Latner, a girl six years of age and Joy Delle Latner, a girl now four years of age, both of which children are now and have always lived with me. I am in all respects a fit and proper person to have the custody and control of the two said children.

Marie Latner

## ORAL EXAMINATION

I, Ora S. Nelson, as ~~Register~~ and Commissioner hereby certify that the foregoing deposition— on Oral Examination was taken down in writing by me in the words of the witness— and read over to her and she signed the same in the presence of myself and J. B. Blackburn

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 1st day of April, 19 44.

Ora S. Nelson (L. S.)

No. 1091 Page \_\_\_\_\_

### THE STATE OF ALABAMA Baldwin County

IN CIRCUIT COURT, IN EQUITY

MARIE LATNER

Complainant

Vs.

TIMMONS K. LATNER

Respondent

### ORAL DEPOSITION

Filed April 3rd, 1944

Blackburn, Register

RECORDED IN

Vol. \_\_\_\_\_ Page \_\_\_\_\_ Record \_\_\_\_\_

Vol. \_\_\_\_\_ Page \_\_\_\_\_ Register \_\_\_\_\_

Marie Latner.

VS.

Timmons, K. Latner.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, \_\_\_\_\_

Marie Latner.

and in behalf of Defendant upon ~~Answer~~ and Waiver.

 Register.

No. 1091.

**The State of Alabama,**  
BALDWIN COUNTY

**IN EQUITY**  
CIRCUIT COURT OF BALDWIN COUNTY

Marie Latner.

VS.

Tammons K Latner.

**NOTE OF TESTIMONY**

Filed in Open Court this 3rd.  
day of April. 194 4

R. Duluck

Register.