

2671

KEENER T. BLACKMARR

ATTORNEY AT LAW

616 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

June 18, 1951

Clerk, Circuit Court of Baldwin County
In Equity
Bay Minette, Alabama

Re: Sarah Morrisette Austin Gramke,
Petition for Custody, Support &
Maintenance of Two Minor Children

Dear Sir:

Enclosed is the original and one copy of a petition which
it is requested be filed in your Court.

Respondent's address is Fairhope, c/o Mr. Harold Lowell.

Please advise when the Sheriff makes a return that the
petition has (or has not) been served on respondent.

Thank you very much.

Yours very truly,


Keener T. Blackmarr

KTB/bc

cc: Mrs. Sarah Gramke
Route 5, Box 315-Y
Springhill, Alabama

no 2671

Sara Morissette Austin
Grambs

U.S.

Roy Edward Austin

Petition for Custody and
Support

Filed 6-19-51

1. Summa Petition
del. to Scher.

Kenneth J. Blackmann

SARAH MORRISETTE AUSTIN GRAMKE, § IN THE CIRCUIT COURT
Complainant, § OF
VS. § BALDWIN COUNTY, ALABAMA
ROY EDWARD AUSTIN, § IN EQUITY
Respondent. § No. 2671

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

SITTING IN EQUITY:

Comes the complainant, Sarah Morrisette Austin Gramke, and respectfully represents unto the Honorable Court the following:

ONE

Complainant is over the age of 21 years and is a resident of Alabama, and has been a bona fide resident-citizen of said state for more than one year immediately preceding the filing of this petition and was for more than 2 years prior to July, 1949 a bona fide resident-citizen of Baldwin County, Alabama. Respondent is over the age of 21 years and is a bona fide resident-citizen of Baldwin County, Alabama.

TWO

Complainant and respondent were lawfully married to each other on the 24th day of August 1940 and lived together as man and wife until, to-wit, the 21st day of July, 1949, on which day complainant obtained a divorce from respondent by a decree of the Circuit Court of Baldwin County, Alabama, in Equity, a true copy of said decree being attached hereto as Exhibit 1. Two children were born to complainant and respondent during their said marriage, Roy Edward Austin, II, age 10 years, and Sarah Evelyn Austin, age 5 years. Neither of said children were named in the petition for divorce filed by complainant as aforesaid nor in the decree of the court. Both of said minor children are at the present time residing with complainant.

THREE

Complainant would further show unto the Court that respondent has contributed, during the 22 months since complainant divorced respondent, a total of approximately \$75.00 for the support and maintenance of both of the said minor children, even though respondent has always since said time earned a good living and had a good income; and complainant would further show that respondent is not a fit and proper person to have custody of the said minor children of complainant and respondent; and complainant would further show unto the Court that she is the fit and proper person to have custody and

control of both of said children, that she is their mother, that she has a home where she can care and provide for said children, and that her income is not sufficient to pay the expenses of caring for and keeping said children.

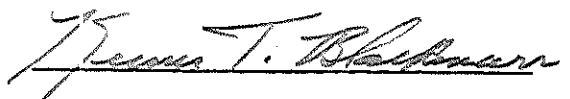
PRAYER FOR PROCESS

WHEREFORE, THE PREMISES CONSIDERED, complainant prays that this Honorable Court will take jurisdiction of this cause and will serve notice on respondent and require him to plead, answer or demur to this petition within the time allowed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Complainant further prays that upon a final hearing of this cause Your Honors will:

1. Award to complainant the custody and control of Sarah Edward Austin, a minor of complainant and respondent, by appropriate decree;
2. Award to complainant the custody and control of Roy Edward Austin, II, a minor child of complainant and respondent, by appropriate decree;
3. Award to complainant and order that respondent pay to complainant a reasonable sum every month for the support and maintenance of the two said minor children of complainant and respondent during their minority in an amount to be determined by this Honorable Court and as it may decree;
4. And complainant prays for such other, further and different relief to which she may be entitled in the premises.



Solicitor for Complainant

616 - First National Bank Bldg
Mobile, Ala.

DIVORCE DECREE

THE STATE OF ALABAMA, BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

SARAH MORRISETTE AUSTIN

Complainant

vs.

ROY EDWARD AUSTIN

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, answer 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 the 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 SARAH MORRISETTE AUSTIN is forever divorced from the said ROY EDWARD AUSTIN for and on account of CRUELTY.

It is further ordered, adjudged and decreed that neither party of 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 order that ROY EDWARD AUSTIN the DEFENDANT pay the cost herein to be taxed, for which execution may issue.

This 21st day of July, 1949.

Telfair J. Mashburn, Jr.
Judge Circuit Court, In Equity

I Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

Witness my hand and seal this the 21st day
of July, 1949.

Alice J. Duck
Register of Circuit Court, In Equity

EXHIBIT 1

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2671

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Roy Edward Austin

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
Roy Edward Austin, Defendant

by Sarah Morrisette Austin Gramke

Plaintiff

Witness my hand this 19th day of June 1951

Heidi J. Welch, Clerk

RECORDED

No. 2671 Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

SARAH MORRISETTE AUSTIN GRAMKE

Plaintiffs

vs.

ROY EDWARD AUSTIN

Defendants

SUMMONS and COMPLAINT

Filed 6-19, 1951

Alice J. Newcomb, Clerk

Nichols St. 1st Floor
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

June 19, 19*51*

Taylor Wilkins, Sheriff

I have executed this summons

this *6-23*, 19*51*

by leaving a copy with

Roy Edward Austin

Taylor Wilkins, Sheriff

H. F. Hall, Deputy Sheriff

SARAH MORRISSETTE AUSTIN GRAMKE

Complainant

VS

ROY EDWARD AUSTIN

Respondent

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

No. _____

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
SITTING IN EQUITY:

Comes the Respondent, Roy Edward Austin, and for answer to the
above styled cause says:

One

As to Count one of said complaint your Respondent admits the
allegations therein.

Two

As to Count two of said complaint your Respondent admits the
allegations therein except that the said Roy Edward Austin II, has
been residing with your Respondent regularly and continuously for more
than a year and is visiting with the Complainant at the present time
but immediately prior thereto was visiting with his aunt, Mrs. Ione
Chester in Live Oak, Florida.

Three

As to Count three of said complaint that your Respondent has paid
support and maintenance for the younger child named in said complaint
when your Respondent was regularly employed, however, your Respondent
was also required to pay the debts and obligations contracted during
this marriage by the Complainant and that money in lieu of support was
applied to these debts with the knowledge and the consent of the
Complainant.

AND NOW YOUR RESPONDENT HAVING FULLY ANSWERED THE SAID BILL OF
COMPLAINMENT of the said Sarah Morrisette Austin Gramke, Complainant in the
foregoing cause, your Respondent now further prays that this answer be
taken as his cross-bill of complaint and your Cross-Complainant, Roy
Edward Austin make as Cross-Respondent to this cross-bill the said Sarah
Morrisette Austin Gramke, and your Cross-Complainant now shows unto this
Honorable Court the following facts: That both parties to this cause
are over the age of twenty-one and your Cross-Complainant is a resident

of Baldwin County, Alabama; that your Cross-Respondent is a resident of the State of Illinois by virtue of the establishment of residence in that State by her present husband, that your Cross-Complainant and Cross-Respondent were lawfully married to each other on the 24th day of August, 1940 and lived together in Alabama as husband and wife until the 21st day of July, 1949, on which day the Cross-Respondent obtained a divorce from the Cross-Complainant by consent, by a decree of the Circuit Court of Baldwin County. Two children were born to the Complainant and Respondent and the custody of one of these children, Roy Edward Austin II, was agreed upon between the parties.

Four

The following agreement as to the custody of the said Roy Edward Austin II was entered into by and between the parties to this cause.

Whereas I, Sarah Morrisette Austin, did secure a divorce by decree of the Circuit Court of Baldwin County, Alabama, dated July 21st, 1949, issued by order of Telfair J. Mashburn, Jr., Judge of said Court, against Roy Edward Austin, and

Whereas said decree made no provision for the custody and control of our son, Roy Edward Austin II, and

Whereas it appears to the best interests of all concerned that my said son, now aged 8 years, be in the care and custody of my ex-husband, Now, Therefore, Know Ye, That I, said Sarah Morrisette Austin, do hereby agree that my said son, Roy Edward Austin II, shall, from this date, be under the care, custody and control of my said ex-husband, Roy Edward Austin, But, it is hereby understood that I shall have the right of reasonable visitation with my said son but that, in all other matters pertaining to the care, custody and control of my said son, my said ex-husband, Roy Edward Austin, shall have absolute right and discretion.

Given under my hand and seal this 10th day of March, A. D. 1950.

In presence of:

(SIGNED) Roy E. Austin

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(SIGNED) Morrisette Austin (SEAL)

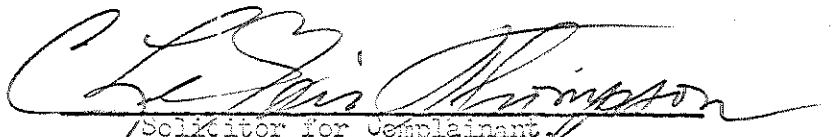
Five

Your Respondent has established a good home first in the town of Bay Minette and later in Fairhope where he now resides and where he has cared for the said minor, Roy Edward Austin II; and your Respondent further shows that he is a fit and proper person to have the custody of the said minor, Roy Edward Austin II, and that the said Complainant has remarried and is about to remove the said Roy Edward Austin II from the custody and jurisdiction of this Honorable Court.

WHEREFORE, THE PREMISES CONSIDERED, the Cross-Complainant prays that your Honor will by proper process make the said Sarah Morrisette Austin party Cross-Respondent to this cause of action, requiring her to plead, answer or demur to the same within the time and under the penalties

prescribed by law and the practice of this Honorable Court.

Your Cross-Complainant prays that upon a hearing hereof, your Honor will enter an order and decree granting a dismissal of the said original petition and will hear and determine this cause on the Cross-Complainant, granting the care, custody and control of said Roy Edward Austin II, to your Cross-Complainant, together with such other, further, different or general relief which your Cross-Complainant in equity and good conscience entitled to receive.


Solicitor for Complainant

Received in Sheriff's Office
this 24 day of July, 1951
TAYLOR WILKINS, Sheriff

W. H. Holcombe

NO 2624
RECORDED

SARAH FORRESTER AUSTIN GRANGE

COMPLAINT

VS

ROY EDWARD AUSTIN

RESPONDENT

Received 30 Day of July 1951
and on 31 Day of July 1951
I served a copy of the within
on *Keener L B Blackman*

by service on _____

W. H. HOLCOMBE, Sheriff

By *M Bernstein* D.S.

Keener L B Blackman

31x / 0

From the law offices of
C. Deloir Thompson
Day Minette, Alabama

FILED

JUL 25 1951

ALICE J. DUCK, Register