

DIVORCE DECREE

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

Bertha Leona Phillips, Complainant

vs.

Joseph Dennis Phillips, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Defendant's Answer~~ on 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 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

Bertha Leona Phillips is forever divorced from the said Joseph Dennis Phillips for and on account of

Cruelty. The Complainant Bertha Leona Phillips is hereby awarded the full care, custody and control of Lawrence Wayne Phillips, age 5 and Patricia Ann Phillips age 2, and Joseph Dennis Phillips, the Respondent, shall have the right to visit them at any reasonable and proper time and shall have the right to have them visit him at his home at any time which shall not interfere with their health, education or general welfare. Joseph Dennis Phillips shall pay Bertha Leona Phillips the sum of \$30.00 every two weeks for the support and maintenance of the above named minor children, the first of which payment shall be made on Saturday, November 15th, 1952, and a like payment every two weeks thereafter until further order of this court. Joseph Dennis Phillips shall pay E. G. Rickarby, Jr., as Solicitors fee, as attorney for Complainant, the sum of \$75.00, to be paid \$25.00 on December, 1952, and a like amount on Jan. 7, 1953, and February 7, 1953.

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 Joseph Dennis Phillips the Respondent pay the cost herein to be taxed, for which execution may issue.

This 7th day of November, 1952.

Telfair J. Mashburn Jr.

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.

STATE OF ALABAMA

CIRCUIT COURT

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to have the body of Lawrence Wayne Phillips,
alleged to be detained by Cora Mae Phillips and Dennis Monroe Phillips
with the cause of such detention, before me Hubert M. Hall, Judge of the
Circuit Court of Baldwin County, Alabama, on the 31 day of August, 1954,
at the Court House at Bay Minette, Alabama, at 11 A.M. to do
and receive what shall then and there be considered concerning the said
Lawrence Wayne Phillips.

Dated this the 28 day of August, 1954.

Hubert M. Hall
Circuit Judge.

Received 28 day of Aug 1954
on 30th day of Aug
served a copy of the within
on Dora Mae Phillips
and Dennis Monroe Phillips
service on
TAYLOR KINGS
B. Lylo Wilkins

FILED

AUG 28 1954

ALICE J. DUCK, Clerk

Daphne

EX PARTE

LAWRENCE WAYNE PHILLIPS

Q IN THE CIRCUIT COURT OF
Q BALDWIN COUNTY, ALABAMA,
Q IN EQUITY
Q CASE NO. 3335
Q

Comes now Cora Mae and Dennis Monroe Phillips and for answer to the foregoing petition says that they are not now unlawfully withholding Lawrence Wayne Phillips from the custody of its mother. That its mother voluntarily brought the aforesaid child to their home and left it with them. That she voluntarily asked them to take the child and care for it and has demanded the return of this child only after learning that its father was not going to pay support money to her while the child ren were living with the said Cora Mae Phillips and Dennis Monroe Phillips. That Cora Mae Phillips and Dennis Monroe Phillips are Lawrence Wayne Phillips' grand parents and are providing him a suitable home in which to be reared and giving it every attention that he needs. That the mother has not done this as she has squandered the money paid to her for the support of the said Lawrence Wayne Phillips and has neglected him. That the wishes of the child are that it remain in the custody of its grand parents. That the Court should consider this in determining whether he is being unlawfully restrained or not.

Walters & Brantley

BY:

John M Brantley
Solicitor for the

EX PARTE

LAWRENCE WAYNE PHILLIPS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

To Honorable Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama:

The petition of Bertha Leona Phillips, who is over the age of twenty-one years and who is a resident citizen of Baldwin County, Alabama, respectfully shows and represents unto your Honor:

1.

That she is the mother of Lawrence Wayne Phillips, who is now restrained in the custody of Cora Mae Phillips and Dennis Monroe Phillips, illegally.

2.

That the said child aforesaid, Lawrence Wayne Phillips, is now about 7 years of age and that your Petitioner was awarded full custody and control of said child by a decree of this Honorable Court dated November 7, 1952.

3.

That the said child was allowed to visit in the home of the said Cora Mae Phillips and Dennis Monroe Phillips, grandparents of said child; and your Petitioner was denied the possession of said child, demand being made to both, Cora Mae Phillips and Dennis Monroe Phillips.

Your Petitioner prays that a writ of habeas corpus be issued, directed to said Cora Mae Phillips and Dennis Monroe Phillips, commanding them to bring the body of said child before your Honor at the time and place to be by you appointed, together with the cause of said detention.

Mrs. Bertha L. Phillips
Petitioner

C. LeNoir Thompson
Attorney for the Petitioner

STATE OF ALABAMA

BALDWIN COUNTY

Before me, C. LeNoir Thompson, a Notary Public in and for said County and State personally appeared Bertha Leona Phillips, the above named Petitioner, who being first by me duly sworn doth depose and say that the facts stated in said petition are true.

Mrs. Bertha L. Phillips
Petitioner

Sworn to and subscribed before me this 27 day of August, 1954.

C. LeNoir Thompson
Notary Public, Baldwin County, Alabama.

8/31/54 Writ granted -
FILED
8-28-54

ALICE L. DUCK, Clerk

#3339

Received 28 day of Aug 1954

and on 30th day of Aug 1954

I served a copy of the within

on Dora Mae Phillips

and Dennis Monroe Phillips

By service on _____

TAYLOR WILKINS, Sheriff
By J. J. Wilkins

FILED

AUG 28 1954

ALICE J. DUCK, Clerk

Naphre

PETITION FOR TEMPORARY CUSTODY

JOSEPH DENNIS PHILLIPS	0	IN THE CIRCUIT COURT OF
COMPLAINANT	0	BALDWIN COUNTY, ALABAMA,
VS	0	IN EQUITY
BERTHA LEONA PHILLIPS	0	NO. _____
RESPONDENT	0	

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

Comes now your Complainant in the above styled cause and represents and shows unto your Honor as follows:

1.

That on November 7, 1952, the Judge of the Circuit Court of Baldwin County, Alabama, rendered a decree granting Bertha Leona Phillips, the Respondent in this cause, a divorce from Joseph Dennis Phillips, the Complainant in this cause. That under the divorce decree Bertha Leona Phillips was awarded full care, control and custody of Lawrence Wayne Phillips and Patricia Ann Phillips, the children of the Complainant and Respondent. This divorce decree further provided that Joseph Dennis Phillips should have the right to visit at reasonable and proper times with the children and have the right to have them visit with him at his home.

2.

That Bertha Leona Phillips is now living with her parents in Fairhope, Alabama; that these grandparents abuse and chastise both of these said children unnecessarily; that the boy Lawrence Wayne Phillips is bitterly opposed to living with either his mother or his maternal grandparents; that it is detrimental to his health and well being that he be allowed to remain in his mother's custody even for a short period of time.

3.

The Complainant, Joseph Dennis Phillips avers that he has gone to the home of Bertha Leona Phillips and requested that she allow the above said children to visit with him on numerous occasion. That she has refused him this right and privilege.

4.

Joseph Dennis Phillips is desirous of having the children visit with him and shows unto the court that he has a respectable home in which to have them visit him.

5.

Complainant further shows unto the court that there is now pending in this Honorable Court a petition for Modification of the aforesaid divorce decree in which Cora Mae Phillips and Dennis Monroe Phillips, the grandparents of said child pray for permanent custody of his children.

Premises Considered, your Complainant prays that your Honor will forthwith issue an order granting the Complainant temporary custody of Lawrence Wayne Phillips and Patricia A. Phillips and order the Sheriff in the County where the children are found to deliver them into his custody. Your Complainant prays that if he be mistaken in the relief prayed for that he be given such relief as in good conscience and equity he may be entitled to.

Joseph Dennis Phillips
Petitioner

Winters & Brantley

BY: Albert M. Brantley
Solicitor for the Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Albert M. Brantley, a Notary Public, in and for said county and State, personally appeared Joseph Dennis Phillips, who being first duly sworn, deposes and says: that he has read the foregoing petition and that the allegations contained therein are true and correct.

Sworn to and subscribed before me on this the 31 day of Aug, 1954.

FILED

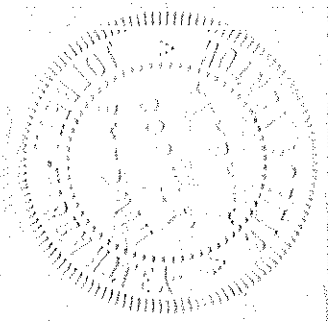
8-31-54

ALICE J. DUCK, Clerk

Joseph Dennis Phillips
Albert M. Brantley
Notary Public, Baldwin County, Alabama

105 20 C10 100

3339



FILED

AUG 31 1954

ATOMIC J. DWCK, Register