

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County
CIRCUIT COURT, IN EQUITY

Myrtle Mitchell, Complainant
vs.
Phillip Mitchell, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confess~~ Answer and Waiver 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 Myrtle Mitchell is forever divorced from the said Phillip Mitchell for and on account of ABANDONMENT; that Myrtle Mitchell shall have the care, custody and control of the minor, Aundry LaNoir Mitchell, subject to the right of visitation by Phillip Mitchell at reasonable times and at reasonable hours.

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 Myrtle Mitchell the Complainant pay the cost herein to be taxed, for which execution may issue.

This 31st day of August, 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. 3340 Page _____

The State of Alabama
Baldwin County

In Circuit Court, In Equity

Myrtle Mitchell

Complainant

vs.

Phillip Mitchell

Respondent

DIVORCE DECREE

FILED

SEP 2 1954

ALICE J. DUCK, Register

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT--IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Phillip Mitchell 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 Myrtle Mitchell as Complainant against Phillip Mitchell, as Respondent.

Witness by hand this _____ day _____, 1954.

Register

| | | |
|-------------------|---|-------------------------|
| MYRTLE MITCHELL, | § | |
| | § | IN THE CIRCUIT COURT OF |
| COMPLAINANT, | § | BALDWIN COUNTY, ALABAMA |
| | § | |
| VS | § | IN EQUITY. |
| | § | |
| PHILLIP MITCHELL, | § | |
| | § | |
| RESPONDENT. | § | |

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND
TO THE HONORABLE H. M. HALL, JUDGE THEREOF:

Now comes your Complaint, Myrtle Mitchell, by her Solicitor,
and files this her Bill of Complaint for divorce against Phillip
Mitchell, and shows unto your Honor and unto this Honorable Court
as follows:

I.

That your Complainant and the Respondent are both over 21
years of age; and that your Complainant has been a bona fide
resident of Baldwin County, for the entire period of her life;
that the Respondent is a bona fide resident of Baldwin County,
and has so been for all of his life.

II.

That your Complainant and the Respondent were married hereto-
fore, to-wit: September 8, 1949, and lived together as man and wife
until, May 1, 1951, when the Respondent abandoned the Complainant's
bed and board and never returned to live with her; that said aband-
onment was without intent to return, without sufficient cause or rea-
son, and no preparation was made by the Respondent for the support
of the Complainant or the minor child; that the Respondent made no
preparation for the Complainant to follow him and that he provided no
other domicile for the Complainant and their minor child.

III.

That there was born to the Complainant and Respondent one child,
towit: Aundry La-Noir Mitchell, age 5; that your Complainant is a
fit and proper person to have complete care, control and custody of
said child.

PRAYER FOR PROCESS

The premises considered your Complainant respectfully prays that the above named Phillip Mitchell be made a party Respondent to this cause by the usual writ of process of this Honorable Court requiring him to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the Statutes in such case made and provided.

PRAYER FOR RELIEF

The premises considered your Complainant prays that upon final hearing of this cause your Honor will enter an order divorcing your Complainant from the Respondent; your Complainant further prays that your Honor will also enter an order or decree awarding the care, control and custody of said minor child to your Complainant. Further that your Honor will also enter a decree allowing the Complainant to remarry if she sees fit. Should your Complainant be mistaken in the relief prayed for that there be granted to her such other, further and different relief to which she may be entitled and as in duty bound she will forever pray.

Myrtle Mitchell
By *[Signature]*
Solicitor For Complainant

FILED

8-31-54

ALICE J. DUCK, Register

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 3340.

MYRTLE MITCHELL,
COMPLAINANT
VS.
PHILLIP MITCHELL,
RESPONDENT

SUMMONS AND COMPLAINT

FILED: 8-31-54

Reese J. Owens
REGISTER

J. CONNOR OWENS, JR.
SOLICITOR
BAY MINETTE, ALA.

MYRTLE MITCHELL,

Complainant

vs.

PHILLIP MITCHELL,

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY. NO. _____

ANSWER AND WAIVER

Comes now the Respondent, Phillip Mitchell, and for answer to the Bill of Complaint heretofore filed against him, says as follows:

1. That he denies each and every allegation of the said Bill of Complaint and demands proof thereof.
2. And for further answer to the said Bill of Complaint the Respondent hereby accepts service of a copy and notice of the filing of the said complaint and hereby waives any further notice to him of the days set for hearing, the taking of testimony, or the submission for final decree of the above styled cause and does hereby consent that the same may be submitted and testimony taken without further notice to him.

Phillip Mitchell
RESPONDENT

STATE OF ALABAMA

BALDWIN COUNTY

Before me, J. Connor Owens, Jr., a Notary Public in and for said state and county, came Phillip Mitchell, whose name is signed to the foregoing Answer and Waiver and who is known to me, acknowledged before me that on this day that being informed of the contents of this Answer and Waiver, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 31st. day of August, 1954.



FILED

8-31-54

ALICE L. BECK, Register

J. Connor Owens, Jr.
Notary Public, State at Large

STATE OF ALABAMA

Baldwin County

Case No.

Page 3

No.

5218

The State of Alabama
vs.

In the Cir Court of
Baldwin County, Alabama

Before me, Shirley Duck, Clerk of the Cir Court of
Baldwin County, Alabama, personally appeared Taylor Wilkins who being duly sworn deposes and says:

I am the Sheriff of Baldwin County, Alabama. In the above case, in the above mentioned court, in
executing the warrant of arrest or in arresting the said defendant, I or one of my duly authorized deputies,
traveled 116 miles by the most direct route to the point of arrest and return, and I am entitled to
mileage at ten cents per mile to be taxed as costs in the case.

Point of Arrest Yapley

Taylor Wilkins Sheriff

Subscribed and sworn to before me this 20 day of May, 1954

Disposition 1 yr Penitentiary Deirdre J. Lusk Clerk Circuit Court

After considering the above affidavit made by the Sheriff of Baldwin County, Alabama, I, as the trial
Judge of said court, do hereby approve the claim for mileage in the sum of \$ 4.00 incurred in the
making of the arrest or executing the warrant of arrest in the above styled cause and I hereby order the
clerk of the court to tax the said sum as part of the costs in said case.

This the

27th

day of

August, 1954

Judge of the above named court

.....Myrtle Mitchell.....
Complainant,
VS.
Phillip Mitchell
.....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:.....

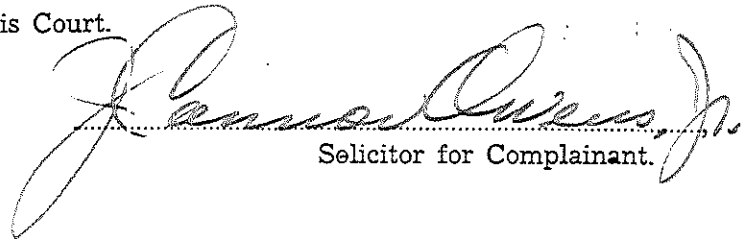
Myrtle Mitchell.....

Idalwe Anderson.....

.....

.....;

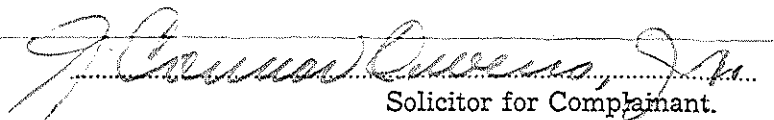
2. That said complainant requires an oral examination of said witnesses before a commissioner appointed by the Register of this Court.


Solicitor for Complainant.

NOTE:

Complainant suggests the name of.....Anne B. Owens.....,

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


Solicitor for Complainant.

720 3340

DEMAND FOR ORAL EXAMINATION.

MYRTLE MITCHELL.....,

Complainant,

Vs.

PHILLIP MITCHELL.....,

Respondent.

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

Filed this day of,

194.....

FILED

AUG 31 1954

Register.

ALICE J. DUCK, Register

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Anne B. Owens

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 Myrtle Mitchell and Idalme Anderson

as witnesses in behalf of the Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Myrtle Mitchell

Complainant
and Phillip Mitchell

Respondent

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

Witness 31st day of Aug, 1954

Register.

Commissioner's Fee, \$

Witness' Fees, \$

The State of Alabama, {
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Myrtle Mitchell

Complainant

VS.

Phillip Mitchell

Respondent

I, Anne B. Owens

as Register and Commissioner ~~in this cause for oral examination~~

have called and caused to come before me Myrtle Mitchell and Idalue Anderson

witnesses named in the Requirement for Oral Examination, on the 31st day of August

1954, at the office of J. Connor Owens, Jr.

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

truth, the whole truth, and nothing but the truth, the said Myrtle Mitchell and Idalue

Anderson

doth depose and say as follows:

My name is Myrtle Mitchell and I maintain residence in Baldwin County. I was born there. Phillip Mitchell is a resident of Baldwin County, and lives in Fairhope and has lived in Baldwin County all of his life. Phillip Mitchell and I were married on September 8, 1947, and we lived together until May 1, 1951 when Phillip walked off from the house and never came back to live with me. He has no intentions of returning to live with me and there was no reason why he should not. He has never ask me or our child to live with him since 1951 and he has provided no other home for us. He is now living with his mother and has been living with her since 1951. We have one child, Aundry La-Noir Mitchell who is age five. My mother is looking after the child while I work and she has a good home.

Mrs. Myrtle Mitchell

My name is Idalue Anderson and I live in Bay Minette, Baldwin County, Alabama. I am the mother of Myrtle Mitchell. Phillip Mitchell and my daughter were married on September 8, 1950 and they lived together until May 1, 1951 when Phillip left my daughter and never returned to live with her. He was renting a house and moved into his mother's house in Fairhope and he made no preparations for my daughter to follow him. He has never asked her to live with him to my certain knowledge and he has provided no other home. Myrtle lived with me and my grandchild, Aundry La Noir Mitchell, who is four years old, lives with me now. Myrtle works and I look after the child. I own my own home and have sufficient income, and I have a part time job at the Baldwin County Bank.

Ida Lue Anderson

ORAL EXAMINATION

I, Anne B. Owens, as Register and Commissioner hereby certify that the foregoing deposition ~~as~~ on Oral Examination was taken down by me in writing in the words of the witness ~~es~~ and read over to ~~them~~ and ~~they~~ signed the same in the presence of myself and J. Connor Owens

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness ~~es~~ or had proom made before me of the identity of said witness ~~es~~; 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 31st day of August, 1954

Anne Barker Owens (L. S.)

| | |
|---------------------------------|----------------|
| No. <u>33441</u> | Page _____ |
| The State of Alabama | |
| Baldwin County. | |
| In Circuit Court, In Equity | |
| <u>MYRTLE MITCHELL</u> | Complainant |
| vs. | |
| <u>PHILIP MITCHELL</u> | Respondent |
| Oral Deposition | |
| Filed <u>FILED</u> | , 19 <u>54</u> |
| <u>Aug 31</u> | Register |
| <u>Allice J. Hook, Register</u> | Record |
| Vol. _____ | Page _____ |
| Register | |

Myrtle Mitchell

vs.

Phillip Mitchell

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, Answer
and Waiver, and the testimony of Myrtle Mitchell and
Idalme Anderson

and in behalf of Defendant upon

J. Connor Owens,
Solicitor For Complainant

Deane J. Smith

Register.

No. 3340

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

MYRTLE MITCHELL

vs.

PHILLIP MITCHELL

NOTE OF TESTIMONY

Filed in Open Court this

day of, 194.....

FILED
AUG 31 1954

Register.

Printed By The Baldwin Times

Alice L. Baker, Register

MYRTLE MITCHELL,
Complainant
vs.
PHILLIP MITCHELL,
Respondent

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

ANSWER AND WAIVER

Comes now the Respondent, Phillip Mitchell, and for answer to the Bill of Complaint heretofore filed against him, says as follows:

1. That he denies each and every allegation of the said Bill of Complaint and demands proof thereof.
2. And for further answer to the said Bill of Complaint the Respondent hereby accepts service of a copy and notice of the filing of the said complaint and hereby waives any further notice to him of the day set for hearing, the taking of testimony, or the submission for final decree of the above styled cause and does hereby consent that the same may be submitted and testimony taken without further notice to him.

Phillip Mitchell
RESPONDENT

STATE OF ALABAMA
BALDWIN COUNTY

Before me, J. Connor Owens, Jr., a Notary Public in and for said state and county, came Phillip Mitchell, whose name is signed to the foregoing Answer and Waiver and who is known to me, acknowledged before me that on this day that being informed of the contents of this Answer and Waiver, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 31st. day of August, 1954.

JCO

J. Connor Owens, Jr.
Notary Public, State at Large