

(3567)

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL  
CIRCUIT OF THE STATE OF FLORIDA, IN AND FOR  
DUVAL COUNTY. IN CHANCERY.

No. 90700-E.  
Division B.

HAZEL HORNE CALLOWAY,

Plaintiff,

-vs-

EARL D. HORNE,

(Complaint Initiated in Foreign  
State.)

Defendant.

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ORDER FOR SUPPORT.

The above named plaintiff having filed in the Circuit Court of the State of Alabama, Baldwin County, a complaint, verified June 13, 1955, alleging that she is the former wife of Earl D. Horne, the above named defendant, and that she is the mother and said defendant is the father of the following named dependent: Hazel Ilaine Horne.

Upon reading the filed exemplified copy of said complaint, the certificate of the Honorable Hubert M. Hall, a Justice of said Court, together with the pleadings and proceedings heretofore had in the Court of the initiating State, and upon all of the testimony had at a hearing before this Court, and after argument of counsel, the Court finds:

That the above named respondent has remarried and as a result of this subsequent marriage has two children and that the said respondent earns approximately \$80.00 per week and has no other income and no other assets except a small equity in his home and automobile, and that his present obligations are in excess of \$1500.00; that the petitioner and respondent have heretofore divorced each other and that subsequent to said divorce the petitioner remarried; that the above named minor child is entitled to support from the respondent and that the said respondent is chargeable with support as alleged in the aforementioned complaint; it is, therefore, upon consideration thereof,

ORDERED, ADJUDGED AND DECREED that the respondent, Earl D. Horne, be, and he is hereby, ordered to pay the sum of \$45.00 per month, in semi-monthly payments, the first payment to be made on October 7, 1955, and the second payment to be made on October 22, 1955, said payments to be made on the 7th and 22nd days of each and every month thereafter until said child reaches majority; said sum of \$45.00 per month hereinabove decreed to be paid shall be paid through the Domestic Relations Depository of the Office of the Clerk of the Circuit Court in and for Duval County, Florida, at 625 Liberty Street, Jacksonville, Florida, to be disbursed in accordance with the General Order of this Court dated July 21, 1953, and the respondent be, and he is hereby, ordered to pay, in addition to the payments aforesaid, the sum of 1% thereof as and for a collection fee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said respondent shall have the right to have the minor child visit him for a period not to exceed two weeks during the summer vacation upon the giving of one week's notice to the petitioner herein and provided further that the said respondent pay the transportation costs of said visit in toto and before the expiration of said two weeks' period return said child to the petitioner at his own expense.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said respondent shall have the right to visit said minor child one day in each month after first giving one week's notice to the petitioner to so visit and provided further that on such visit the defendant shall not remove the custody of said child from the petitioner.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that during the time that the said minor child is with the respondent during the summer vacation period he shall be relieved of paying the support payments aforesaid, such amount to be determined on a daily basis thereof.

IT IS ORDERED, ADJUDGED AND DECREED that the above mentioned support payments to be paid by the respondent are conditioned upon the respondent's rights of visitation as decreed aforesaid; and in the event the said petitioner ~~is~~ <sup>is</sup> relieved of said support payments.

DONE AND ORDERED in Chambers, at Jacksonville, Duval County, Florida, this the 27th day of September, 1955.

/s/ A. D. McNeill

JUDGE.

ALBERT S. GASTON  
COUNSELOR AT LAW - PROCTOR IN ADMIRALTY  
GRAYSTONE BUILDING  
MOBILE, ALABAMA

TELEPHONE  
HEMLOCK 3-8063

P. O. BOX 820

July 11, 1955

Mrs. Alice J. Duck  
Clerk of the Circuit Court  
Bay Minette, Alabama

IN RE: HAZEL HORNE CALLOWAY, -vs-  
EARL D. HORNE

Dear Mrs. Duck:

Enclosed is my check #1299 in the amount of \$18.00 to cover  
the cost deposit in the above styled cause.

Yours very truly,

  
ALBERT S. GASTON

ASG  
mcb

ENCLOSURE: 1.

cc: Mr. Kenneth Cooper  
Office of Circuit Solicitor  
Bay Minette, Alabama

Mrs. Hazel Calloway  
500 Daphne Road  
Bay Minette, Alabama.

7 July 1955

Hon Albert S. Gaston  
Attorney at Law  
P.O. Box 820  
Mobile, Alabama

Re: Hazel Horne Calloway,  
Complainant, Vs.  
Earl D. Horne,  
Defendant.

Dear Mr Gaston:

Reference your letter of June 21, 1955,  
concerning above styled case, and my previous letters  
to you about the same subject.

This is to advise you that Mrs Calloway came  
in yesterday and after discussing this case with me  
she appeared before Judge Hall. As a result of the  
meeting yesterday Judge Hall found that the Complain-  
ant's child is entitled to \$60.00 per month support.  
You will note that this is less than the amount  
which you had suggested. However, Mrs Calloway is  
not entitled to any support from her former husband,  
Mr Horne.

As you are aware, it is necessary that the  
court costs be deposited with the Florida authorities  
at the time the petition is filed. Mrs Calloway in-  
formed me that you had already collected \$18.00  
from her for that purpose. Will you please forward  
this amount to:

Mrs Alice J. Duck  
Clerk of Circuit Court  
Bay Minette, Alabama.

Upon receipt of this money the petition will be  
forwarded to the Circuit Court in Jacksonville, Fla.

Very truly yours,

*Kenneth Cooper*  
Kenneth Cooper  
Solicitor

CC:  
Mrs Hazel Calloway  
500 Daphne Road  
Bay Minette, Ala.

ALBERT S. GASTON  
COUNSELOR AT LAW - PROCTOR IN ADMIRALTY  
GRAYSTONE BUILDING  
MOBILE, ALABAMA

TELEPHONE  
HEMLOCK 3-8063

P. O. BOX 820

JUNE 29th, 1955.

Mrs. Hazel Calloway,  
500 Daphne Road,  
Bay Minette, Alabama.

Dear Mrs. Calloway:

I have had a letter from Mr. Kenneth Cooper concerning your claim for child support from your ex-husband. He states that he can not approve the issuance of the order with the petition in its present form and has suggested that we have a meeting in Judge Hall's office at 1:30 P.M. Wednesday July 6th.

He stated that if this hearing conflicts with any engagement that I have the matter might be resolved by your meeting with him in the Judge's office. It so happens that I do have a previous engagement for that date which very probably will prevent me from meeting with you, Mr. Cooper and Judge Hall.

In order not to delay the issuance of the writ I would suggest that you meet with them at 1:30 July 6th in order to get the matter straightened out as I feel that in all probability the necessary corrections in the proceedings can be made very easily and with little delay.

I would appreciate it if you would let me know if this suggestion meets with your approval.

Very sincerely yours,

  
ALBERT S. GASTON

ASG  
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CC: HON. KENNETH COOPER, CIRCUIT SOLICITOR. ✓

TELEPHONE  
HEMLOCK 3-8063

ALBERT S. GASTON  
COUNSELOR AT LAW - PROCTOR IN ADMIRALTY  
GRAYSTONE BUILDING  
MOBILE, ALABAMA

P. O. BOX 820

JUNE 21st, 1955.

Hon. Kenneth Cooper,  
Circuit Solicitor,  
State of Alabama,  
28th Judicial Circuit,  
Bay Minette, Alabama.

IN RE: HAZEL HORN CALLOWAY.  
-VS-  
EARL D. HORNE, DEFENDANT.

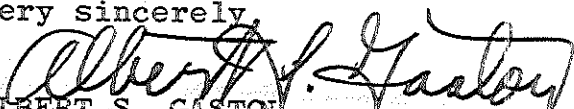
Dear Mr. Cooper:

This is to acknowledge your letter of June 17th concerning the above styled matter.

If you will review the petition you will note that there is a minor child involved. It has always been my understanding that there is an inherent responsibility imposed on the father for the support and maintenance of any legitimate minor child of his.

I trust that this observation will throw a new light on the subject and that the writ will issue accordingly.

Very sincerely,

  
ALBERT S. GASTON

ASG  
bnk

27 June 1955

Hon Albert S. Gaston  
Attorney at Law  
Graystone Building  
P.O. Box 820  
Mobile, Alabama

Re: Hazel Horn Calloway, vs.  
Earl D. Horn, Defendant

Dear Mr Gaston:

Reference your letter of June 21st, 1955, regarding above styled case.

I have this morning discussed the above petition with Judge Hall, after reviewing the petition. Your attention is invited to paragraph 5 of said petition wherein you alleged that the Petitioner, Hazel Horn Calloway, is also entitled to support from the defendant, Earl D. Horn. In this I cannot agree.

Judge Hall has agreed to have a hearing on this petition at 1:30 PM, Wednesday, July 6th, 1955, in his office which is in the Baldwin County Courthouse. If you find this time conflicts with your schedule on that date I will be glad to talk the matter over with Mrs Calloway a few minutes before that time and take her before the Judge as per schedule.

Personally, I do not feel that there is sufficient information in the petition to entitle the Complainant to the \$100.00 per month asked for. And there may be some other questions which Judge Hall will want to raise himself.

Please advise if you and Mrs Calloway or Mrs Calloway will be present on the date and time above mentioned.

Very truly yours,

KC.  
Kenneth Cooper  
Circuit Solicitor



July 1:30 PM  
My office -

17 June 1955

Hon Albert S. Gaston  
Attorney at Law  
P.O. Box 820  
Mobile, Alabama

Re: HAZEL HORN CALLOWAY,  
Complainant, Vs.  
EARL D. HORNE,  
Defendant.

Dear Mr Gaston:

I am in receipt of your letter of June 10th, 1955, to Mrs Alice J. Duck, Register of this Court, and have the four copies of the Bill of Complaint which you submitted for filing under the Reciprocal Act for enforcement of the duties of support.

Before Judge Hall signs the necessary Order in these cases the petition is checked by me. In so doing I do not believe that the Complainant, Hazel Horne Calloway, is entitled to any support from the Defendant, Earl D. Horne. Your attention is invited to Section 2 (6), as well as Sections nos. 4 and 7, of Act No. 879. Since this Complainant was granted a divorce from the Defendant, in this court, on 12 November, 1949, and there was no order at that time for him to provide support it is not believed that he owes Complainant any duty of support as claimed in the petition. Had such support been desired, it should have been requested at that time and so noted in the divorce decree.

Unless some authority, other than the Reciprocal Act, can be cited as a basis for filing this petition that shows a duty of support, I shall instruct the Clerk of this court to return the Petition to you.

Very truly yours,

Copy:  
Alice J. Duck  
Clerk of Court  
Bay Minette, Ala.

Kenneth Cooper  
Circuit Solicitor

ALBERT S. GASTON  
COUNSELOR AT LAW-PROCTOR IN ADMIRALTY  
GRAYSTONE BUILDING  
MOBILE, ALABAMA

TELEPHONE  
HEMLOCK 3-8063

P. O. BOX 820

JUNE 10th, 1955.

Mrs. Alice J. Duck,  
Register of the Circuit Court,  
Baldwin County, Alabama.  
Bay Minette, Alabama.

IN RE: HAZEL HORNE CALLOWAY -vs- EARL D. HORNE:

Dear Mrs. Duck:

Enclosed are 4 copies of the Bill of Complaint under  
the Reciprocal Act.

Very sincerely,

  
ALBERT S. GASTON

bnk

P.S. ALSO ENCLOSED ARE THE 4 copies of  
the Act to be attached to the  
petition, 4 copies of the Order  
to be signed by the Judge, and  
4 copies of the certificated to  
be signed by you.

  
ASG bnk

17 June 1955

Hon Albert S. Gaston  
Attorney at Law  
P.O. Box 820  
Mobile, Alabama

Re: HAZEL HORN CALLOWAY,  
Complainant, Vs.  
EARL D. HORNE,  
Defendant.

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Unless some authority, other than the Reciprocal Act, can be cited as a basis for filing this petition that shows a duty of support, I shall instruct the Clerk of this court to return the Petition to you.

Very truly yours,

*Kenneth Cooper*  
Kenneth Cooper  
Circuit Solicitor

Copy:  
Alice J. Duck  
Clerk of Court  
Bay Minette, Ala.

ALBERT S. GASTON  
COUNSELOR AT LAW - PROCTOR IN ADMIRALTY  
GRAYSTONE BUILDING  
MOBILE, ALABAMA

TELEPHONE  
HEMLOCK 3-8063

P. O. BOX 820

July 11, 1955

529

Mrs. Alice J. Duck  
Clerk of the Circuit Court  
Bay Minette, Alabama

IN RE: HAZEL HORNE CALLOWAY, -vs-  
EARL D. HORNE

Dear Mrs. Duck:

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the cost deposit in the above styled cause.

Yours very truly,

*Albert S. Gaston*

ALBERT S. GASTON

ASG  
mcb

ENCLOSURE: 1.

cc: Mr. Kenneth Cooper ✓  
Office of Circuit Solicitor  
Bay Minette, Alabama

Mrs. Hazel Calloway  
500 Daphne Road  
Bay Minette, Alabama.