

3651

JOHN BROCK	I	IN THE CIRCUIT COURT OF
Complainant	I	BALDWIN COUNTY,
vs.	I	ALABAMA,
JOHNNYE H. BROCK	I	IN EQUITY
Respondent	I	NO. _____

To: HONORABLE H. M. HALL, JUDGE OF THE
TWENTY-EIGHTH JUDICIAL CIRCUIT OF THE
STATE OF ALABAMA. IN EQUITY SITTING.

Now comes the complainant, JOHN BROCK, humbly complaining of the respondent, JOHNNYE H. BROCK, in a matter as will hereinafter appear, and represents and shows unto Your Honor as follows:

(1) That complainant and respondent are bona fide resident citizens of the State of Alabama and have so resided for more than one year next preceding the date of the filing of this bill of complaint; and that both complainant and respondent are over the age of twenty-one years;

(2) That the parties were married to each other at Brewton, Alabama on or about the 26th day of March, 1931.

(3) That the respondent voluntarily and without any just cause or good excuse abandoned the bed and board of the complainant more than one year immediately preceding the date of the filing of this bill of complaint and that said abandonment occurred on or about the first day of June, 1954 and has been continuous and absolute since it first occurred.

(4) That the parties have made an agreement between themselves relative to alimony to be paid by the complainant to the respondent, which said agreement is filed in this cause.

(5) That there were born to the union of the parties several children, two of whom are minors, namely, LORETTA BROCK and JOHN GORDON BROCK; that these children are in the custody of the respondent and she is a suitable person to have their custody. The parties have entered into an agreement relative to their custody which the parties have requested the Court to approve.

That the complainant is well able to provide for and maintain the respondent and the said minor children and that the parties have entered into an agreement which is attached to the bill of complaint and answer filed in this cause and by virtue of which the complainant is to pay the sum of Two Hundred Fifty (\$250.00) Dollars per month for the support and maintenance for the said children and in addition thereto be required to pay all other emergency expenses such as Doctor and hospital bills.

PRAYER FOR PROCESS

To the end that equity may be had in the premises, Complainant prays that a summons be issued, and together with a copy of this bill of complaint be served upon the respondent and that she be required to plead, answer or demur to the within bill within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Complainant prays that on a final hearing of this cause Your Honor will make and enter a decree forever divorcing the said JOHN BROCK from the said JOHNNYE H. BROCK for and on account of voluntary abandonment. The complainant also prays that Your Honor will award the custody of the minor children and alimony in accordance with the terms of an agreement had between the parties, which is attached to this bill of complaint. The complainant prays all other further and general relief to which he may be entitled, and he will ever pray, etc., etc.

HORNE & WEBB

BY:

[Signature]
SOLICITORS FOR THE
COMPLAINANT

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That the undersigned JOHN BROCK hereinafter called the Husband, and JOHNNYE^{W.}BROCK, hereinafter called the Wife, have separated and divorce proceedings have been commenced in the Circuit Court of Baldwin County, Alabama by the said JOHN BROCK against the said JOHNNYE^{W.}BROCK.

AND WHEREAS, there was born to the union of the parties several children, two of whom are minors, to-wit, LORETTA BROCK, a girl now about 13 years of age and JOHN GORDON BROCK a boy now about 9 years of age,

AND WHEREAS, it is agreed by and between the parties that both are suitable persons to have the custody of the children but that it is the opinion of the parties that their best interest will be served by awarding them to the custody of their mother, the said JOHNNYE BROCK, and it is the desire of the complainant JOHN BROCK to make provisions for the support and maintenance of the respondent and the said minor children and for that purpose to pay alimony and support money for the three of them.

NOW THEREFORE, it is agreed by and between the parties that the said JOHNNYE^{W.}BROCK shall have the custody of the said minor children and that the said JOHN BROCK shall pay to her on or before the 10th day of each calendar month the sum of \$250.00 for the support and maintenance of said children and in addition thereto shall pay all emergency expenditures such as doctor and hospital bills and the like. It is further agreed by and between the parties that upon the arrival at the age of 18 years of the first child the amount to be paid by the said JOHN BROCK shall be reduced by \$80.00 and shall be payable thereafter the sum of \$170.00 per month until the youngest child arrives at the age of 18 years and thereafter shall be payable to the said JOHNNYE^{W.}BROCK so long as she remains unmarried the sum of \$100.00 per month.

The Circuit Court of Baldwin County is humbly requested by the parties hereto to take cognizance of this agreement and to award alimony and support moneys in accordance with the terms of this agreement

if the same is deemed to be meet and just by the Court.

IN WITNESS WHEREOF we have hereunto set our hands and seals on this the 7th day of November, 1955.

John Brock (SEAL)

John H. Brock (SEAL)

Executed in the presence of:

Nora Hasley

Kenneth H. Brock

ANSWER AND WAIVER OF DEFENDANT

Gill-Mobile

BALDWIN
The State of Alabama, Escambia County

CIRCUIT COURT, IN EQUITY

At Bay Minette, Alabama

John Brock

vs.

Johnnye H. Brock

Comes Johnnye H. Brock

the person named as defendant in this cause, and for answer to the bill herein denies each and every allegation therein, and demands strict proof of the same. Defendant also waives service by the Sheriff of subpoena on said bill, a copy of the interrogatories filed in the cause, notice of the filing of them, waives the ten days allowed by law to cross them, the right to cross them, and consents that testimony may be taken, and the cause be submitted to the Judge for final decree without notice to this defendant.

Johnnye H. Brock, Defendant

THE STATE OF ALABAMA, ESCAMBIA COUNTY.

Before me *Sarah Rollin* a Notary Public

the undersigned authority in and for said State and County, hereby certify that

Johnnye H. Brock whose name is signed to the fore-

going answer to a certain Bill of Complaint filed on the 7th day of November, A.D. 1955,

wherein JOHN BROCK is complainant

and Johnnye H. Brock is defendant,

and who is known to me to be the identical person named as defendant in the Bill of Complaint in this cause, acknowledged before me on this day that being informed of the allegations on the Bill of Complaint filed against the defendant in said cause, said defendant signed the answer hereto attached voluntarily on the day same bears date.

And I further certify that defendant signed the said answer in my presence.

Given under my hand and seal this 7th day of November A.D. 19 55

Sarah Rollin

7203681
RECORDED

THE STATE OF ALABAMA

Escambia County.

CIRCUIT COURT, IN EQUITY

vs.

Answer and Waiver of Defendant

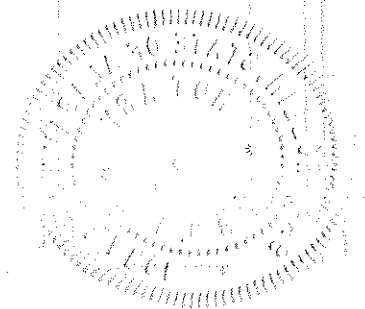
VERIFIED BY AFFIDAVIT

Filed this 9th day of

Nov

, 1953

Wiley J. Smith
Register.



The State of Alabama, Baldwin County

IN CIRCUIT COURT, IN EQUITY

JOHN BROCK

Complainant

vs.

JOHNNYE H. BROCK

Defendant

Commissioner

Oral examination before the ~~Register~~ of the following witnesses:

John Brock and Clarenc Bryars

who reside in Alabama, said examination being conducted in Atmore Alabama,
on this the 15th day of November, 1955, and there being present

The commissioner and the said witnesses

The said witnesses being first sworn to speak the truth, the whole truth and nothing but the
truth, testified as follows:

TESTIMONY OF JOHN BROCK.

My name is John Brock. I am the Complainant in the
above entitled cause and Johnnye H. Brock is the respondent. We are
both over the age of twenty one years and are both bona fide resident
citizens of the State of Alabama and have so resided for more than one
year next preceding the date of the filing of the Bill of Complaint
in this cause.

The respondent and I were married to each at
Brewton, Escambia County, Alabama on the 26th day of March, 1931
and lived together thereafter as man and wife.

The respondent did on the 1st day of June, 1954
Voluntarily and without any just cause or good excuse abandon me from
bed and board. That this was more than one year before I filed my
bill of complaint in this cause. That said abandonment was entirely
voluntary and without any just cause and has been continuous and absolute

since the date it occurred. We have two minor children and have made an agreement which is filed in the cause by virtue of which the respondent is to have their custody and I am to pay \$250.00 per month as alimony or support money for the said children.

I have also agreed that in the event of Dr. bills and other financial emergencies I am to furnish more than the two hundred and fifty dollars. The names of the children are, Loretta Brock and John Gordon Brock. We ask that the decree award the custody to the respondent in accordance with the agreement.

John Brock

TESTIMONY OF CLARENCE BRYARS.

My name is Clarence Bryars. I know both parties to this cause. They are both over 21 years of age and are both bona fide resident citizens of the State of Alabama. They have so resided for many years immediately prior to this date. They were married in Brewton Alabama on or about March 26, 1931. They have two minor children, namely Loretta Brock a girl, and John Gordon Brock, and I understand that they have executed an agreement relative to the future custody and support of the children. I know that the respondent over a year before the date ^{complainant} ~~he~~ filed this suit and on or about the 1st day of June, 1954 voluntarily and without any just cause or good excuse abandoned the complainant from bed and board and this abandonment has been continuous and absolute since it first occurred and was without fault on the part of the complainant. I am not related to the parties to this cause and am in no sense interested in the matter. My residence is Atmore, Escambia County, Alabama.

Clarence Bryars

hereby certify that the foregoing deposition S on oral examination were taken down by me in writing in the words of the witness S and read over to them and they signed the same in the presence of each other, at the time and place herein mentioned; that I have personal knowledge of the personal identity of the said witness S or had proof made before me of the identity of said witness S; that I am not of counsel or of kin to any of the parties to said cause; or in any manner interested in the result thereof.

Given under my hand and seal this the 15th day of November, 19 55

Sarah Rollin (L. S.)

I hereby certify that the following named witnesses are entitled to the amounts stated below:

[illegible]

days at \$1.50 per day	\$
words at 20 cents per hundred	\$

No. _____ Page _____

The State of Alabama,

COUNTY

IN CIRCUIT COURT, IN EQUITY

vs. Complainant,

Defendant.

Deposition Taken Before Register on Oral Examination

Deposition of _____

for _____

Filed _____ day of _____, 19____

Published by order of the Court, _____

day _____, 19____

Register.

BALDWIN
THE STATE OF ALABAMA, ESCAMBIA COUNTY

CIRCUIT COURT IN EQUITY

No. _____

JOHN BROCK

Complainant

vs.

JOHNNYE H. BROCK

Respondent

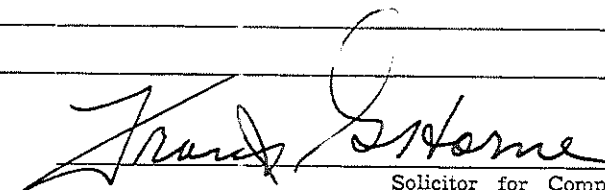
Complainant

IN THIS CAUSE comes the

by his Solicitor and submits the same for final decreedecree upon the Original Bill and exhibits thereto answser and waiver and agreement

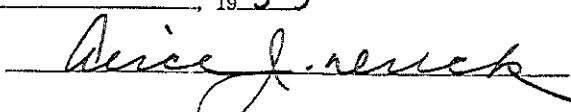
and upon the following testimony, to wit:

1. Testimony of John Brock
2. Testimony of Clarence Bryars.


Solicitor for Complainant.

I Hereby certify that the above note of testimony is correct:

This 15 day of Nov, 19 55


Register

FRANK G. HORNE
DOUGLAS S. WEBB

Law Offices of
Horne & Webb
Attorneys at Law
Atmore, Ala.

November 7, 1955

Mrs. Alice Duck
Clerk
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed you will find a divorce bill of complaint along with an answer and waiver which we wish filed in the case of John Brock against Johnnye H. Brock.

Please send us a commission to take testimony directed to Nora Hadley.

Very truly yours,

HORNE & WEBB

BY:  HORNE

FGH/nh

Enclosures

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: Sarah Rollin

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine

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

JOHN BROCK

, Complainant

and JOHNNY E. BROCK

Respondent

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 9th day of November, 1955

David J. Brock

Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 3651

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

JOHN BROCK

Complainant

VS.

JOHNNIE H. BROCK

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

The State of Alabama, BALDWIN County

CIRCUIT COURT, IN EQUITY

JOHN BROCK Complainant

vs.

JOHNNYE H. BROCK Respondent

answer and waiver

~~Decree Pro Confesso or~~

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso or~~ and agreement of parties 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

John Brock is forever divorced from the said

JOHNNYE H. BROCK

for and on account of Voluntary abandonment

The Court takes cognizance of an agreement of the parties filed in the cause and awards the custody of Loretta Brock and John Gordon Brock, both minors, to the respondent, Johnnye H. Brock, subject to the future orders of this Court.

The respondent is also required to pay to the respondent \$250.00 per months as alimony and support money until Loretta Brock reaches the age of 18 years, and thereafter \$170.00 per month until John Gordon Brock reaches the age of 18 years; and thereafter \$100.00 per month to Johnnye Brock, the respondent, until she marry again.

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 parties be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that John Brock the Complainant pay the cost herein to be taxed, for which execution may issue.

This 15 day of November, 19 55

Hubert M. Falk

Judge Circuit Court, in Equity.

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

Witness my hand and seal this the _____ day of

_____, 19____

Register of Circuit Court, in Equity.