

3312

DIVORCE DECREE

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

CLEO NELL VOLKING

, Complainant

vs.

BOBBY JAMES VOLKING

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Conso~~ on 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

CLEO NELL VOLKING is forever divorced from the said BOBBY JAMES VOLKING for and on account of

VOLUNTARY ABANDONMENT.

It is further ordered, adjudged and decreed that the care, control and custody of the minor child, Pamela, be in the mother the Complainant until further orders of this Court.

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 CLEO NELL VOLKING the Complainant pay the cost herein to be taxed, for which execution may issue.

This 11 day of October, 1957

Hubert M. Steele

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. 3372 Page

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

CLEO NELL VOLKING
Complainant

vs.

BOBBY JAMES VOLKING

Respondent

DIVORCE DECREE

FILED

OCT 11 1954

ALICE J. DUCK, Register

RECEIPT

The State of Alabama, Baldwin County

Equity Division, Circuit Court.

Nº

2487
1957

Case No. 3392

Date 10-6, 1954

RECEIVED OF Ernest M. Bailey (Walker vs. Walker)
the sum of Twelve ⁰⁰/₁₀₀

| | |
|-----------|----|
| Trial Tax | \$ |
| | \$ |
| | \$ |
| | \$ |
| | \$ |
| | \$ |
| | \$ |
| | \$ |

Archie J. Duck
As Register, Baldwin County, Ala.

Total \$ 12.00

By _____

CLEO NELL VOLKING

VS.

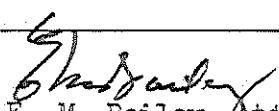
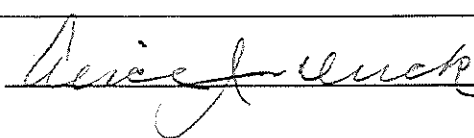
BOBBY JAMES VOLKING

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

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, _____

CLEO NELL VOLKING AND MAUDINE BOYKIN FOX

and in behalf of Defendant upon ANSWER AND WAIVER


E. M. Bailey, Attorney
Register.

No. 3372

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

CLEO NELL VOLKING

VS.

BOBBY JAMES VOLKING

NOTE OF TESTIMONY

Filed in Open Court this

FILED

day of

OCT

194

6 1954

ALICE J. DUCK, Register.

The State of Alabama, { Circuit Court of Baldwin County, Alabama
Baldwin County. (In Equity)

CLEO NELL VOLKING

Complainant

VS.

BOBBY JAMES VOLKING

Respondent

I, SHIRLEY COPAS

as ~~XXXXXXXX~~ Commissioner

have called and caused to come before me CLEO NELL VOLKING and MAUDINE BOYKIN FOX

witnesses named in the Requirement for Oral Examination, on the 4th day of October

1954, at the office of Ernest M. Bailey

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

truth, the whole truth, and nothing but the truth, the said CLEO NELL VOLKING and

Maudine Boykin Fox doth depose and say as follows:

My name is Cleo Nell Volking. I am the Complainant in the above cause. I am a bona fide resident of Baldwin County, Alabama, and over eighteen years of age. The Respondent is over the age of twenty-one years and is also a resident of Baldwin County, Alabama.

The Respondent and I were married at Lucedale, Mississippi on or about, to-wit, October 19, 1952. We lived together as husband and wife until September 27, 1953. At that time the Respondent voluntarily abandoned my bed and board and has remained away voluntarily and continuously since that time.

Cleo Nell Volking
Cleo Nell Volking

My name is Maudie Boykin Fox. I am over the age of twenty-one years and am a bona fide resident of Baldwin County, Alabama.

I know the Complainant in the above cause. I know that the Respondent voluntarily left the Complainant's bed and board on September 27, 1953 and has remained away voluntarily and continuously since that time.

Maudine Boykin Fox
Maudie Boykin Fox

ORAL EXAMINATION

I, SHIRLEY COPAS, as Register and Commissioner hereby certify that the foregoing deposition is 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 Ernest M. Bailey

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 4th day of October, 1954.

Shirley Copas (L. S.)

Oral Deposition

Respondent

Complainant

BOBBY JAMES VOLKING

CLEO NELL VOLKING

In Circuit Court, In Equity

The State of Alabama
Baldwin County.

No. 9877

Page

Filed FILED, 1954

OCT 6 1954, Register

Allice Registered in Register

Record

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, Register

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: SHERLEY COPAS

FAIRHOPE, ALABAMA

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 CLEO NELL VOLKING and MAUDINE BOYKIN FOX

as witnesses in behalf of CLEO NELL VOLKING in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

CLEO NELL VOLKING, Complainant
and

BOBBY JAMES VOLKING Respondent

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

Witness 1st day of October, 1954

Commissioner's Fee, \$

Witness' Fees, \$

David H. Hensley
Register.

STATE OF ALABAMA)
BALDWIN COUNTY)

CLEO NELL VOLKING,
Complainant

vs.

BOBBY JAMES VOLKING,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

To the Honorable Judges of the Circuit Court of Baldwin County, Alabama,
In Equity Sitting:

Now comes the Respondent, and with the leave of the Court first had
and obtained, amends his answer and waiver heretofore filed by adding the
following:

Paragraph 1 of the answer and waiver is amended by deleting the
word "admits" and substituting therefor the word "denies".

Bobby J. Volking
Respondent

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, *Cecil Pitman*, a Notary Public in and for the State
of Alabama at Large, personally appeared BOBBY JAMES VOLKING, whose name is
signed to the foregoing instrument and who is known to me, and acknowledged
that he voluntarily signed the same on the day the same bears date.

Given under my hand and seal on this the 11th day of *Oct*, 1954.

FILED

10-11-54

ALICE J. DUCK, Clerk

Cecil Pitman
Notary Public

Service made on this complaint
by delivering a copy to the
Attorney for the Complainant.

STATE OF ALABAMA)
BALDWIN COUNTY)

CLEC NELL VOLKING

vs.

BOBBY JAMES VOLKING

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes the Respondent in the above-styled cause and accepts service of a bill of complaint heretofore filed in said cause, waives notice of the filing of interrogatories in said cause, and the right to cross same; waives notice of the taking of testimony in said cause, and consents that the same may be taken and the cause submitted for final decree.

And for answer to the bill of complaint heretofore filed in this cause, respondent says:

1. He admits the allegations contained in paragraph 3 of said bill of complaint.

Bobby J. Volking
Respondent

FILED
10-6-54

ALICE L. DUCK, Clerk

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, Cecil Petrus, a Notary Public in and for the State of Alabama at Large, personally appeared BOBBY JAMES VOLKING, whose name is signed to the foregoing instrument and whose name has been made known to me, and acknowledged that he voluntarily signed this instrument on the 4th day of October, 1954.

Given under my hand and seal on the day the same bears date.

Cecil Petrus
Notary Public

STATE OF ALABAMA)
BALDWIN COUNTY)

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| | | |
|----------------------|---|-------------------------|
| CLEO NELL VOLKING, | ¶ | IN THE CIRCUIT COURT OF |
| Complainant | ¶ | BALDWIN COUNTY, ALABAMA |
| v. | ¶ | |
| BOBBY JAMES VOLKING, | ¶ | IN EQUITY |
| Respondent | ¶ | |

To the Honorable Judges of the Circuit Court of Baldwin County,
Sitting in Equity:

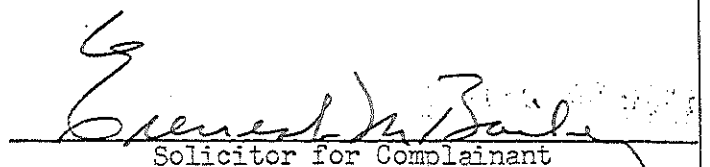
Your complainant CLEO NELL VOLKING, respectfully represents and shows unto your Honors:

1. That complainant is over the age of eighteen years and is a resident of said State and County, and has been a bona fide resident of said State for more than one year next preceding the filing of this bill of complaint; that BOBBY JAMES VOLKING is over the age of twenty-one years and resides in Baldwin County, Alabama.

2. That your complainant and respondent were lawfully married on or about, to-wit, October 19, 1952, at Lucedale, Mississippi.

3. Complainant further avers that said respondent voluntarily abandoned the bed and board of complainant for more than one year next preceding the filing of this bill of complaint, since which time complainant and respondent have not lived together nor in any way recognized each other as husband and wife.

The premises considered, your complainant makes the said BOBBY JAMES VOLKING a party respondent to this bill of complaint, and in order that complainant may have the relief prayed herein for, may it please your Honors to cause the State's writ of subpoena to be issued, directed to the said BOBBY JAMES VOLKING, commanding him to answer, plead or demur to this bill of complaint, within the time required by law; and that on a final hearing of this cause, that your Honors will enter a decree divorcing your complainant from said respondent, granting the complainant the right to remarry, and granting the complainant the right to resume herein her maiden name; and that your Honors will grant such other, further and different relief as unto your Honors may seem just and proper, and your complainant will ever pray, etc.


Solicitor for Complainant

STATE OF ALABAMA)
BALDWIN COUNTY)

BOOK 015 PAGE 486

| | | |
|---------------------|---|-------------------------|
| CLEO NELL VOLKING | Ø | IN THE CIRCUIT COURT OF |
| Complainant | Ø | |
| vs. | Ø | BALDWIN COUNTY, ALABAMA |
| BOBBY JAMES VOLKING | Ø | IN EQUITY |
| Respondent | Ø | |

This agreement made and entered into on this the 4th day of October, 1954, by and between CLEO NELL VOLKING, hereinafter referred to as the part of the first part, and BOBBY JAMES VOLKING, hereinafter referred to as the party of the second part, WITNESSETH:

Whereas, the parties hereto have been husband and wife for a period of two years, and as a result of such union have one minor child as follows:

PAMELA, aged thirteen (13) months.

And whereas, said parties have definitely concluded that under conditions now existing it is impracticable for them to live together as man and wife.

Now, therefore, in consideration thereof, and of the mutual agreements hereinafter made, they have mutually agreed to a complete separation under the following express terms and conditions.

1. The said parties shall entirely and completely separate as man and wife, live separate and apart, and neither party hereinafter shall in any way harass, threaten, intimidate, or otherwise act in any way so as to embarrass or humiliate the other party.

2. The party of the first part shall have the custody, control and support of the child aforesaid. It is understood and agreed, however, although the child is in the custody, control and support of the said party, the party of the second part shall have the right at convenient times of access and visitation to be exercised in a proper and reasonable manner and at such times as may be convenient to and consented to by the party of the first part.

It is further agreed between the parties that should a divorce proceeding at any time hereafter be instituted that the terms of this agreement may be entered as a part of any decree entered therein should the parties hereto so desire and should the same be deemed necessary by the Court in said cause and for that purpose be properly incorporated in the final decree.

It is further understood and agreed that under such conditions, the Court thereafter shall reserve and maintain its right in the interest and welfare of the child to make such changes in reference to the custody, control and support of the child as the Court may determine, after proper hearing and with due notice, to be in the best interests of the child.

This agreement has been made and executed by the parties hereto on day and date hereinabove first set forth, in good faith, with full understanding of all of its provisions, and with the mutual promise on the part of each to comply therewith faithfully and completely.

FILED

10-6-54

ALICE J. DUCK, Clerk

Cleo Nell Volking
Cleo Nell Volking, Complainant

Bobby J. Volking
Bobby James Volking, Respondent

James M. Bailey
Witness for Cleo Nell Volking

Shirley Copas
Witness for Cleo Nell Volking

Shirley Copas
Witness for Bobby James Volking

Edith F. Frazier
Witness for Bobby James Volking