

LILLIAN EUBANKS
COMPLAINANT

VS.

ROBERT L. EUBANKS
RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Now comes the Respondent in person, and through his Solicitor of record, and accepts service of summons and complaint in the above styled cause;

The Respondent admits the allegations as to residences, ages and marriage.

The Respondent further admits the allegation as to the child and that the Complainant, the mother of said child is the proper person to have its care, custody and control; that FORTY (\$40.00) DOLLARS per month is a reasonable amount to be paid by the Respondent to the Complainant for the maintenance of said child, for three months and that after said time, THIRTY (\$30.00) DOLLARS, per month is a reasonable amount to be paid by the Respondent to the Complainant for the maintenance of said child; the Respondent denies every allegation as to cruelty and demands strict proof of the same;

The Respondent waives notice of the time of taking testimony on behalf of the Complainant; the right to cross examine Complainant's witnesses, and agrees that this cause be submitted for final decree without notice.

Dated this the 28th day of June, 1949.

Robert L. Eubanks
Respondent

Wm Lee
Solicitor for the Respondent.

W 2311

LILIAN EUBANKS

COMPLAINANT

VS

ROBERT L. EUBANKS

RESPONDENT

ANSWER AND WAIVER

2311

Filed 6-29-49
Alice J. Verick
Register

From the law office of
H.M. Hall

LILLIAN EUBANKS

VS.

ROBERT L. EUBANKS

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, _____

Oral Deposition

and in behalf of Defendant upon _____

Answer and Waiver

C. LeNoir Thompson

Register.

No. 23.11

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

LILLIAN EUBANKS

vs.

ROBERT L. EUBANKS

NOTE OF TESTIMONY

Filed in Open Court this 30th

day of June, 1949

Archie J. Nichols
Register.

Printed By The Baldwin Times

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

LILLIAN EUBANKS

Complainant

VS.

ROBERT L. EUBANKS

Respondent

I, Nita Ann Hall
as Register and Commissioner
have called and caused to come before me Lillian Eubanks and

witness S named in the Requirement for Oral Examination, on the 29 day of June
1949, at the office of C. LeNoir Thompson
in Bay Minette, Alabama, and having first sworn said Witness S to speak the
truth, the whole truth, and nothing but the truth, the said Lillian Eubanks and
doth depose and say as follows:

My name is Lillian Eubanks. I am a bona fide resident of Baldwin County, Alabama and over twenty-one years of age. The Respondent is over twenty-one years of age and a bona fide resident of Baldwin County, Alabama.

The Respondent and I married in Lucedale, Mississippi on August 10, 1947. We lived together as husband and wife in Baldwin County, Alabama until December 28, 1948.

The Respondent on December 28, 1948 and on various other occasions, cursed, threatened and abused me and threatened to do actual violence to my person which would necessarily endanger my life and health. The conditions of the Respondent was such as to give me every reasonable apprehension to believe and I did actually believe that if I continued to live with him he would carry out his threats which would do actual violence to my person which would necessarily endanger my life and health.

The conditions are such as to make it absolutely impossible for the Respondent and I to ever live together as husband and wife. I know that it can not be done.

The Respondent and I have one child, now a little over one month old. I am suitable, fit and proper person to have the care and control of a baby of such tender years.

The Respondent and I agreed that \$40.00 per month is reasonable as maintenance for the next three months before I am able to work and thereafter that \$30.00 per month is a reasonable amount.

I live in the home with my mother and father and have talked it over with them, and they are both in accord with me.

Lillian Eubanks

That my name is Hettie Phillips.
I am the mother of Lillian Eubanks, the Complainant in the above cause. I know of the conditions existing between the Complainant and the Respondent. I know that the conditions are such that they can never live together as husband and wife and that it is to the best interest of both that they be granted a divorce. The Complainant, my daughter, and I have discussed the matter on several occasions. We are of the opinion that \$40.00 a month for the next three months, while Lillian can not work, is reasonable, and that thereafter \$30.00 a month a reasonable maintenance to be paid by the Respondent to the Complainant for her and the minor child.

Hettie Phillips

ORAL EXAMINATION.

I, Nita Ann Hall, as Register and Commissioner hereby certify that the foregoing deposition—on Oral Examination was 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 myself and C. LeNoir Thompson

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness s or had proom 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 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 _____ day of June, 1949.

Nita Ann Hall (L. S.)

NO. 2314 PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

LILLIAN EUBANKS

vs.
Complainant

ROBERT L. EUBANKS

Respondent.

Oral Deposition

Filed 6-30, 1949

Miss L. LeNoir, Register.

Recorded in

Record

Vol. _____

Page _____

, Register.

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Nita Ann Hall

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 Lillian Eubanks and Hettie Phillips

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

Lillian Eubanks

_____, Complainant

and

Robert L. Eubanks

_____, Respondent

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

Witness 29th day of June, 1949

Alice J. Smith

Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 231

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

LILLIAN EUBANKS

VS.

ROBERT L. EUBANKS

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

MILVA ANN HALL

WITNESSES:

Subscribed and sworn to before me on this 23rd day of January 1961, at Baldwin County, Alabama.

My commission expires on this 23rd day of January 1961.

Notary Public for Baldwin County, Alabama

My commission expires on this 23rd day of January 1961.

Notary Public for Baldwin County, Alabama

STATE OF ALABAMA §
BALDWIN COUNTY. §

You are hereby commanded to summon ROBERT L. EUBANKS, 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 LILLIAN EUBANKS, as Complainant, and against ROBERT L. EUBANKS, as Respondent.

WITNESS my hand this 30th day of June, 1949.

Deice L. Lusk
Register

LILLIAN EUBANKS	§	IN THE CIRCUIT COURT OF
COMPLAINANT	§	BALDWIN COUNTY, ALABAMA
VS	§	IN EQUITY.
ROBERT L. EUBANKS	§	
RESPONDENT	§	

TO HONORABLE TELFAIR J. MASHBURN JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

Your Complainant, LILLIAN EUBANKS, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant and the Respondent are both bona fide residents of Baldwin County, Alabama and over twenty-one years of age.

2.

That your Complainant and the Respondent married in Lucedale, Mississippi on August 10, 1947 and lived together as husband and wife in Baldwin County, Alabama until on to-wit, December 28, 1948, when for the reason hereinafter set out your Complainant was forced to abandon living with the Respondent.

3.

That on to-wit, December 28, 1948, and on various other occasions, the Respondent cursed, threatened and abused your Complainant and threatened to do violence to her person which would necessarily endanger her life and health; that the conditions of the Respondent was such as to give your Complainant every reasonable apprehension to believe

and she did actually believe that if she continued to live with him he would carry out his threats and do actual violence to her person that would necessarily endanger her life and health.

4.

That there was born between the marriage of your Complainant and the Respondent a child, JOHN ROBERT EUBANKS, one month old; that said child is with your Complainant who is a suitable, fit, and proper person to have his care, custody and control.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper procedure make the said ROBERT L. EUBANKS party Respondent to this bill of complaint requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon final hearing hereof your Honor will grant to her an absolute divorce forever barring the bonds of matrimony existing between your Complainant and Respondent.

That your Complainant be awarded the custody, care and control of the minor child, JOHN ROBERT EUBANKS; that your Honor will grant to the Complainant maintenance for the child, JOHN ROBERT EUBANKS, in the amount of FORTY (\$40.00) DOLLARS per month for three months and THIRTY (\$30.00) DOLLARS per month for succeeding months, and inasmuch as your Complainant is without funds it is suggested that SIXTY FIVE (\$65.00) DOLLARS be allowed as a reasonable Solicitor's fee to your Complainant's Solicitor for his services herein and that upon a final hearing of this cause, that your Complainant be awarded such other, further, different or general relief as she may be in equity and good conscience entitled to receive.

Lillian Eubanks
Complainant

Solicitor for Complainant

LILLIAN EUBANKS
COMPLAINANT
VS
ROBERT L. EUBANKS
RESPONDENT

SUMMONS AND COMPLAINT

Filed 6-29-49
Alice J. Leuck
Register

From the law office of
C. LeNoir Thompson

The undersigned, JAMES H. HARRIS, of the County of ... State of ... do hereby certify that the within and foregoing is a true and correct copy of the ... as the same appears from the records of the ...

JAMES H. HARRIS
 County Clerk

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

LILLIAN EUBANKS

, Complainant

vs.

ROBERT L. EUBANKS

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso 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 Lillian Eubanks is forever divorced from the said Robert L. Eubanks for and on account of

Cruelty

~~It is adjudged and decreed by the court that the Complainant shall have the custody, care and control of the infant John Robert Eubanks.~~

~~It is further ordered and decreed by the court that the Respondent shall pay to the Complainant as maintenance for the infant John Robert Eubanks, the sum of \$40.00 a month for the months of July, August and September, 1949 and \$30.00 a month for all subsequent months. The court also retains jurisdiction of this case for the protection of the said minor.~~

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 Robert L. Eubanks

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

This 1st day of June July, 1949

Jeffrey J. Mashburn
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. 2311 Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

LILLIAN EUBANKS

Complainant

vs.

ROBERT L. EUBANKS

Respondent

DIVORCE DECREE

*Filed
12-1-49
Alice J. Henshaw
Clerk*

2311