

PETITION FOR DIVORCE

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA - IN EQUITYANGELO C. CUMMINGS,
Complainant

vs.

ESTELLE CUMMINGS,
Respondent

TO ANY JUDGE OF SAID COURT, IN EQUITY SITTING:

Comes your Complainant, Angelo C. Cummings, in the above styled cause and respectfully shows unto your Honor the following:

1. That your Complainant is over the age of 21 years and is and has been for the past five years a bona fide resident of Baldwin County, Alabama; that Respondent, Estelle Cummings, is over the age of 21 years and her address is unknown to your Complainant and cannot be ascertained after diligent search and inquiry, and your Complainant has not heard from her in two years just prior to filing of this bill of complaint.
2. That your Complainant and your Respondent were lawfully married to each other on or before Jan. 21, 1940; that there are no children born as a result of this union.
3. That Complainant and Respondent separated on or about September, 1942; that for a year prior to the date of separation the Respondent actually voluntarily abandoned the bed of your Complainant and refused to enter into marital relations with your Complainant during that time; that the Respondent made unreasonable demands for money from your Complainant causing him embarrassment and worry; that your Complainant believed that said conduct on the part of the Respondent was continuing and irremediable, hence the separation; that Complainant has on at least two occasions since the date of separation attempted a reconciliation but such could not be accomplished.

PREMISES CONSIDERED, your Complainant prays that the said Estelle Cummings be made a party Respondent to this bill of complaint and that the Court cause the proper notice to be served on the said Estelle Cummings requiring her to plead, answer or demur to this bill within the time required by law and the rules of this Honorable Court; and that on a final hearing of this cause your Honor will issue a decree forever divorcing your Complainant from said Respondent and granting your Complainant the right to remarry; and Complainant prays for such other, further and different relief as to your Honor may seem proper as to which your Complainant in duty bound will ever pray.

A. B. Miller
Solicitor for Complainant

STATE OF ALABAMA
BALDWIN COUNTY

Comes the Complainant, Angelo C. Cummings, in the above styled cause and says on oath before the undersigned authority that the allegations of the above bill of complaint are true and correct.

Angelo C. Cummings
Complainant

Sworn to and Subscribed before me this 26th day of September, 1930.

Gray I. Seehus
Notary Public, Baldwin County
My Comm. expires 4/9/35

A. B. MILLER
ATTORNEY AT LAW
ROBERTSDALE, ALABAMA

September 26, 1950

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

Re: Cummings v. Cummings - Equity

Dear Mrs. Duck,

Enclosed is a petition for divorce in the above styled cause. I believe the affidavit and petition are sufficient to warrant service by publication. Mr. Cummings does not know the whereabouts of his wife and cannot furnish us with any recent address.

Please have service by publication in the form of service to one who secrets himself to avoid service. A non-resident form cannot be used, since Mr. Cummings does not know whether or not Mrs. Cummings is out of the state.

Thank you for your cooperation. Best personal regards to you and your staff.

Sincerely,

A. B. Miller
A. B. Miller

ABM/sm

THE FAIRHOPE COURIER

E. B. Gaston Estate, Publishers



TELEPHONE 5201

A Progressive Paper for Progressive People

ESTABLISHED 1894

FAIRHOPE, ALABAMA

"On Beautiful Mobile Bay"

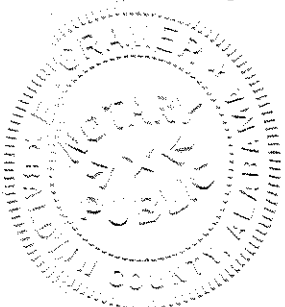
This is to certify that the
attached legal notice appeared
in the Fairhope Courier, a news-
paper published in Fairhope,
Baldwin County on the dates of
October 5, 12, 19 and 26, 1950.

James H. Crawford
Editor

State of Alabama
Baldwin County

Subscribed and sworn to this 27th day of
October, A. D. 1950, before me.

C. G. Gromelle
Notary Public, Baldwin County, Ala.



ANGELO C. CUMMINGS,)	IN THE CIRCUIT COURT OF
Complainant,	(BALDWIN COUNTY, ALABAMA.
Vs.)	
ESTELLE CUMMINGS,	(IN EQUITY.
Respondent.)	NO. _____

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE
TWENTY-EIGHTH JUDICIAL CIRCUIT COURT OF THE STATE OF ALABAMA,
SITTING IN EQUITY:

Comes now the Respondent, Estelle Cummings, in the above styled cause and appearing specially and for the sole purpose, hereinafter stated, moves the Court to dismiss the Bill of Complaint heretofore filed in said cause and as grounds for said motion, shows unto the Court as follows:

1. That said Court does not have venue over said cause of action for that the Respondent was at the time of the filing of said Bill of Complaint and is now a bona fide resident citizen of Mobile County, Alabama.

2. That Respondent has not been a resident citizen of Baldwin County, Alabama, at any time whatever.

3. That no separation between the Complainant and Respondent occurred in Baldwin County, Alabama.

4. For that said Court does not have venue of said cause of action for that the Respondent is not now and was not at the time of said filing of Bill of Complaint, a resident of Baldwin County, Alabama, and that the alleged separation between said parties did not occur in said county.

Respectfully submitted,

Robert E. Gordon

OF GORDON & GORDON
Solicitors for Respondent

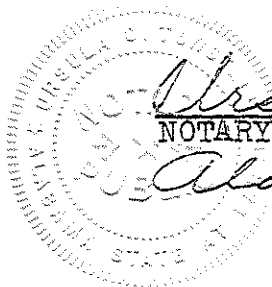
Estelle Cummings
 Respondent

STATE OF ALABAMA)
COUNTY OF MOBILE)

Personally appeared before me, Ursula C. Junstall, a Notary Public in and for said State and County, Estelle Cummings, who is known to me, and who, after having been by me first duly sworn according to law, deposes and says that she has read the foregoing motion and knows the facts therein stated are true and correct.

Estelle Cummings

Subscribed and sworn to before me on this
the 1st day of November, 1950.



Ursula C. Junstall
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

Alabama State at Large

NOTICE TO NON-RESIDENT

TIMES PRINTING CO., BAY MINETTE

ANGELO C. CUMMINGS

No.

2551

vs.

ESTELLE CUMMINGS

The State of Alabama.

Baldwin County.

Circuit Court, in Equity

This the 27th day of

September, 1950

In this cause it being made to appear to the Clerk of this Court by the affidavit of Angelo C. Cummings

that the Defendant Estelle Cummings

is a non-resident of the State of Alabama

and further, that, in the belief of said Affiant the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Fairhope Courier

published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring

Respondent the said Estelle Cummings

to answer or demur to the Bill of Complaint in this cause by the 27th day of October 1950, or after thirty days therefrom a decree Pro Confesso may be taken against her

Register.

A. B. Miller, Attorney For Complainant