

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

Circuit Court, In Equity

EVELYN ELOUISE WHITE PAYNE

, Complainant

vs.

BENJAMIN TROY PAYNE

, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confession~~ 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 Evelyn Elouise White Payne is forever divorced from the said Benjamin Troy Payne for and on account of Abandonment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the Complainant, Evelyn Elouise White Payne, shall resume the use of her maiden name, Evelyn Elouise White.

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

This 17th day of December, 1951.

W. J. M. M. M. M. M.
Judge Circuit Court, In Equity.

I, Alice J. Duck

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.

RECORDED

No. 2749 Page _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

Evelyn Elouise White Payne

Complainant

vs.

Benjamin Troy Payne

Respondent

DIVORCE DECREE

Filed

12-18-51

W. J. French
Register

EVELYN ELOUISE WHITE PAYNE

COMPLAINANT

VS

BENJAMIN TROY PAYNE

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

Now comes the Respondent and accepts service of the summons and complaint in this cause.

The Respondent admits the allegations as to ages, marriage and residence, but denies all other allegations contained in the bill of complaint, and demand strict proof of the same.

The Respondent waives notice of the time of taking of 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 further notice.

Benjamin Troy Payne

STATE OF
COUNTY OF

New Jersey
Hudson

I, Paul W. Sundberg, a Notary Public, in and for said County, in said State, hereby certify that Benjamin Troy Payne, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 11th day of Dec., 1951.

Paul W. Sundberg
Notary Public, N.J. COUNTY, Hudson
NOTARY PUBLIC OF N. J.
MY COMMISSION EXPIRES MAY 5, 1952

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Lois Howard

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 Evelyn Elouise White Payne and Evelyn Watts.

as witnesses in behalf of Complainant in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein Evelyn Elouise White Payne

Complainant
and Benjamin Troy Payne

Respondent
on oath, to be by you administered, upon Evelyn Elouise White Payne and Evelyn Watts.
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 Dec, 1941

Alvin J. Smith
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

EVELYN ELOUISE WHITE PAYNE

Complainant

vs.

BENJAMIN TROY PAYNE

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Lois Howard

WITNESSES:

Evelyn Elouise White Payne

Evelyn Watts.

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

EVELYN ELOUISE WHITE PAYNE

Complainant

VS.

BENJAMIN TROY PAYNE

Respondent

I, Lois Howard

as Register and Commissioner

have called and caused to come before me Evelyn Elouise White Payne and Evelyn Watts.

witnesses named in the Requirement for Oral Examination, on the 17th day of December
1945, at the office of C. LeNoir Thompson

in Bay Minette, Alabama, and having first sworn said Witness es to speak the
truth, the whole truth, and nothing but the truth, the said Evelyn Elouise White Payne and
Evelyn Watts doth depose and say as follows:

That my name is Evelyn Elouise White Payne, I am over the age of eighteen and a resident of Baldwin County, Alabama and have been more than two years next preceding. The Respondent is temporarily residing in New Jersey and is over the age of twenty-one but we both were residents of Baldwin County, Alabama at the time of the separation.

We were married at Lucedale, Mississippi on January 20, 1950 and lived together as husband and wife until about July 3, 1950 at which time he voluntarily abandoned me through no fault of my own and we have not lived together as husband and wife since that date. I know of no cause which I gave him for such abandonment.

There are no children as fruits of our marriage and no property to be divided.

I would like to resume the use of my maiden name, Evelyn Elouise White.

Evelyn Elouise White Payne

That my name is Evelyn Watts, I know both parties to this cause and that Evelyn Elouise White Payne is over the age of 18 and a resident of Baldwin County, Alabama and that Benjamin Troy Payne was a resident of Baldwin County at the time of the separation and is over the age of 21. That they were married in Lucedale, Mississippi during January, 1950 and lived together until sometime in July, 1950 at which time he abandoned her. I do not know of any cause which she gave him for such treatment.

Evelyn Watts

ORAL EXAMINATION.

I, Lois Howard, 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 es 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 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 17th day of December, 1945.

Lois Howard (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Melvin Mlouise White Payne

vs. Complainant

Benjamin Proov Payne

Respondent.

Oral Deposition

Filed 12-17, 1945

Lois L. Howard, Register.

Recorded in

Record

Vol. _____ Page _____

Register.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon BENJAMIN TROY PAYNE 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 EVELYN ELOUISE WHITE PAYNE as Complainant and against BENJAMIN TROY PAYNE as Respondent.

WITNESS my hand this the 29 day of Nov., 1951.

Miss C. W. Smith
Register.

EVELYN ELOUISE WHITE PAYNE

COMPLAINANT

VS

BENJAMIN TROY PAYNE

RESPONDENT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

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

Your Complainant, Evelyn Elouise White Payne, respectfully represents unto your Honor and this Honorable Court as follows:

1.

That your Complainant and the Respondent were both bona fide residents of Baldwin County, Alabama at the time of their separation and more than two years prior thereto; that Complainant is a resident of Baldwin County but that Respondent is now a resident of New Jersey, and his address is 394 Highland Avenue, Orange, New Jersey; that the Complainant is over the age of eighteen and the Respondent is over the age of twenty-one.

2.

That your Complainant and the Respondent married at Lucedale, Mississippi, on January 20, 1950, and lived together as husband and wife until on to-wit, July 3, 1950.

3.

That on July 3, 1950, while your Complainant and the Respondent were living together the Respondent voluntarily abandoned the bed and board of your Complainant, and has remained away voluntarily and continuously since that time.

EVELYN ELOUISE WHITE PAYNE

vs.

BENJAMIN TROY PAYNE

THE STATE OF ALABAMA
Baldwin CountyIN EQUITY
Circuit Court of Baldwin County

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

Testimony of Evelyn Eloise White Payne, and Evelyn Watts, and
Waiver and Answer.

and in behalf of Defendant upon _____

Chas. Thompson
Thomson

Register.

RECORDED

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

EVELYN ELOUISE WHITE PAYNE

VS.

EVELYN ELOUISE WHITE PAYNE

NOTE OF TESTIMONY

Filed in Open Court this 17th

day of Dec, 1967

Alice J. Hatcher
Register.

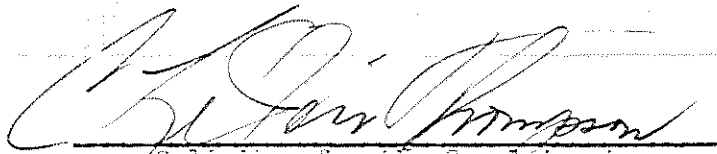
Printed By The Baldwin Times

4.

That the Complainant and the Respondent have no children as fruits of this marriage, and there is no property to be divided.

WHEREFORE, the premises considered, the Complainant prays that your Honor will by proper process make the said Benjamin Troy Payne, party Respondent to this cause of action, 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.

Complainant further prays that upon a hearing hereof, your Honor will enter an order and decree granting to her an absolute decree of divorce, forever barring the bonds of matrimony existing between her and the Respondent; that she be granted such other, further, different or general relief as she may be in equity and good conscience entitled to receive.


Solicitor for the Complainant.

#2749

RECORDED

EVELYN ELOUISE WHITE PAYNE

COMPLAINANT

VS

BENJAMIN TROY PAYNE

RESPONDENT

2749
b7c

SUMMONS AND COMPLAINT

FILED

NOV 27 1951

ALICE L. DOCK, Register

From the law offices of
C. LeNoir Thompson
Bay Minette, Alabama