

(2754)

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

Circuit Court, In Equity

THEREETHA BURLEY

, Complainant

vs.

ALVIN BURLEY

, 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 THEREETHA BURLEY is forever divorced from the said ALVIN BURLEY for and on account of Abandonment and non-support.

It is also ordered, adjudged and decreed by the Court that the Complainant, THEREETHA BURLEY, is granted the custody of the minor child, ALVIN BURLEY, JR.

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 THEREETHA BURLEY the COMPLAINANT pay the cost herein to be taxed, for which execution may issue.

This 28th day of July, 1952.

Jeffery J. Madbury Jr.
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 2754 Page 1

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

THERETIA BURLEY
Complainant

vs.

ALVIN BURLEY

Respondent

DIVORCE DECREE

FILED

JUL 28 1952

ALICE J. DUCK, Register

THEREETHA BURLEY,

Complainant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

-vs-

ALVIN BURLEY,

Respondent

I am the Complainant in this cause and I am twenty-five years of age and my husband, ALVIN BURLEY, is living in New York and is over the age of twenty-one years. I have been a bona fide resident of Baldwin County, Alabama for the last ten years and I am now living in Point Clear, Baldwin County, Alabama.

We were married on the 28th day of November, 1947 and have one child, ALVIN BURLEY, JR., who is now three years old and who has been living with me all of his life.

My husband, Alvin Burley, deserted me without cause on about the 15th day of November, 1950 and since that time we have lived separate and apart and he has done nothing toward my support or the support of our child. I have him no reason to leave me.

My son, Alvin Burley, Jr. lives with me and it is to his best interests that I am given custody over him. I am able to support him because I am working and I ask that I be given a divorce from my husband who deserted me.

Thereetha Burley
Complainant

STATE OF ALABAMA:
COUNTY OF BALDWIN:

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

My name is LYDIA BELL and I live at Point Clear, Alabama. I am the mother of THERETHA BURLEY and know that she and Alvin Burley were married in November, 1947 and that Alvin Burley, Jr., is their child and he is about three years old and living with my daughter, Theretha.

I know that Theretha Burley and Alvin Burley, her husband, were separated over a year ago because she came to live with me during the first part of January last year and she has been living with me ever since and they have not been together since that time.

Alvin Burley, Jr., the child of the marriage, is living at my house with his mother, Theretha and she is the proper person to look after him and would look after him well and the father of this child is doing nothing to support him.

Lydia Bell

Lydia Bell,
Witness for Complainant

I, Florence G. Copeland, acting as commissioner by agreement of parties hereby certify that in the case of THERETHA BURLEY vs. ALVIN BURLEY, pending on the Equity side of the Circuit Court of Baldwin County, I caused LYDIA BELL and THERETHA BURLEY to appear before me at my office in the Bank Building, Fairhope, Alabama, where, after being duly sworn upon examination by the solicitor for the Complainant, they testified as is above written and their testimony, after being reduced to writing, was read over and signed by them.

I further certify that I am neither of counsel nor or kin to either party to the cause or in anywise interested in the result thereof.

IN WITNESS WHEREOF, I hereto set my hand and seal as commissioner this the 24th day of July, 1952.


Commissioner

THEREETHA BURLEY,

Complainant

-VS-

ALVIN BURLEY,

Respondent

EQUITY NO.

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

Comes ALVIN BURLEY, Respondent in the above styled cause, and for answer to the bill of complaint says he denies each allegation of same.

Respondent hereby waives notice of demand for oral examination of Complainant's witnesses; of the issue of commission to take testimony; of the time and place set for taking same and of the right to introduce evidence in his own behalf. He further agrees that this cause may be submitted for final decree at any time on the pleading and Complainant's evidence as noted by the Register.

Alvin Burley
Respondent

~~STATE OF NEW YORK:~~

~~COUNTY OF NEW YORK:~~

State of Ala
County of Baldwin

Before me, the undersigned Notary Public, personally appeared Alvin Burley who is known to me to be the Respondent above named and who acknowledged that he executed the foregoing answer voluntarily with knowledge of its contents.

Witness my hand and official seal this the 24th day of November, 1951.

Joseph Rose Notary Public for Baldwin Co

~~Notary Public, New York County, New York.~~
My Commission Expires

EQUITY No.

THEREETHA BURLEY,
Complainant

-vs-

ALVIN BURLEY,
Respondent

ANSWER AND WAIVER

RECORDED

FILED

DEC 18 1931

Alice J. Duck, Register

TO

ALVIN BURLEY

You are hereby notified to appear and plead, answer or demur, within thirty days from the receipt hereof, to the Bill of Complaint filed in this Court at Bay Minette, Alabama, against you as Defendant by, THERETHA BURLEY, Complainant.

Witness my hand and seal this day of , 1951.

Register, Circuit Court.

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

Comes Theretha Burley and by this her Bill of Complaint, presented against Alvin Burley, respectfully shows:

FIRST: That Complainant and Defendant are both over the age of Twenty-one years; that she is now and has been all of her life a bona fide resident of Baldwin County, Alabama, residing at Point Clear in said county. That Defendant is at present domiciled in the city of New York where he is now employed.

SECOND: That Complainant and Defendant were married on the 28th day of November 1947 and are the parents of a son, Alvin Burley, Jr., now three years of age who is with Complainant at the home of Complainant's mother at Point Clear.

THIRD: That Complainant and Defendant have not lived together as man and wife since the 15th day of November 1950 when he voluntarily abandoned her without just cause and which abandonment continues to the present day without any resumption of marital relations and compelling her to return to the home of her parents.

THE PREMISES CONSIDERED, Complainant prays that Alvin Burley be made party defendant to this cause, and by proper process required to answer this bill within the time prescribed by Law.

Complainant further prays that upon the hearing of this cause a decree be rendered forever divorcing her from the said Alvin Burley; granting her the sole custody of Alvin Burley, Jr., the child of the marriage, the right to marry again should she so desire and such other, further or different relief as to equity may seem meet.

Alvin Burley - Alvin Burley
Solicitors for Complainant.

THEREETHA BURLEY,
Complainant
-vs-
ALVIN BURLEY,
Respondent

BILL OF DIVORCE

RECORDED

FILED
DEC 8 1951

Alice J. Duck, Register

Rickaby & Rickaby

THERETHA BURLEY

vs.

ALVIN BURLEY

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,
and testimony of Lydia Bell and Theretha Burley, witnesses
for the Complainant.

and in behalf of Defendant upon ANSWER AND WAIVER

Alice J. Kersh

Register.

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

THERETIA BURLEY

vs.

ALVIN BURLEY

NOTE OF TESTIMONY

Filed in Open Court this 28th

day of July, 1942

George J. Renner
Register.

Printed By The Baldwin Times

ELLIOTT G. RICKARBY
DECEASED

RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

24 July 1952

Mrs. Alice J. Duck
Register
Bay Minette, Ala.

Dear Mrs. Duck:

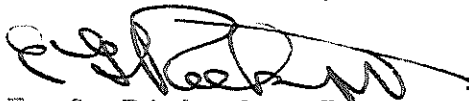
Re: Theretha Burley
Vs: Alvin Burley

With this we are handing you depositions, note of evidence, and decrees in the case of Burley -vs- Burley.

Please check this over, advise whether Court costs have been paid, and if everything is in proper shape let's get it put through. I have not yet gotten my whole fee, so please just advise me whether decree can be picked up.

Please let us have about six forms for decrees of divorce as we are just about out. Thanks.

Yours very truly,



E. G. Rickarby, Jr.

EGRjr/fci
1374

ELLIOTT G. RICKARBY

LAW OFFICES
RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

6 December 1951

Mrs. Alice J. Duck
Register
Bay Minette, Alabama

Dear Mrs. Duck:

BURLEY VS. BURLEY: With this find bill of divorce
and answer and waiver which please file.

Testimony and costs should follow within the near
future.

Sincerely,

Elliott G. Rickarby
for
RICKARBY & RICKARBY

EGR:fc
3108
Enc: 2