

PETITION FOR MODIFICATION AND CUSTODY

JOSEPH DENNIS PHILLIPS

COMPLAINANTS

VS

BERTHA LEONA PHILLIPS

RES PONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2771 $\frac{1}{2}$

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA, IN EQUITY SITTING:

Comes now the Complainant in the above styled cause and represents and shows unto Your Honor as follows:

1,

That on November 7, 1952, the Judge of the Circuit Court of Baldwin County, Alabama, rendered a decree granting Bertha Leona Phillips, the Respondent in this cause, a divorce from Joseph Dennis Phillips, the Complainant in this cause. A copy of this decree is attached hereto, marked Complainant's Exhibit "A", and make as much a part of this bill for Modification as if it were herein fully set out.

2.

The Complainant, Joseph Dennis Phillips, says that he has fully complied with this decree in every respects but that the Respondent has not, in that she has refused on repeated occasions to allow the Complainant to visit the children or allow them to visit him.

3.

The Complainant further shows unto the Court that since this decree was rendered that the Respondent has moved in her parents' home; that nine people are living there. That this is not a suitable place in which to rear these children; it is over crowded. The people living there use course and vulgar language in the presence of the Complainant's children to such an extent that the children themselves are beginning to use the same language. That several of the people in this home drink heavily and on occasions become drunk in the presence of the children.

4. a

That the Complainant herself drinks and uses coarse and crude language in the presence of the children. That she spends much of her time away from

home on parties and does not devote as much of her time to her children as they need in order to have a happy and normal environment.

5.

The Complainant further says that he has remarried, that he and his wife have no children. That they live in a comfortable and modern home in Mobile County, Alabama, and maintain a good christian home in which to rear his children. That the Complainant's wife is willing and able to help him care for his children, Lawrence Wayne Phillips and Patricia Ann Phillips, if he be given their custody.

PRAYER FOR PROCESS

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said Bertha Leona Phillips, party respondent, to this petition for modification and custody, requiring her 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.

PRAYER FOR RELIEF

Premises considered, the Complainant prays that your Honor will modify the decree, referred to in this bill of complaint; as it pertains to the custody of his children, Lawrence Wayne Phillips and Patricia Ann Phillips, by taking them from the custody of their mother and granting the Complainant the full care, control and custody of these children. Your Complainant prays that if he be mistaken in the relief prayed for that he be given such relief as in good conscience and equity he may be entitled to.

WILTERS & BRANTLEY

BY:

Albert M Brantley  
Solicitor for the Complainant

Received in Sheriff's Office  
this 27 day of Oct 1953  
TAYLOR WILKINS, Sheriff

*Exhibit*  
2771 1/2

of 19  
16 day of Nov 1953

received a copy of the within  
*Bertha Leona Phillips*

service on  
TAYLOR WILKINS, Sheriff  
By *W. F. Hall* D. S.

JOSEPH DENNIS PHILLIPS  
COMPLAINANT  
VS  
BERTHA LEONA PHILLIPS  
*J. Phillips*  
RESPONDENT

PETITION FOR MODIFICATION  
AND CUSTODY

FILED  
OCT 27 1953  
MADE I. BUCK, Register

*Bertha Leona Phillips*

ANSWER AND CROSS-BILL

JOSEPH DENNIS PHILLIPS,	{	IN THE CIRCUIT COURT OF
Complainant,	{	BAWDIN COUNTY, ALABAMA
vs.	{	IN EQUITY
BERTHA LEONA PHILLIPS,	{	NO. 2771 $\frac{1}{2}$
Respondent.	{	

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Comes the respondent in the above styled cause and for answer in said cause shows unto your Honor as follows:

1.

As to Count One, your respondent admits the allegations therein.

2.

As to Count Two, your respondent admits that the said Joseph Dennis Phillips has made the payment for support and maintenance in the amount of Thirty Dollars (\$30.00) every two weeks, as provided in said decree, and further that your respondent has allowed the children to visit with the complainant; and further, that the complainant has visited with the children, but has repeatedly refused to enter the house where your respondent has resided.

3.

As to Count Three, the respondent denies the allegations alleged therein and demands strict proof thereof.

4.

As to Count Four, your respondent denies the allegations alleged therein and demands strict proof thereof.

5.

As to Count Five, your respondent neither admits nor denies the allegations therein.

Now, having answered the said complaint, your respondent prays this Honorable Court that it will take the following as a cross-bill and will make the complainant a cross-respondent thereto, 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.

1.

That the cross-respondent has taken the said children into his home to visit, and that upon their return they were rebellious and used vulgar language, all of which was to the detriment and danger of their welfare and morals, which said children, Lawrence Wayne Phillips and Patricia Ann Phillips, did not act in such manner prior to the visits with the cross-respondent.

2.

That the cross-respondent does not have a suitable home for the maintenance and care of these children in that the said cross-respondent had lived under an assumed name as the husband of another woman at 1152 Dauphin Street, Mobile, Alabama, prior to his divorce from your petitioner, and that the said cross-respondent having since married the woman aforesaid, cannot maintain a home suitable for the morals and welfare of your petitioner's children.

PRAYER FOR RELIEF

These premises considered, your respondent and cross-complainant prays that your Honor will modify the decree referred to in this original bill of complaint, and amend said decree by denying the said cross-respondent's ~~petition to have the children visit in his home, granting him only the right~~ to visit the children in the home of your petitioner, the respondent and cross-complainant herein; and further, that your petitioner being without funds, this Honorable Court will order that the said complainant and cross-respondent pay over to her attorney, C. LeNoir Thompson, the sum of One Hundred Dollars (\$100.00) as a suitable and proper attorney's fee for his representing the welfare of the children aforesaid in this complaint. Your petitioner further prays that if she be mistaken in the relief prayed for, that she be given such relief as in equity and good conscience she may be entitled to, and your petitioner ever prays, etc.

Mrs Bertha L. Phillips  
Respondent and Cross-Complainant

C. LeNoir Thompson  
Attorney for Respondent and  
Cross-Complainant.

Received in Court  
this 11 day of Dec, 1953  
TAYLOR WILKINS, Sheriff

No 277 1/2

JOSEPH DE VITO PHILLIPS,  
Complainant,  
vs.  
EUTHIA LEONA PHILLIPS,  
Respondent.

RECORDED

ANSWER AND CROSS-BILL

FILED

DEC 10 1953

ALICE J. DUCK, Register

From the Law Office of  
C. LeNoir Thompson  
Attorney at Law

Received 11 day of Dec 1953  
and on 11 day of Dec 1953  
I served a copy of the within  
on \_\_\_\_\_

By service on Harry Wilster

TAYLOR WILKINS, Sheriff  
By Alice Duck

JOSEPH DENNIS PHILLIPS

COMPLAINANT

VS

BERTHA LEONA PHILLIPS

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2771 $\frac{1}{2}$

Comes now Joseph Dennis Phillips, the Complainant and Cross-Respondent  
in the above styled cause and for answer to the Cross Bill heretofore  
filed in said cause says as follows:

He denies each and every allegation contained therein and demands  
strict proof of the same.

Wilters & Brantley

BY: Albert M Brantley  
Attorney for the Complainant

2771½

RECORDED

JOSEPH DENNIS PHILLIPS

COMPLAINANT

VS

BERTHA LEONA PHILLIPS

RESPONDENT

ANSWER TO CROSS BILL

FILED

DEC 22 1953

AUDRE J. DICK, REGISTER



PETITION FOR TEMPORARY CUSTODY

JOSEPH DENNIS PHILLIPS	Ø	IN THE CIRCUIT COURT OF
COMPLAINANT	Ø	BALDWIN COUNTY, ALABAMA,
VS	Ø	IN EQUITY
BERTHA LEONA PHILLIPS	Ø	NO. 2771½
RESPONDENT	Ø	

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA, IN EQUITY SITTING:

Comes now your Complainant in the above styled cause and represents  
and shows unto your Honor as follows:

1.

That on November 7, 1952, the Judge of the Circuit Court of Baldwin  
County, Alabama, rendered a decree granting Bertha Leona Phillips, the  
Respondent in this cause, a divorce from Joseph Dennis Phillips, the Com-  
plainant in this cause. That under the divorce decree Bertha Leona Phillips  
was awarded full care, control and custody of Lawrence Wayne Phillips and  
Patricia Ann Phillips, the children of the Complainant and Respondent. This  
divorce decree further provided that Joseph Dennis Phillips should have  
the right to visit at reasonable and proper times with the children and  
have the right to have them visit with him at his home.

2.

The Complainant, Joseph Dennis Phillips avers that he has gone to the  
home of Bertha Leona Phillips and requested that she allow the above said  
children to visit with him on numerous occasion. That she has refused him  
this right and privilege.

3.

Joseph Dennis Phillips is desirous of having the children visit with  
him during the Christmas holidays and shows unto the court that he has a  
respectable home in which to have them visit him. That he has purchased  
Christmas presents for his children; that the Respondent has informed  
him that she will not give the children these presents nor allow them to  
have the same.

4.

Complainant further shows unto the court that there is now pending in  
this Honorable Court a petition for Modification of the aforesaid divorce  
decree in which Joseph Dennis Phillips, your Complainant, prays for permanent

custody of his children.

Premises Considered, your Complainant prays that your Honor will forthwith issue an order granting the Complainant temporary custody of Lawrence Wayne Phillips and Patricia A. Phillips and order the Sheriff to deliver them unto his custody. Your Complainant prays that if he be mistaken in the relief prayed for that he be given such relief as in good conscience and equity he may be entitled to.

WILTERS & BRANTLEY

BY:

Albert M Brantley  
Attorney for the Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Albert M Brantley, a Notary Public, in and for said county and State personally appeared Joseph Dennis Phillips, who by me being first duly sworn, deposes and says: That he has read the foregoing petition and that the allegations contained therein are true and correct.

Sworn to and subscribed before me on this the 23rd day of December, 1953.

Joseph Dennis Phillips  
Albert M Brantley  
Notary Public, Baldwin County, Alabama

JOSEPH DENNIS PHILLIPS

COMPLAINANT

VS

BERTHA LEONA PHILLIPS

RESPONDENT

PETITION FOR TEMPORARY CUSTODY

FILED

DEC 24 1955

ALICE A. DUCK, Clerk

12-30-55

PETITION FOR TEMPORARY CUSTODY.

JOSEPH DENNIS PHILLIPS,  
Complainant,

VS.

BERTHA LEONA PHILLIPS,  
Respondents.

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA  
IN EQUITY  
NO. 2771½

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA, IN EQUITY:

Comes now your Complainant in the above styled cause and represents and shows unto your Honor as follows:

1.

That on November 7, 1952, the Judge of the Circuit Court of Baldwin County, Alabama, rendered a decree granting Bertha Leona Phillips, the Respondent in this cause, a divorce from Joseph Dennis Phillips, the complainant in this cause. That under the divorce decree Bertha Leona Phillips was awarded full care, control and custody of Lawrence Wayne Phillips and Patricia Ann Phillips, the children of the Complainant and Respondent. This divorce decree further provided that Joseph Dennis Phillips should have the right to visit at reasonable and proper times with the children and have the right to have them visit with him at his home.

2.

The Complainant, Joseph Dennis Phillips avers that he has gone to the home of Bertha Leona Phillips and requested that she allow the above said children to visit with him on numerous occasions. That she has refused him this right and privilege.

3.

That this Court granted your Petitioner temporary custody of Lawrence Wayne Phillips and Patricia Ann Phillips for the period of time beginning 26th day of December, 1953, and ending 30th day of December, 1953. That the Respondent took the said children out of this County so that your Petitioner was unable to obtain the children's custody under said order.

4.

Joseph Dennis Phillips is desirous of having the children

visit with him during the holidays and shows unto the Court that he has a respectable home in which to have them visit him. That he has purchased presents for his children; that the Respondent has informed him that she will not give the children these presents nor allow them to have the same.

5.

Complainant further shows unto the Court that there is now pending in this Honorable Court a petition for modification of the aforesaid divorce decree in which Joseph Dennis Phillips, your Complainant, prays for permanent custody of his children.

PREMISES CONSIDERED, your Complainant prays that your Honor will forthwith issue an order granting the Complainant temporary custody of Laurence Wayne Phillips and Patricia A. Phillips and order the Sheriff in the County where the children are found to deliver them into his custody. Your complainant prays that if he be mistaken in the relief prayed for that he be given such relief as in good conscience and equity he may be entitled to.

WILTERS & BRANTLEY

BY: Albert M. Brantley  
Attorney for the Complainant

STATE OF ALABAMA

BALDWIN COUNTY.

Before me Albert M. Brantley, a Notary Public, in and for said County and State, personally appeared Joseph Dennis Phillips, who by me being first duly sworn, deposes and says: That he has read the foregoing petition and that the allegations contained therein are true and correct.

Sworn to and subscribed before me on this the 30th day of December, 1953.

Albert M. Brantley  
Notary Public, Baldwin County,  
Alabama.

Executed 1-1-54  
By serving a copy  
of the within  
on Bertha Leora  
Phillips & by  
delivering the with  
in described children  
to Joseph Dennis  
Phillips

Taylor William  
Sheriff  
By W. F. Hall  
P. 5-

277 1/2

RECORDED

FILED  
DEC 30 1953  
ALICE J. DUCK, Register

*Handwritten signature*

*Handwritten signature*

*Handwritten signature*

*Handwritten signature*

DECREE GRANTING TEMPORARY CUSTODY

JOSEPH DENNIS PHILLIPS

COMPLAINANT

VS

BERTHA LEONA PHILLIPS

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2771 $\frac{1}{2}$

The sworn Petition in the above styled cause having been submitted to the Court for its consideration, and the same having been duly considered by the court; it is the opinion of the court that Joseph Dennis Phillips is entitled to the relief he seeks.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said Joseph Dennis Phillips be granted the temporary custody of his children, Lawrence Wayne Phillips and Patricia Ann Phillips for a period of time beginning 26<sup>th</sup> December, 1953, and ending 30. December 1953, at which time the children are to be returned to the custody of their mother.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Sheriff of this County or his duly appointed agent take the aforesaid children into his custody and deliver them to the Complainant on 26 December, 1953.

Hubert M. Hare  
JUDGE

IN THE  
CIRCUIT COURT OF BALDWIN COUNTY  
ALABAMA. IN EQUITY  
NO. 2771 $\frac{1}{2}$

The Court, after considering the pleading and testimony, is of the opinion and finds that the Complainant is not entitled to the relief prayed for -

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the original decree dated November 7th. 1952, be and the same shall remain in full force and effect, and the Complainant, Joseph Dennis Phillips, is subject to all of the terms and conditions therein.

Done at Bay Minette, Alabama, this 11th day of  
February, 1954.

Hubert M. Lee  
JUDGE



PETITION FOR TEMPORARY CUSTODY

JOSEPH DENNIS PHILLIPS

COMPLAINANT

VS

BERTHA LEONA PHILLIPS

RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2771½

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA, IN EQUITY SITTING:

Comes now your Complainant in the above styled cause and represents  
and shows unto your Honor as follows:

1.

That on November 7, 1952, the Judge of the Circuit Court of Baldwin  
County, Alabama, rendered a decree granting Bertha Leona Phillips, the  
Respondent in this cause, a divorce from Joseph Dennis Phillips, the Com-  
plainant in this cause. That under the divorce decree Bertha Leona Phillips  
was awarded full care, control and custody of Lawrence Wayne Phillips and  
Patricia Ann Phillips, the children of the Complainant and Respondent. This  
divorce decree further provided that Joseph Dennis Phillips should have  
the right to visit at reasonable and proper times with the children and  
have the right to have them visit with him at his home.

2.

The Complainant, Joseph Dennis Phillips avers that he has gone to the  
home of Bertha Leona Phillips and requested that she allow the above said  
children to visit with him on numerous occasion. That she has refused him  
this right and privilege.

3.

Joseph Dennis Phillips is desirous of having the children visit with  
him during the Christmas holidays and shows unto the court that he has a  
respectable home in which to have them visit him. That he has purchased  
Christmas presents for his children; that the Respondent has informed  
him that she will not give the children these presents nor allow them to  
have the same.

4.

Complainant further shows unto the court that there is now pending in  
this Honorable Court a petition for Modification of the aforesaid divorce  
decree in which Joseph Dennis Phillips, your Complainant, prays for permanent

custody of his children.

Premises Considered, your Complainant prays that your Honor will forthwith issue an order granting the Complainant temporary custody of Lawrence Wayne Phillips and Patricia A. Phillips and order the Sheriff to deliver them unto his custody. Your Complainant prays that if he be mistaken in the relief prayed for that he be given such relief as in good conscience and equity he may be entitled to.

WILTERS & BRANTLEY

BY:

Albert M Brantley  
Attorney for the Complainant

JOSEPH DENNIS PHILLIPS  
AS  
HEALTH FROM PHILLIPS  
RESPONDENT  
STATE OF ALABAMA  
BALDWIN COUNTY

Before me Albert M Brantley, a Notary Public, in and for said county and State, personally appeared Joseph Dennis Phillips, who by me being first duly sworn, deposes and says: That he has read the foregoing petition and that the allegations contained therein are true and correct.

Sworn to and subscribed before me on this the 23rd day of December, 1953.

Joseph Dennis Phillips  
Albert M Brantley  
Notary Public, Baldwin County, Alabama

Sworn to and subscribed before me on this the 24th day of December, 1953.

and that the allegations contained therein are true and correct.

First duly sworn, deposes and says: That he has read the foregoing petition

county and state, personally appeared Joseph Dennis Phillips, who by me being

Before me Joseph M. Gorman, a Notary Public, in and for said

JOSEPH DENNIS PHILLIPS  
BUTTE COUNTY  
COMPLAINANT

VS

BERTHA LEONA PHILLIPS  
RESPONDENTS

PETITION FOR TEMPORARY CUSTODY

By: Joseph M. Gorman  
Attorney for the Complainant

WILLIAMS & BRYANTLEY

FILED

DEC 24 1953

ALICE L. DUCK, Clerk

Good conscience and equity he may be entitled to.

mistaken in the relief prayed for that he be given such relief as in

to deliver them unto his custody. Your Complainant prays that if he be

Lawrence Wayne Phillips and Patricia M. Phillips and order the Sheriff

forthwith issue an order granting the Complainant temporary custody of

Prerogatives considered, Your Complainant prays that Your Honor will

custody of his children.

DECREE GRANTING TEMPORARY CUSTODY

JOSEPH DENNIS PHILLIPS,  
Complainant

VS.

BERTHA LEONA PHILLIPS,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY

NO. 2771½

The sworn Petition in the above styled cause having been submitted to the Court for its consideration, and the same having been duly considered by the court; it is the opinion of the Court that Joseph Dennis Phillips is entitled to the relief he seeks.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said Joseph Dennis Phillips be granted the temporary custody of his children, Lawrence Wayne Phillips and Patricia Ann Phillips for a period of time beginning 30th day of December, 1953, and ending 3rd day of January, 1954, at which time the children are to be returned to the custody of their mother.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Sheriff of this County, or the Sheriff of the County wherever the said children may be located, take the aforesaid children into his custody and deliver them to the complainant, Joseph Dennis Phillips.

This the 30 day of December, 1953.

Hubert M. Hain  
JUDGE

BERTHA LEONA PHILLIPS ODOM  
AND JOSEPH DENNIS PHILLIPS,

Complainants,

VS.

DENNIS MONROE PHILLIPS AND  
CORA MAE PHILLIPS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 2771½

D E C R E E

This cause coming on to be heard is submitted on the Petition of ~~BERETHA~~ BERTHA LEONA PHILLIPS ODOM AND JOSEPH DENNIS PHILLIPS, formerly husband and wife, who are the parents of LAWRENCE WAYNE PHILLIPS, a minor of the age of eight years, to modify a former decree of this Court, dated the 5th day of November, 1954, giving the care, custody and control of the said LAWRENCE WAYNE PHILLIPS, to its paternal grandparents, DENNIS MONROE PHILLIPS AND CORA MAE PHILLIPS, and on the testimony of the witnesses heard ore tenus by the Court, with the said parties being present in the Court on the day regularly set to hear the same; all of which being considered and understood by the Court, and the Court being of the opinion that it would be to the best interest of said minor child to modify the aforesaid decree and to place the care, custody and control of said minor child in its Mother, BERTHA LEONA PHILLIPS ODOM; IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT AS FOLLOWS:

1. That the care, custody and control of LAWRENCE WAYNE PHILLIPS be, and it is hereby, given to its Mother, BERTHA LEONA PHILLIPS ODOM.

2. That the Father, JOSEPH DENNIS PHILLIPS, be, and he is hereby, given the right to visit said child, and to have said child visit him, at all reasonable times.

3. That the grandparents, DENNIS MONROE PHILLIPS AND CORA MAE PHILLIPS, be, and they are hereby, given the right to visit said child and to have said child visit thme at reasonable times.

4. That the complainants, BERTHA LEONA PHILLIPS ODOM AND JOSEPH DENNIS PHILLIPPS, PAY the costs herein, for which let execution issue.

DONE AND ORDERED this 29th day of October, 1955.

  
J U D G E.

RECORDED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 2771½

\*\*\*\*\*

BERTHA LEONA PHILLIPS ODOM  
AND JOSEPH DENNIS PHILLIPS,

Complainants,

VS.

DENNIS MONROE PHILLIPS AND  
CORA MAE PHILLIPS,

Respondents.

\*\*\*\*\*

D E C R E E.

FILED

NOV 2 1955

ALICE L. DUCK, Register

JOSEPH DENNIS PHILLIPS,  
CORA MAE PHILLIPS AND  
DENNIS MONROE PHILLIPS,

COMPLAINANTS,

VS

BERTHA LEONA PHILLIPS,

RESPONDENT.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes the Respondent in the above styled cause and moves to strike the following counts of said complaint and as grounds for said motion shows unto this Honorable Court as follows:

1.

As to Count Six that same is unnecessary, prolix, irrelevant and frivolous and that same has been previously heard before this Honorable Court.

2.

As to Count Seven that same is unnecessary, prolix, irrelevant and frivolous.

3.

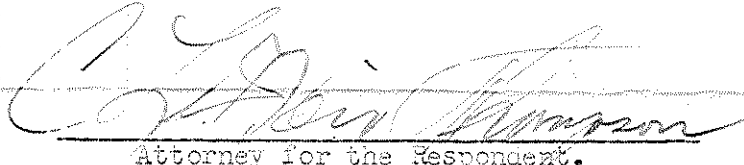
As to Count Eight that same is unnecessary, prolix, irrelevant and frivolous.

4.

As to Count Ten that same is unnecessary, prolix, irrelevant, and frivolous, and that the allegations therein are not proper allegations for a count in said complaint.

5.

As to Count Eleven that same is unnecessary, prolix, irrelevant and frivolous, and that the allegations therein are not proper allegations for a count in said complaint.

  
Attorney for the Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

JOSEPH DENNIS PHILLIPS,  
CORA MAE PHILLIPS AND  
DENNIS MCNORE PHILLIPS,

COMPLAINANTS

VS

BERTHA LEONA PHILLIPS,

RESPONDENT

Motion to Strike

*Filed 10/12/54  
Hull  
Judy*

C. LeNoir Thompson  
Attorney At Law  
Eay Minette, Alabama



JOSEPH DENNIS PHILLIPS,

COMPLAINANT,

VS.

BERTHA LEONA PHILLIPS,

Respondent.

IN THE

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA. IN

EQUITY.

No 2771 $\frac{1}{2}$

This cause coming on to be heard is submitted upon the petition for modification of a decree of divorce heretofore rendered by this Court, and the custody of the minor children, Lawrence Wayne Phillips and Patricia Ann Phillips and the answer of the Respondent, and the testimony of witnesses taken ore tenus.

The Court after considering the pleadings and the testimony, being in doubt as to what is the best interest of said minor children is of the opinion that it is necessary that a proper investigation be made by the Welfare Department of Baldwin County, Alabama;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that the Welfare Department of Baldwin County, Alabama, immediately make a full, complete and thorough investigation of the family surroundings and environment of Ernest Earl Horton, Fairhope, Alabama, Dennis Monroe HPhillips, Daphne, Alabama, and Bertha Leona Odom, 523-39th Street, Fairfield, Alabama. and make a formal report to the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the temporary custody of the minor children, Lawrence Wayne Phillips and patricia Ann Phillips, be awarded to Dennis Monroe Phillips and Cora Mae Phillips, subject to the right of visitation on the part of Joseph Dennis Phillips and Bertha Leona Odom and the further orders and decrees of this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Sheriff of Baldwin County, Alabama, forthwith take posses-

sion of said minor children, Lawrence Wayne Phillips and Patricia Ann Phillips, where ever they may be found and deliver them into the custody of Dennis Monore Phillips and Cora Mae Phillips.

Dated this 12th day of October, 1954.

*Robert M. Hare*

Judge of the 28th Judicial Circuit  
of Alabama.

27714A

Presented by Delaney Thomas  
Wayne Phillips and Patricia Ann  
Phillips to Dennis Thomas Phillips  
and Cora Mae Phillips

This 12th day of Oct 1954  
Joseph W. Nelson - Sheriff

FILED  
OCT 12 1954  
ALICE J. DICK, Register

JOSEPH DENNIS PHILLIPS,  
COMPLAINANT,  
VS.  
BERTHA LEONA PHILLIPS,  
Respondent.

IN THE  
CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA, IN  
EQUITY.  
No 27713

This cause coming on to be heard is submitted upon the petition for modification of a decree of divorce heretofore rendered by this Court, and the custody of the minor children, Lawrence Wayne Phillips and Patricia Ann Phillips and the answer of the Respondent, and the testimony of witnesses taken ore tenus.

The Court after considering the pleadings and the testimony, being in doubt as to what is the best interest of said minor children is of the opinion that it is necessary that a proper investigation be made by the Welfare Department of Baldwin County, Alabama;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that the Welfare Department of Baldwin County, Alabama, immediately make a full, complete and thorough investigation of the family surroundings and environment of Ernest Earl Horton, Fairhope, Alabama, Dennis Monroe Phillips, Daphne, Alabama, and Bertha Leona Odom, 523-39th Street, Fairfield, Alabama, and make a formal report to the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the temporary custody of the minor children, Lawrence Wayne Phillips and Patricia Ann Phillips, be awarded to Dennis Monroe Phillips and Cora Mae Phillips, subject to the right of visitation on the part of Joseph Dennis Phillips and Bertha Leona Odom and the further orders and decrees of this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Sheriff of Baldwin County, Alabama, forthwith take posses-

sons of said minor children, Lawrence Wayne Phillips and  
Patricia Ann Phillips, where ever they may be found and deliver  
them into the custody of Dennis Monroe Phillips and Cora Mae  
Phillips.

Dated this 12th day of October, 1934.

*Hubert M. Wee*  
Judge of the Sixth Judicial Circuit  
of Alabama.

FILED  
OCT 17 1934  
U.S. DIST. COURT  
SOUTHERN DIST. ALA.

ORDER

JOSEPH DENNIS PHILLIPS,  
CORA MAE PHILLIPS AND  
DENNIS MONROE PHILLIPS

COMPLAINANTS

VS

BERTHA LEONA PHILLIPS

RESPONDENTS

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

Whereas the Complainants in the above styled cause have filed a petition praying that the Court modify the decree rendered in this cause on to-wit, November 7, 1952.

It being further shown unto the Court that the Respondent was served with a copy of the aforesaid petition on September 27, 1954.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that this petition be set down for a hearing at 9 AM on the 12 day of October, 1954, at the court house in Bay Minette, Alabama, and that a copy of this order be served on Bertha Leona Phillips notifying her of this hearing; said notice to be served by any sheriff of the State of Alabama.

Done this 29 day of September, 1954.

John M. Hall  
Judge of the Circuit Court of Baldwin  
County, Alabama, in Equity Sitting

The Petition on which  
this Order is based  
was served Sept  
22 1954 by  
J.M. Jones, D.S.  
Jefferson Co. Ala

EXECUTED this the 10-9-54  
day of \_\_\_\_\_ 1954  
by leaving a copy of the within with

Bertha Leone Phillips (odam)

HOLT A. McDOWELL, Sheriff  
Jefferson County, Alabama

By J.M. Jones D.S.

10-12 2771 1/2 Baldwin St

Joseph Dennis Phillips  
Et Al

Complainants

vs

Bertha Leone Phillips  
(odam)  
Respondent

523 39 st  
Fairfield

SEP 30 PM 8:02

FILED

SEP 129 1954

ALICE J. DUCK, Register

JONES

M. Barfield - 523 -  
39 st - F. J. L.  
58-8468 -

66812

PETITION FOR TEMPORARY CUSTODY

JOSEPH DENNIS PHILLIPS	0	IN THE CIRCUIT COURT OF
COMPLAINANT	0	BALDWIN COUNTY, ALABAMA,
VS	0	IN EQUITY
BERTHA LEONA PHILLIPS	0	NO. _____
RESPONDENT	0	

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Comes now your Complainant in the above styled cause and represents and shows unto your Honor as follows:

1.

That on November 7, 1952, the Judge of the Circuit Court of Baldwin County, Alabama, rendered a decree granting Bertha Leona Phillips, the Respondent in this cause, a divorce from Joseph Dennis Phillips, the Complainant in this cause. That under the divorce decree Bertha Leona Phillips was awarded full care, control and custody of Lawrence Wayne Phillips and Patricia Ann Phillips, the children of the Complainant and Respondent. This divorce decree further provided that Joseph Dennis Phillips should have the right to visit at reasonable and proper times with the children and have the right to have them visit with him at his home.

2.

That Bertha Leona Phillips is now living with her parents in Fairhope, Alabama; that these grandparents abuse and chastise both of these said children unnecessarily; that the boy Lawrence Wayne Phillips is bitterly opposed to living with either his mother or his maternal grandparents; that it is detrimental to his health and well being that he be allowed to remain in his mother's custody even for a short period of time.

3.

The Complainant, Joseph Dennis Phillips avers that he has gone to the home of Bertha Leona Phillips and requested that she allow the above said children to visit with him on numerous occasion. That she has refused him this right and privilege.

4.

Joseph Dennis Phillips is desious of having the children visit with him and shows unto the court that he has a respectable home in which to have them visit him.



Complainant further shows unto the court that there is now pending in this Honorable Court a petition for modification of the aforesaid divorce decree in which Cora Mae Phillips and Dennis Monroe Phillips, the grandparents of said child pray for permanent custody of his children.

Premises Considered, your Complainant prays that your Honor will forthwith issue an order granting the Complainant temporary custody of Lawrence Wayne Phillips and Patricia A. Phillips and order the Sheriff in the County where the children are found to deliver them into his custody. Your Complainant prays that if he be mistaken in the relief prayed for that he be given such relief as in good conscience and equity he may be entitled to.

Joseph Dennis Phillips  
Petitioner

Wilbers & Brantley

BY: Arthur M. Brantley  
Solicitor for the Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Arthur M. Brantley, a Notary Public, in and for said county and State, personally appeared Joseph Dennis Phillips, who being first duly sworn, deposes and says: that he has read the foregoing petition and that the allegations contained therein are true and correct.

Sworn to and subscribed before me on this the 31 day of Aug, 1954.

Joseph Dennis Phillips  
Arthur M. Brantley  
Notary Public, Baldwin County, Alabama

JOSEPH DENNIS PHILLIPS,  
COMPLAINANT,

VS.

BERTHA LEONA PHILLIPS,  
Respondent.

IN THE  
CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA. IN  
EQUITY.  
No 2771½

This cause coming on to be heard is submitted upon the petition for modification of a decree of divorce heretofore rendered by this Court, and the custody of the minor children, Lawrence Wayne Phillips and Patricia Ann Phillips and the answer of the Respondent, and the testimony of witnesses taken ore tenus.

The Court after considering the pleadings and the testimony, being in doubt as to what is the best interest of said minor children is of the opinion that it is necessary that a proper investigation be made by the Welfare Department of Baldwin County, Alabama;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that the Welfare Department of Baldwin County, Alabama, immediately make a full, complete and thorough investigation of the family surroundings and environment of Ernest Earl Horton, Fairhope, Alabama, Dennis Monroe Phillips, Daphne, Alabama, and Bertha Leona Odom, 523-39th Street, Fairfield, Alabama, and make a formal report to the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the temporary custody of the minor children, Lawrence Wayne Phillips and Patricia Ann Phillips, be awarded to Dennis Monroe Phillips and Cora Mae Phillips, subject to the right of visitation on the part of Joseph Dennis Phillips and Bertha Leona Odom and the further orders and decrees of this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Sheriff of Baldwin County, Alabama, forthwith take posses-

sion of said minor children, Lawrence Wayne Phillips and Patricia Ann Phillips, where ever they may be found and deliver them into the custody of Dennis Monore Phillips and Cora Mae Phillips.

Dated this 12th day of October, 1954.

*Herbert M. Cole*

**Judge of the 28th Judicial Circuit  
of Alabama.**

JOSEPH DENNIS PHILLIPS,  
COMPLAINANT,  
VS.  
BERTHA LEONA PHILLIPS,  
Respondent.

IN THE  
CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA. IN  
EQUITY.  
No 2771½

This cause coming on to be heard is submitted upon the petition for modification of a decree of divorce heretofore rendered by this Court, and the custody of the minor children, Lawrence Wayne Phillips and Patricia Ann Phillips and the answer of the Respondent, and the testimony of witnesses taken ore tenus.

The Court after considering the pleadings and the testimony, being in doubt as to what is the best interest of said minor children is of the opinion that it is necessary that a proper investigation be made by the Welfare Department of Baldwin County, Alabama;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that the Welfare Department of Baldwin County, Alabama, immediately make a full, complete and thorough investigation of the family surroundings and environment of Ernest Earl Horton, Fairhope, Alabama, Dennis Monroe Phillips, Daphne, Alabama, and Bertha Leona Odom, 523-39th Street, Fairfield, Alabama. and make a formal report to the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the temporary custody of the minor children, Lawrence Wayne Phillips and Patricia Ann Phillips, be awarded to Dennis Monroe Phillips and Cora Mae Phillips, subject to the right of visitation on the part of Joseph Dennis Phillips and Bertha Leona Odom and the further orders and decrees of this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Sheriff of Baldwin County, Alabama, forthwith take posses-

sion of said minor children, Lawrence Wayne Phillips and Patricia Ann Phillips, where ever they may be found and deliver them into the custody of Dennis Monroe Phillips and Cora Mae Phillips.

Dated this 12th day of October, 1954.

*Hubert M. Hall*

Judge of the 26th Judicial Circuit  
of Alabama.

JOSEPH DENNIS PHILLIPS,  
CORA MAE PHILLIPS AND  
DENNIS MONROE PHILLIPS,

COMPLAINANTS

VS

BERTHA LEONA PHILLIPS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

IN EQUITY

RESPONDENTS

Comes now your Petitioners in the above styled cause and amend their petition by adding the following sections:

12.

That your Complainants has been informed and believes and on such information and belief state, that since the time of the filing of this petition Bertha Leona Phillips has married William Odom.

13.

That William Odom is not a fit and proper person to be entrusted with the care, custody and control of children of tender years.

14.

That since the time of the filing of this petition the Respondent has moved to Birmingham, Jefferson County, Alabama, and has caused your Petitioners much inconvenience, expense and annoyance in attempting to visit with the aforesaid children.

FILED

10-12-54

ALICE J. DUCK, Clerk

Walters & Brantley

by:

John M Brantley  
Solicitor for the Petitioners.

## MOTION

JOSEPH DENNIS PHILLIPS,  
 CORA MAE PHILLIPS AND  
 DENNIS MONROE PHILLIPS

COMPLAINANTS

VS

BERTHA LEONA PHILLIPS

RESPONDENT

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

Comes now the Complainants in the above styled cause and shows unto the Court that the Complainants filed a petition praying that this court modify a decree rendered in this cause on November 7, 1952, and further shows the Court that service of said petition was had on Respondent on September 27, 1954, and prays that the Court forthwith enter an order setting said petition down for a hearing.

FILED

9-29-54

ALICE J. DUCK, Clerk

*J. Oliver M. Brantley*  
 Solicitor for Complainants.

BERTHA LEONA PHILLIPS ODOM  
AND JOSEPH DENNIS PHILLIPS,

Complainants,

VS.

DENNIS MONROE PHILLIPS AND  
CORA MAE PHILLIPS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 2771½

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Come now the Complainants, BERTHA LEONA PHILLIPS ODOM AND  
JOSEPH DENNIS PHILLIPS, and represent and show unto your Honor  
as follows:

1. That the Complainants are over the age of twenty-one  
years and bona fide resident citizens of the State of Alabama;  
that the respondents are each over the age of twenty-one years  
and are residents of Baldwin County, Alabama, residing at Daphne,  
Alabama;

2. That the complainants were formerly husband and wife,  
and that on, to-wit: the 7th day of November, 1952, a decree of  
divorce was granted out of this Honorable Court in favor of the  
complainant, BERTHA LEONA PHILLIPS ODOM, and against the com-  
plainant, who was then the respondent, JOSEPH DENNIS PHILLIPS,  
by the terms of which decree the said BERTHA LEONA PHILLIPS ODOM  
was given the care, custody and control of their minor children,  
LAWRENCE WAYNE PHILLIPS AND PATRICIA ANN PHILLIPS.

3. That on, to-wit: the 5th day of November, 1954, this  
Honorable Court made and entered a decree modifying the original  
decree, by the terms of which, the care, custody and control of  
the said LAWRENCE WAYNE PHILLIPS was given to the respondents  
here, DENNIS MONROE PHILLIPS AND CORA MAE PHILLIPS, who are his  
paternal grandparents; and the care, custody and control of the  
said PATRICIA ANN PHILLIPS was given to the complainant here,  
BERTHA LEONA PHILLIPS ODOM.

4. That, because of the matters and things hereinafter  
alleged, it is not to the best interest of the said minor, LAWRENCE  
WAYNE PHILLIPS to be in the care custody and control of the said



DENNIS MONROE PHILLIPS; that the said DENNIS MONROE PHILLIPS is drunk practically every week-end, and drinks in front of said child; that he uses profane language in the presence of said child; that he refuses to permit the complainant, BERTHA LEONA PHILLIPS ODOM, the Mother of said child, visit the child, as he was ordered to do in the aforesaid decree of November 5, 1954; that he refuses to permit the said child visit either of the complainants, or its sister, PATRICIA ANN PHILLIPS; that he refuses to carry the said child to Sunday School or Church, and refuses to let either of the complainants do so; and that he is not giving the said child the proper maintenance and care; and, finally, that he interferes with the child's schooling by taking him out of school at all times of the day, and by visiting the said child at the school.

5. That it would be to the best interest of said minor child if the care, custody and control of said child were taken from the respondents, CORA MAE PHILLIPS AND DENNIS MONROE PHILLIPS, and given to the Complainants, JAMES DENNIS PHILLIPS AND BERTHA LEONA PHILLIPS ODOM, OR either of them, as they both have proper homes to which to carry said minor child.

WHEREFORE, THE PREMISES CONSIDERED, your Petitioners pray that your Honor will take jurisdiction of this their Petition and will set the same down for hearing forthwith; that your Honor will give the said respondents, DENNIS MONROE PHILLIPS AND CORA MAE PHILLIPS, notice according to law of said hearing; and will order them to have the said LAWRENCE WAYNE PHILLIPS present in Court; and that, on a hearing of this Petition, your Honor will make and enter a decree modifying the aforesaid decree of November 5, 1954, and giving the care, custody and control of the said LAWRENCE WAYNE PHILLIPS to your complainants, who are its natural parents, ~~are~~ to either of them, as to your Honor may seem to the best interests of said child; and your Petitioners prays for such, other, further, different or general relief as in equity and good conscience they may be entitled to receive.

Jessie A. Madaleno, Jr.  
SOLICITOR FOR PETITIONERS.

STATE OF ALABAMA,    0  
                               0  
 COUNTY OF BALDWIN.   0

Before me, the undersigned authority, personally appeared Telfair J. Mashburn, Jr., whose name is signed to the foregoing Petition and who is known to me, who, being by me first duly sworn, deposes and says on oath: "That he has read the allegations of the foregoing Petition and that he is informed and believes, and, on such information and belief, avers that the allegations contained in said petition are true and correct." Further Deponent says not.

Telfair J. Mashburn, Jr.

Sworn to and subscribed before me on this the 10<sup>th</sup> day of October, 1955.

[Signature]  
 Notary Public, Baldwin County, Ala.

### ORDER

The above and foregoing Petition being presented to the Court and the Court having considered and understood it, and, being of the opinion that it should be heard as soon as possible, it is, thereupon, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That this Petition be and it is hereby set down for hearing on the 15 day of October, 1955, at 9, A M.

2. That the respondents, DENNIS MONROE PHILLIPS AND CORA MAE PHILLIPS, have the minor child, LARENCE WAYNE PHILLIPS, in Court at the date and time aforesaid for such Orders and Decrees as the Court may consider proper in the premises.

3. That Honorable Taylor Wilkins, Sheriff of Baldwin County, Alabama, give notice to the respondents, DENNIS MONROE PHILLIPS AND CORA MAE PHILLIPS, of this proceedings by serving on them a copy of this Order and of the Petition heretofore filed by the complainants, BERTHA LEONA PHILLIPS ODOM AND JOSEPH DENNIS PHILLIPS.

Done this 10 day of October, 1955.

[Signature]  
 JUDGE.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 2771½.

\*\*\*\*\*

BERTHA LEONA PHILLIPS ODOM  
AND JOSEPH DENNIS PHILLIPS,  
Complainants,  
VS.

DENNIS MONROE PHILLIPS AND  
CORA MAE PHILLIPS,  
Respondents.

\*\*\*\*\*

PETITION AND ORDER.

The State of Alabama, BALDWIN County

## IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon \_\_\_\_\_

DENNIS MONORE PHILLIPS and CORA MAE PHILLIPS

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State \_\_\_\_\_

BERTHA LEONA PHILLIPS ODOM and JOSEPH DENNIS PHILLIPS

against \_\_\_\_\_

DENNIS MONORE PHILLIPS AND CORA MAE PHILLIPS

Herein fail not. Due return make of this writ as the law directs.

Witness this 10 day of Oct., 1955.Miss J. Mark, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

Code 1923-6523-6529

RECORDED  
No. 2771  $\frac{1}{2}$

Page.....

# The State of Alabama

BALDWIN COUNTY.

IN CIRCUIT COURT, IN EQUITY

BERTHA LEONA PHILLIPS ODOM

AND JOSEPH DENNIS PHILLIPS

vs.

DENNIS MONROE PHILLIPS AND

CORA MAE PHILLIPS

## SUMMONS

Returned by the Sheriff and filed in office, this  
the..... day of....., 19.....

....., Register.

FILED

OCT 10 1955

ALICE J. DUCK, Register

35963

Received in office, this the 10 day of

OCT, 1955

Taylor Wilkins, Sheriff.

I have executed the within by leaving a copy

thereof with.....

Dennis Monroe Phillips

Cora Mae Phillips

defendant named herein, on this the 14

day of OCT, 1955

Taylor Wilkins, Sheriff.

By L. Leigh Steadman, Deputy.

JOSEPH DENNIS PHILLIPS,  
CORA MAE PHILLIPS AND  
DENNIS MONROE PHILLIPS,

COMPLAINANTS,

VS

BERTHA LEONA PHILLIPS,

RESPONDENT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes the Respondent in the above styled cause and admends  
his answer by adding the following section:

1.

That Cora Mae Phillips and Dennis Monroe Phillips are not fit  
and proper persons to be intrusted with the care, custody and control of  
children of tender years.

*C. L. Gair Thompson*  
Attorney for Respondent

I hereby certify that I have this 21 day of Oct. served a copy of this pleading  
on Robert M. Brantley an attorney of record for the Complainants.

*C. L. Gair Thompson*  
Attorney for Respondent.

FILED

10-21-54

ALICE J. DUCK, Clerk

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

JOSEPH DENNIS PHILLIPS,  
CORA MAE PHILLIPS AND  
DENNIS MCNROE PHILLIPS,

COMPLAINANTS,

VS

DENTHA LEONA PHILLIPS,

RESPONDENT.

C. LeKoir Thompson  
Attorney At Law  
Bay Minette, Alabama

Filed 10-21-54  
Annie J. Duck  
Registrar