

Law Offices of
Horne, Webb & Tucker
Attorneys at Law
Atmore, Ala.

FRANK G. HORNE
DOUGLAS S. WEBB
J. R. TUCKER

TELEPHONE 49

May 6, 1958

4221

Mrs. Alice Duck
Circuit Clerk
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed you will find a Plea in Abatement we desire to file in the case of William J. Johnson v. Agnes Faye Johnson.

Please list HORNE, WEBB & TUCKER as Solicitors for the Respondent Alice Faye Johnson on her Plea in Abatement.

Very truly yours

HORNE, WEBB & TUCKER


BY: FRANK G. HORNE

FGH/iw
Encl.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon AGNES FAYE JOHNSON 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 WILLIAM G. JOHNSON, as Complainant and against Agnes Faye Johnson, as Respondent.

WITNESS my hand this the 5th day of ~~December~~^{Feb}, 1957.

Archie J. Duke
Register

WILLIAM G. JOHNSON	∅	IN THE CIRCUIT COURT OF
COMPLAINANT	∅	BALDWIN COUNTY, ALABAMA,
VS	∅	IN EQUITY
AGNES FAYE JOHNSON	∅	
RESPONDENT	∅	

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

Your Complainant William G. Johnson, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant is over the age of twenty-one years and a bona fide resident citizen of Baldwin County, Alabama; That your Respondent is twenty years of age and a resident of Escambia County, Alabama.

2.

That your Complainant and the Respondent married at Gulfport, Mississippi, on June 2, 1956, and lived together as husband and wife in Baldwin County, Alabama, until, on, to-wit, September 10, 1956.

3.

That on, to-wit, September 10, 1956, the Respondent voluntarily abandoned the bed and board of your Complainant and has remained away voluntarily and continuously since that time.

4.

That there was born to the marriage between your Complainant and the Respondent one child, Myles Daniel Johnson, now 9 months old; that your

Complainant is now in the military service and is unable to care for and maintain the said child properly and that he thinks that it is to the best interest of the child that the mother be awarded the care, custody and control of the child.

WHEREFORE, the premises considered, your Complainant prays that Your Honor will by proper process make the said Agnes Faye Johnson party respondent to this bill of complaint requiring her to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practices of this Honorable Court.

Your Complainant further prays that on a final hearing of this cause, Your Honor will enter a decree granting your Complainant a divorce from the Respondent and grant him the right to remarry. Your Complainant further prays that the Respondent will be awarded the care, custody and control of the minor child, Myles Daniel Johnson; your complainant further prays for such, other, further or different relief to which the Complainant may in equity be entitled.

Wilters and Brantley

BY: Harry J. Wilters, Jr.
Solicitors for the Complainant

Received 5 day of Feb 1958
on _____ day of _____ 19____
I received a copy of the within Bill of Complaint
Agnes Faye Johnson
service on _____
TAYLOR WILKINS, Sheriff
By _____ D. S.

Received _____ day of _____ 19____
and on _____ day of _____ 19____
I received a copy of the within _____
_____ service on _____
TAYLOR WILKINS, Sheriff
By _____ D. S.

Returned 26 day of Feb 1958
not found in my county after diligent search and in-
quiry.
Taylor Wilkins, Sheriff
By Emmons Deputy Sheriff

4721 ✓ ✓

~~Count found in~~
~~Atmore area~~ RECORDED

WILLIAM G. JOHNSON
COMPLAINANT
VS
AGNES FAYE JOHNSON
RESPONDENT
Res. Atmore

BILL OF COMPLAINT

Executed
4/5/58
By Alton Greer
S.S. Atmore area

FILED
FEB 5 1958
ALICE L. BUCK, CLERK

WILLIAM G. JOHNSON	X	IN THE CIRCUIT COURT OF
COMPLAINANT	X	BALDWIN COUNTY, ALABAMA.
VS:	X	IN EQUITY.
AGNES FAYE JOHNSON	X	NO. _____
RESPONDENT	X	

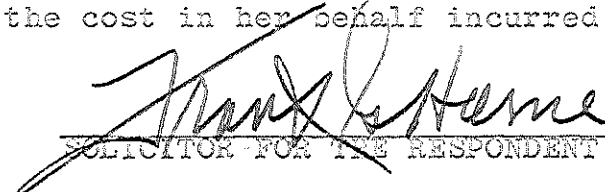
Now comes the Respondent, Agnes Faye Johnson and files this her Plea in Abatement in the above entitled cause and thereupon says the following:

(1) That, the Complainant, William G. Johnson is a member of the armed forces of the United States of America and that at the time he was inducted into the armed forces he was a bona fide resident citizen of Conecuh County, Alabama.

(2) That, the Respondent and the Complainant have never lived in Baldwin County, Alabama as husband and wife, that they were not residing together as husband and wife in Baldwin County, Alabama, on September 10, 1956, but that up to and including the 1st day of January, 1958, they resided together as husband and wife in Atmore, Escambia County, Alabama.

(3) That the Respondent is a resident citizen of Escambia County, Alabama, and has never resided in Baldwin County, Alabama.

Wherefore, the Respondent respectfully represents that this cause should be abated and the Respondent, Agnes Faye Johnson be permitted to go hence with the cost in her behalf incurred.


~~SOLICITOR FOR THE RESPONDENT~~

STATE OF ALABAMA
 ESCAMBIA COUNTY

Before me, the undersigned authority in and for the said State and County, personally appeared Agnes Faye Johnson who is known to me and who being by me first duly sworn, deposes and says that the matter and facts set out in the foregoing Plea an Abatement are true and correct to the best of her knowledge,

information and belief.

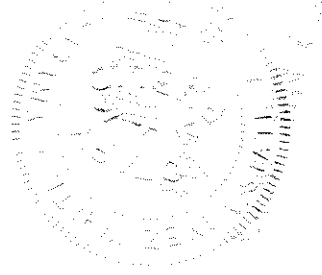
Agnes Faye Johnson

Sworn to and subscribed to before me this 30th day of

April, 1958.

Notary Public, State of Alabama at Large
My commission expires August 15, 1961
Bonded by Employers Liability Assurance
Corporation

Inez White



42-21

RECORDED

100-00 228 -011-000000000000

100-00 228 -011-000000000000

FILED

MAY 7 1958

WILLIAM L. BECK, Register