

2849

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

DELORES MIZNER, Complainant

vs.

WELDON EUGENE MIZNER, 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 Delores Mizner is forever divorced from the said Weldon Eugene Mizner for and on account of

ABANDONMENT

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 Delores Mizner, the Complainant, pay the cost herein to be taxed, for which execution may issue.

This 25th day of July, 1952

Jessie 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. _____ Page M _____

The State of Alabama
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED
JUL 25 1952

ALICE J. DUCK, Register

DELORES MIZNER,
Complainant,
No.-----VS.
WELDON EUGENE MIZNER,
Respondent.

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

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated, July 23rd, 1952 .

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to wit:

FOR COMPLAINANT

FILED, 7-25-52
Alice J. ... Register }

- 1. Bill of Complaint.
- 2. Answer and Waiver.
- 3. Testimonies of Delores Mizner and of Charles McMellen, Witnesses on behalf of the Complainant.

William Grayson
Solicitor-for Complainant

~~FOR RESPONDENT~~

~~Solicitor-for Respondent~~

William Grayson 1^o/₂

M

No. _____

DELORES MIZNER,
Complainant,

Vs.

WELDON EUGENE MIZNER,
Respondent.

**ORDER OF SUBMISSION
NOTE OF EVIDENCE**

Terms, 19_____

_____, 19_____

Ent. Min. No. _____, Page _____

TESTIMONY OF DELORES MIZNER, WITNESS ON HER OWN BEHALF:

I am the Complainant in this divorce cause and I am the wife of the Respondent. We were married to each other on October 5, 1935 at Mobile, Alabama. Both myself and the Respondent are each over the age of twenty-one years, and we were such at the time of the filing of the Bill of Complaint herein. I am a bona-fide resident citizen of the State of Alabama and I have been such for more than two years next preceding the filing of the Bill of Complaint herein, and I have actually resided within the State of Alabama during this period of time. The Respondent is a non-resident of the State of Alabama. There have been no children born to our marriage.

The Respondent has lived separate and apart from my bed and board since June or July of 1947, which has been for more than two years next preceding the filing of the Bill of Complaint herein. I have not received any support of any kind from the Respondent for more than two years next preceding the filing of the Bill of Complaint herein, and I have bona-fided resided in the State of Alabama during said period. We were living in Mobile, Alabama at the time of our separation. Respondent packed all of his clothes and moved away from the house we were living in and moved to another place of residence in Mobile, Alabama. That was in either June or July of 1947, and he has failed to provide me with any form or kind of support or maintenance since that time and the Respondent left the State of Alabama in August or September of 1947 and went to the State of Minnesota to live and I have not seen or talked to him except over the telephone since that time.

Delores Mizner

TESTIMONY OF CHARLES McMELLEN, WITNESS ON BEHALF OF THE COMPLAINANT:

I have known the Complainant for about six years. The Complainant and the Respondent were married to each other October 5, 1935 at Mobile, Alabama. The Complainant is a bona-fide resident citizen of the State of Alabama and she has been such for more than two years next preceding the filing of the Bill of Complaint herein, and the Complainant has actually resided within the State of Alabama during that period of time. Respondent is a non-resident of the State of Alabama. Both the Complainant and the Respondent were each over the age of twenty-one years at the time of the filing of the Bill of Complaint herein. There have been no children born to the marriage between the Complainant and the Respondent.

Respondent has lived separate and apart from the bed and board of the Complainant for more than two years next preceding the filing of the Bill of Complaint herein, and she has not received any support from the Respondent for more than two years next preceding the filing of the Bill of Complaint herein. The Complainant has bona-fided resided in the State of Alabama during the said two year period of time. I know that they were separated from each other at the time I met the Complainant and that they have not seen each other since I have known the Complainant and I know that I would have known about it if they had seen each other because I see the Complainant quite often and she would have told me, also I know quite a few of Complainant's friends and they would have told me about it if she had.

Charles McMellen

C E R T I F I C A T E

I, Marie Lambrecht, the commissioner named in the attached commission contained in that certain cause now pending in the Honorable The Circuit Court of Baldwin County, Alabama, Sitting in Equity, wherein Delores Mizner is Complainant, and Weldon Eugene Mizner is Respondent, under and by virtue of the power conferred upon me by said agreement as such commissioner, caused the said Delores Mizner and the said Charles McMellen, who were known to me to come before me at 1:00 o'clock, P. M., Central Standard Time, on July 24, 1952, and at 2:30 o'clock P. M., Central Standard Time, July 24, 1952, respectively, at Room 435, First National Bank Building, Mobile, Alabama; that said witnesses were first duly sworn by me as stated; that they were then examined by William Grayson, one of the Solicitors for Complainant, and they testified in response thereto as is hereinabove written; and the testimony was by me reduced to writing as given by said witnesses in narrative form, and as near as might be in the identical language of the said witnesses, and that, after said testimony had been so reduced to writing, it was by me read over to the said witnesses, who assented to and signed the same in my presence and in the presence of said Solicitor for Complainant.

I further certify that I am not of counsel or of kin to any of the parties to the said cause, and am not in anywise interested in the result thereof.

WITNESS my hand this 24th day of July, 1952.

Marie Lambrecht

C O M M I S S I O N E R

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Marie Lambrecht
364 South Ann Street,
Mobile, Alabama

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 Delores Mizner and Charles McMellan

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein DELORES MIZNER

DELORES MIZNER, Complainant
and

WELDON EUGENE MIZNER Respondent

on oath, to be by you administered, upon them to take and certify the deposition s of the witness es and return the same to our Court, with all convenient speed, under your hand.

Witness 21st day of July, 1952

Marie J. Lambrecht
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 2849

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

DELORES MIZNER

Complainant—

vs.

WELDON EUGENE MIZNER

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

WITNESSES:

DELORES MIZNER, Complainant,

No. Vs.

WELDON EUGENE MIZNER, Defendant.

CIRCUIT COURT OF ~~MOBILE~~ BALDWIN
COUNTY, ALABAMA
IN EQUITY

DEMAND FOR ORAL EXAMINATION

The State of Alabama. }
Mobile County }

The Complainant requests the oral examination of the following named witnesses
on her behalf, viz: Delores Mizner and Charles McMellen

said witnesses reside in the County of Mobile, State of Alabama.

Marie Lambrecht who resides at 364 South Ann Street.

is suggested as ^asuitable person to be appointed Commissioner to take depositions of said witnesses
on such oral examination.

Filed 7-19-52

~~JAMES A. CRANE~~, Register.

Archie J. ...

William ...
Solicitor for Complainant.

No. 2849

BALDWIN
CIRCUIT COURT OF MOBILE COUNTY,
Mobile, Alabama

DELORES MIZNER,

Complainant,

Vs.

WELDON EUGENE MIZNER,

Respondent.

DEMAND FOR ORAL EXAMINATION

*Filed 7-19-52
A. J. H. H. H.
Register*

DELORES MIZNER,	0	IN THE CIRCUIT COURT OF
Complainant,	:	BALDWIN COUNTY, ALABAMA.
-vs-	0	IN EQUITY.
WELDON EUGENE MIZNER,	:	NO. _____
Respondent.	0	

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,
SITTING IN EQUITY:

Comes now the Complainant and shows unto Your Honors and unto this Honorable Court as follows:

ONE

Complainant is the wife of the Respondent and they were married to each other on October 5, 1935 at Mobile, Alabama. Both the Complainant and the Respondent are each over the age of twenty-one years. Complainant is a bona-fide resident citizen of the State of Alabama and she has been such for more than two years next preceding the filing of the Bill of Complaint herein, and she has actually resided within the State of Alabama during that period of time. Respondent is a non-resident of the State of Alabama. There have been no children born to the marriage between the Complainant and the Respondent.

TWO

Respondent has lived separate and apart from the bed and board of the Complainant for two years next preceding the filing of the Bill of Complaint and the Complainant has not received any support from the Respondent for two years next preceding the filing of the Bill of Complaint herein, and the Complainant has bona-fided resided in this State during said period.

PRAYER FOR PROCESS

Complainant prays that Your Honors will take jurisdiction of this cause, will make the said Weldon Eugene Mizner, party-respondent hereto, and will cause him to appear, plead, answer or demur hereto within the time allowed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Complainant further prays that Your Honors will see fit to grant her an absolute divorce from the bonds of matrimony with the Respondent; and Complainant further prays for such other, further, and different relief as in Equity she may be due; and as in duty bound she will ever pray, etc.

[Handwritten signature]

SOLICITOR FOR COMPLAINANT.

[Vertical handwritten notes on the right side of the page, including the word "MOTION" and a date "11/19/11"]

NO 2849

RECORDED

Delores Mignier

VS.

Weldon Eugene
Mignier

Q

Filed 7-19-52

Alicia J. Leno
Register

RECEIVED
COURT CLERK
JULY 19 1952
COURT HOUSE
MONTGOMERY, ALA.

DELORES MIZNER, Complainant
No. Vs.
WELDON EUGENE MIZNER Defendant

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

ANSWER AND WAIVER

Comes the Defendant in the above entitled cause and for answer to the Bill of Complaint therein admits the allegations as to the ages, residences and marriage and denies each and every other allegation of said Bill of Complaint and demands strict proof thereof.

I agree that the testimony in this cause may be taken by deposition on oral examination, and waive notice of the time and place of the taking such testimony and agree that this cause may be submitted for final decree at any time. I waive all notices to which I may be entitled by law in this cause. I further agree that either Dorothy Terry or Betty Moss of Mobile, Alabama, may take the testimony in this cause as commissioner without the issuance of a commission.

ATTEST:

- ✓ 1. Clarence V. Bishop
- ✓ 2. R. E. Vickrey

Weldon Eugene Mizner
(Weldon Eugene Mizner) Defendant

STATE OF _____

COUNTY OF _____

I, _____, a NOTARY PUBLIC in and for said State and County, do hereby certify that _____, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that being informed of the contents of the instrument, _____ executed the same voluntarily on the day same bears date.

Witness my hand and seal this _____ day of _____ 19____

Filed, _____
JAMES A. CRANE, REGISTER

NOTARY PUBLIC

STATE OF _____

COUNTY OF _____

I agree that either Dorothy Terry or Betty Moss of Mobile, Alabama, may take the testimony in this cause as commissioner without the issuance of a commission. I hereby waive and release the respondent from all claim as to alimony and support.

Delores Mizner
Complainant

No. 2849

RECORDED

DELORES MIZNER,

Complainant.

Vs.

WELDON EUGENE MIZNER,

Respondent.

ANSWER AND WAIVER

Filed, 7-19-59

Alicia Leach

Register