

(4235)

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

CAROLYN B. BYRD, Complainant

vs.

LUTHER B. BYRD, 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 CAROLYN B. BYRD is forever divorced from the said LUTHER B. BYRD for and on account of

Voluntary Abandonment - It is further ordered, adjudged and decreed that the Complainant be and she is hereby awarded the permanent care, custody and control of the minor child born to the union of said parties, namely, Rocky Allen Byrd, a boy, now aged about three years old.

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 payment of the cost of this suit.

It is further ordered that Carolyn B. Byrd the Complainant pay the cost herein to be taxed, for which executed may issue.

This 7th day of March 1958. Robert M. Hall 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. 4735 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

*Filed
3-7-58
Circuit Court
Register*

CAROLYN B. BYRD

vs.

LUTHER B. BYRD

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,
answer and waiver and the testimonies of Carolyn B. Byrd and Octavia Burke,
as set out in the oral deposition.

and in behalf of Defendant upon _____

James G. Hendrix

Wesley J. Blush
Register.

No. 4235

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

CAROLYN B. BYRD

VS.

LUTHER B. BYRD

Note of Testimony

Filed in Open Court this

day of **FILED** 19
MAR 7 1958

Register.

ALICE J. BROWN
Register.

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: DELTA H. GWALTNEY

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Carolyn E. Fyrd and Octavia Furke

& witnesses in behalf of Carolyn E. Fyrd in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Carolyn E. Fyrd is

Complainant and Luther E. Fyrd is

Respondent

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

Witness 28 day of Feb, 1956

Register.

Commissioner's Fee, \$

Witness' Fees, \$

No. 4235

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

CAROLYN B. BYRD

Complainant

VS.

LUTHER B. BYRD

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

DELTA H. GWALTNEY

WITNESSES:

Carolyn B. Byrd

Octavia Burke

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THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

CAROLYN E. BYRD COMPLAINANT

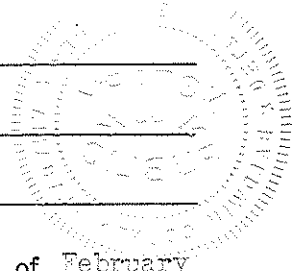
vs.

LUTHER E. BYRD RESPONDENT

I, Delta H. Gwaltney

as Register and Commissioner

have called and caused to come before me Carolyn E. Byrd and Octavia Burke



witnesses named in the requirement for Oral Examination, on the 28th day of February 1958, at the office of James A. Hendrix

in Robertsdale, Alabama, and having first sworn said witnesses to speak the

truth, the whole truth, and nothing but the truth, the said Carolyn E. Byrd and Octavia

Burke doth depose and say as follows:

My name is Carolyn E. Byrd, I am over 18 years old and live in Seminole, Baldwin County, Alabama, and have lived there for more than the past five years. Luther E. Byrd is over 21 years old and is a resident of the State of Illinois. Luther E. Byrd and I were married on March 30, 1954, at Lucedale, Mississippi. On June 15, 1955, Luther left me of his own free will and accord without fault on my part, and since that time, June 15, 1955, Luther and I have not lived together as husband and wife, nor have we in any way recognized each other as husband and wife. We had one child, a boy, Rocky Allen Byrd, who is now about three years old, this child is now in my custody and I feel that I am a fit and proper person to be awarded the permanent care, custody and control of said minor child, Rocky Allen Byrd.

Carolyn E. Byrd

My name is Octavia Burke, I have known Carolyn E. Byrd and Luther E. Byrd for more than the past five years. Carolyn E. Byrd is over the age of 18 years and lives in Seminole, Baldwin County, Alabama, and has lived there for more than the past five years. Luther E. Byrd is over the age of 21 years and is a resident of the State of Illinois. Luther E. Byrd and Carolyn E. Byrd were married on about March 30, 1954, at Lucedale, Mississippi. On June 15, 1955 Luther left Carolyn of his own free will and accord without fault on her part, and since that time, Luther and Carolyn have not lived together as husband and wife, nor have they in any way recognized each other as husband and wife. They had one child, a boy, Rocky Allen Byrd, who is now about three years old, This child is now in the custody of Carolyn and I feel that she is a fit and proper person to be awarded the permanent care, custody and control of said minor child, Rocky Allen Byrd.

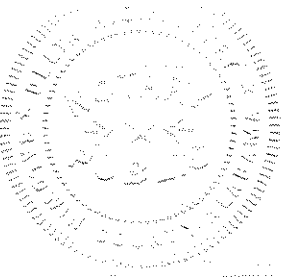
Mrs. Octavia Burke

I, DELTA H. GWALTNEY as ~~Register~~ and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witnesses and read over to them and they signed the same in the presence of myself and James A. Hendrix at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witnesses; 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 28th day of February, 1958.

Delta H. Gwaltney (L. S.)



No. 44-35 Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

CAROLYN B. BYRD

COMPLAINANT

vs.

TERRY B. BYRD

RESPONDENT

ORAL DEPOSITION

Filed _____ 1958

FILED
MAR 7 1958

ALICE J. BAKER
RECORDER, Register

Record _____

Vol. _____ Page _____

Register _____

CAROLYN B. BYRD |
 Complainant, | IN THE CIRCUIT COURT OF
 vs. | BALDWIN COUNTY, ALABAMA
LUTHER B. BYRD | IN EQUITY
 Respondent. |

ANSWER AND WAIVER

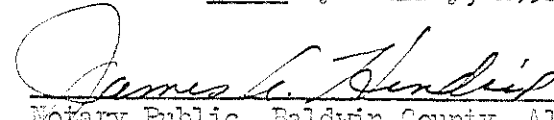
Comes now the respondent, Luther B. Byrd, and for answer to the Bill of Complaint heretofore filed against him in said cause says as follows:

That he denies each and every allegation of the said Bill of Complaint and demands strict proof thereof.

And for further answer to the said Bill of Complaint the Respondent hereby accepts service of a copy and notice of the filing of the said Bill of Complaint and does hereby waive any further notice to him of the day set for hearing, the taking of testimony or the submission for final decree of the above styled cause and does here consent that the same may be submitted and testimony taken without further notice to him.


Luther B. Byrd

Sworn to and subscribed before me
on this the 1st day of MARCH, 1958.


Notary Public, Baldwin County, Alabama

4235

I have the honor to acknowledge the receipt of your letter of the 26th inst. regarding the matter of the above-captioned case. In view of the fact that the same has already been assigned to the attention of the proper authorities, I am unable to advise you at this time as to the result of the same. However, I will endeavor to advise you as soon as a final decision has been reached.

Very truly yours,
 Alice J. Duck, Register

FILED
MAR 7 1958

ALICE J. DUCK, Register

I have the honor to acknowledge the receipt of your letter of the 26th inst. regarding the matter of the above-captioned case. In view of the fact that the same has already been assigned to the attention of the proper authorities, I am unable to advise you at this time as to the result of the same. However, I will endeavor to advise you as soon as a final decision has been reached.

Very truly yours,
 Alice J. Duck, Register

STATE OF ALABAMA)

BALDWIN COUNTY)

CAROLYN E. EYRD,)

Complainant,)

vs.)

LUTHER E. EYRD,)

Respondent.)

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

To the Honorable Judge of the Circuit Court of Baldwin County,

Sitting in Equity:

Comes now the Complainant, CAROLYN E. EYRD, humbly complaining of the Respondent, LUTHER E. EYRD, in a matter of divorce, and represents and shows unto Your Honor as follows:

FIRST: That Complainant, CAROLYN E. EYRD, is over the age of eighteen years and is a resident of Baldwin County, Alabama, and has been a bona fide resident of said State for more than five years next preceeding the filling of this Bill of Complaint; that the Respondent is over twenty-one years old and is a resident of the State of Illinois.

SECOND: That your Complainant and Respondent were lawfully married on or about, to-wit: March 30, 1954, at Lucedale, Mississippi.

THIRD: Your Complainant avers and shows unto your Honor that the said Respondent, Luther E. Eyrd, voluntarily abandoned the bed and board of Complainant for more than one year next preceding the filing of this Bill of Complaint on to-wit: June 15, 1955, and since that time your Complainant and Respondent have at no time lived together, nor have they in any way recognized each other as husband and wife.

FOURTH: Your Complainant would further aver and show unto your Honor that there was one (1) child born to the union of the Complainant and Respondent which is as follows: A boy, Rocky Allen Eyrd, who is now about three years old, who is now in the care, custody and control of the Complainant, his mother, and that Complainant is a fit and proper person to be awarded the permanent care, custody and control of the said minor child.

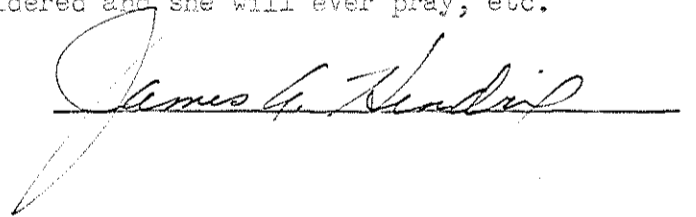
PRAYER FOR PROCESS

Wherefore the premises considered the Complainant prays that the said Luther B. Byrd be made party Respondent to this her Bill of Complaint and that a summons be issued and served upon him as required by law and the rules of this Honorable Court, and that he be required to plead, answer or demur to the within Bill of Complaint within the time and under the penalties prescribed by law and the rules of this Honorable Court.

PRAYER FOR FINAL RELIEF

The premises considered the Complainant prays that on a final hearing of this cause Your Honor will make and enter a decree forever dissolving the bonds of matrimony heretofore existing between the Complainant and Respondent, and will grant to the Complainant a full and absolute divorce from the Respondent, and that in and by virtue of the said decree the Complainant will be granted the right to again contract marriage, that by virtue of said decree the Complainant will be awarded the permanent care, custody and control of the said minor child, Rocky Allen Byrd.

Complainant prays all other further and general relief to which she may be entitled, the premises considered and she will ever pray, etc.


James G. Hendrix

4235

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