

4272

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

OLA M. AVERY

Complainant

vs.

WILLIAM A. AVERY

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Publication 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 Ola M. Avery is forever divorced from the said William A. Avery for and on account of voluntary abandonment.

It is further ordered, adjudged and decreed that the said Complainant, Ola M. Avery, have the care, custody and control of the minor child of this marriage, Alice Marie Avery.

It is futher 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 futher 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 futher ordered that William A. Avery the Respondent pay the cost herein to be taxed, for which executed may issue.

This 22 day of July 19 58

[Signature]

Judge Circuit Court, In Equity.

I, Alice J. Duck, 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 July, 19 58

Register of Circuit Court, In Equity.

No. ----- Page -----

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

*Filed 7-22-08
Doris H. Huggins
Clerk*

OLA M. AVERY,		IN THE CIRCUIT COURT OF
Complainant,		BALDWIN COUNTY, ALABAMA
vs.		IN EQUITY.
WILLIAM A. AVERY,		
Respondent		

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

Your Complainant, Ola M. Avery, represents and shows
unto the Court and your Honor as follows:

1. Complainant is over the age of eighteen years and a resident of Baldwin County, Alabama, and has been a bona fide resident of said State and County for more than five years next preceding the filing of this Bill of Complaint, however, Complainant is now residing in New Orleans, Louisiana; that the Respondent, William A. Avery, is over the age of twenty-one years and is a non-resident of the State of Alabama. Complainant further alleges that Respondent's place of residence and Post Office address is unknown and cannot be ascertained after reasonable efforts in regard thereto, however, Complainant alleges that his last known address was 2909 Buddis Lane, Effie, Minnesota.

2. The Complainant and Respondent were lawfully married on or about, to-wit, October 5, 1955, in Leaksville, Mississippi.

3. Complainant further avers that said Respondent voluntarily abandoned the bed and board of Complainant for about two years next preceding the filing of this Bill of Complaint, since which time Complainant and Respondent have not lived together nor in any way recognized each other as husband and wife.

4. Complainant avers that there was one child born to this marriage, Alice Marie Avery, who is now approximately eighteen months of age and is in the care, custody and control of Complainant, who is a fit and proper person to have such care, custody and control of said minor child.

The premises considered, your Complainant makes the said William A. Avery party respondent to this Bill of Complaint,

and in order that Complainant may have the relief herein prayed for, may it please the court to cause the State's writ of subpoena to be issued, directed to the said William A. Avery, commanding him to answer, plead or demur to the Bill of Complaint, within the time required by law; that the court will also make and enter an order of publication in said cause, directed to the said Respondent, commanding him to answer, plead or demur to the Bill of Complaint within the time required by law; and that on a final hearing of this cause, that the court will make and enter an order or decree divorcing Complainant from said Respondent, granting the Complainant the right to remarry, and giving Complainant the care, custody and control of the said minor child and that your Honor will grant such other, further and different relief as Complainant may be entitled to, the premises considered.


 Solicitor for Complainant.

STATE OF ALABAMA
 BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Ola M. Avery, who first being duly and legally sworn, deposes and says: That she has read over the foregoing complaint and that the facts stated therein are true.

BILL OF COMPLAINT

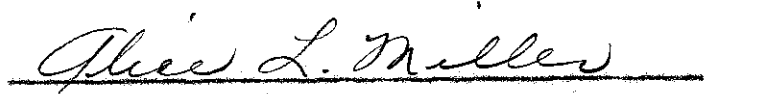
75/55

Ola M. Avery
 Complainant

WILLIAM A. AVERY
 Respondent


 Ola M. Avery

Sworn to and subscribed before me on this the 24 day of April, 1958.


 Notary Public, Baldwin County, Alabama.

FILED
 APR 24 1958
 BALDWIN COUNTY ALABAMA

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[Handwritten signature]
REGISTER FOR COMPLAINT

ALABAMA TO STATE
BALDWIN COUNTY

BILL OF COMPLAINT
OLA M. AVERY,
Complainant,
WILLIAM A. AVERY,
Respondent.
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.

FILED
APR 24 1958

ALICE A. BRICK, Register

in the presence of me
before me on this day
of April, 1958.

[Handwritten signature]

Notary Public, Baldwin County, Alabama.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County



Circuit Court

TO: ALICE L. MILLER

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 **Ola M. Avery**

a witness in behalf of **Complainant** in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein **Ola M. Avery**

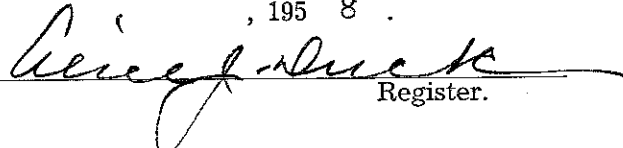
and **William A. Avery**, Complainant

Respondent

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

Witness **21st** day of **July**

, 195 **8**


Register.

Commissioner's Fee, \$

Witness' Fees, \$

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

OLA M. AVERY

COMPLAINANT

vs.

WILLIAM A. AVERY

RESPONDENT

I, Alice L. Miller

as ~~Register and~~ Commissioner

have called and caused to come before me Ola M. Avery

witness named in the requirement for Oral Examination, on the 21st day of July
19 58, at the office of James R. Owen in Bay Minette, Alabama

in , Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said Ola M. Avery

doth depose and say as follows:

I am over the age of 18 years and a resident of Baldwin County, Alabama, and have been a bona fide resident of said State and County for more than five years next preceding the filing of the Bill of Complaint in this cause. The Respondent, William A. Avery, is over the age of 21 years and is a non-resident of the State of Alabama and is not now in the Military Service of the United States.

The Respondent and I were lawfully married to each other on to-wit, October 5, 1955, in Leaksville, Mississippi. The Respondent, William A. Avery, voluntarily abandoned me more than two years ago and we have not lived together, nor in any way recognized each other as husband and wife, for more than two years next preceding the date of this deposition.

There was one child born to our marriage, Alice Marie Avery, who is now approximately 18 months of age and is in my care, custody and control and I am a fit and proper person to have the care, custody and control of the said child.

Ola M Avery

ORAL EXAMINATION

I, **ALICE L. MILLER** 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 witness _____ and read over to her and she signed the same in the presence of myself and **James R. Owen** at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness _____ or had proof made before me of the identity of said witness _____; 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 **21st** day of **July**, 19 **58**.

Alice L. Miller (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

vs.

RESPONDENT

ORAL DEPOSITION

Filed **7-21**, 19**58**

RECORDED IN

Record

Vol. _____ Page _____

Register.

ORAL EXAMINATION

I, **ALICE L. MILLER** 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 witness _____ and read over to her and she signed the same in the presence of myself and **James R. Owen** at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness _____ or had proof made before me of the identity of said witness _____; 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 **21st** day of **July**, 19**58**.

Alice L. Miller (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

vs.

RESPONDENT

ORAL DEPOSITION

Filed **7-21**, 19**58**

RECORDED IN

Record

Vol. _____ Page _____

Register.



THE BALDWIN TIMES

BALDWIN COUNTY

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

JIMMY FAULKNER
AND
BILL STEWART
PUBLISHERS

E. R. MORRISSETTE, JR.
EDITOR-MANAGER

Legal Notice

OLA M. AVERY, Complainant,
vs.
WILLIAM A. AVERY,
Respondent.
In The Circuit Court Of Baldwin
County, Alabama In Equity.
ORDER OF PUBLICATION

In this cause, it appearing to the Register from the affidavit of Ola M. Avery, the Complainant in the above styled cause, that the residence and post office address of the Respondent, William A. Avery, are unknown, and further that in the belief of said affiant, the Respondent William A. Avery is over the age of twenty-one years, it is therefore ordered by the Register that publication be made once a week for four consecutive weeks, in The Baldwin Times, a newspaper published in Baldwin County, Alabama, requiring the said Respondent to plead, answer or demur to the Bill of Complaint in this cause by the 31st day of May, 1958, or, in default thereof, thirty days thereafter a decree pro confesso may be taken against said Respondent.

ORDERED on this the 24 day of April, 1958.
ALICE J. DUCK,
Register.
James R. Owens,
Solicitor for complainant. 16-4tc.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

E. R. Morrisette, Jr. being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Ola M. Avery vs. William A. Avery

COST STATEMENT

172 WORDS @ 6 1/2 cents \$ 11.18
I hereby certify this is correct, due and unpaid (paid).

Editor.

was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication May 1, 1958 Vol. 70 No. 16
Date of 2nd publication May 8, 1958 Vol. 70 No. 17
Date of 3rd publication May 15, 1958 Vol. 70 No. 18
Date of 4th publication May 22, 1958 Vol. 70 No. 19

Subscribed and sworn before the undersigned this 24 day of July, 1958.

Dorothy Martin

Notary Public, Baldwin County.

Editor.

Produced Pursuant to
Protective Order in Case No.
103-12345-1/23

Produced Pursuant to
Protective Order in Case No.
103-12345-1/23

10/23/2010

AFFIDAVIT OF PUBLICATION

NOTED FOR SERVICE
STATE OF MICHIGAN

I, the undersigned, being a resident qualified to be sworn in as a Justice of the Peace in the County of Washtenaw, State of Michigan, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the files and records of the Court in the above captioned cause.

WITNESSED my hand and seal of office this 23rd day of October, 2010.

4272

Avery
vs
Avery

OLA M. AVERY,

Complainant,

vs.

WILLIAM A. AVERY,

Respondent

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,
Order of Publication, Proof of Publication, Motion for decree pro
Confesso, Decree pro confesso and Testimony of Complainant.

and in behalf of Defendant upon

James R. Owen,
Solicitor for Complainant.

Wince J. Wark
Register.

No. _____

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

VS.

Note of Testimony

Filed in Open Court this **FILED**
day of **JUL 21**, 19**58**

ALICE J. DUCK, Register

Register.

OLA M. AVERY,

Complainant,

vs.

WILLIAM A. AVERY,

Respondent.

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

DECREE PRO CONFESSO:

In this cause it appears to the Court that the order of publication directed to William A. Avery, the Respondent in this cause, heretofore made was published for four consecutive weeks, commencing on the 1st day of May, 1958, in the Baldwin Times, a newspaper of general circulation and published in Baldwin County, Alabama; a copy of said order was posted at the Courthouse door in Baldwin County, Alabama, on the 1st day of May, 1958; and it now further appearing to the Court that the said William A. Avery has to the date hereof, failed to plead, answer or demur to the Bill of Complaint in this cause;

It is therefore, on motion of the Complainant, ORDERED AND DECREED by the Court that the said Bill of Complaint be, and hereby is in all things taken as confessed against the said Respondent, William A. Avery.

ORDERED, ADJUDGED AND DECREED on this the 21st day of July, 1958.


Register


OLA M. AVERY,
 Complainant,
 vs.
 WILLIAM A. AVERY,
 Respondent.

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

MOTION FOR DECREE PRO CONFESSO:

Now comes the Complainant in the above styled cause and shows unto the Court that an order of publication was made on the 24th day of April, 1958, which was duly published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks, commencing on the 1st day of May, 1958, and which was directed to William A. Avery, the Respondent in said cause, which required the said Respondent to plead, answer to demur to the Bill of Complaint in this cause by the 31st day of May, 1958, which the said Respondent has to this date, failed to do, wherefore, the Complainant moves the court to grant a decree pro confesso against the said Respondent.

DATED this 21st day of July, 1958.


 Solicitor for Complainant.

OLA M. AVERY,
Complainant,
vs.
WILLIAM A. AVERY,
Respondent.

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

ORDER OF PUBLICATION:

In this cause, it appearing to the Register from the affidavit of Ola M. Avery, the Complainant in the above styled cause, that the residence and post office address of the Respondent, William A. Avery, are unknown, and further that in the belief of said affiant, the Respondent William A. Avery is over the age of twenty-one years, it is therefore ordered by the Register that publication be made once a week for four consecutive weeks, in the Baldwin Times, a newspaper published in Baldwin County, Alabama, requiring the said Respondent to plead, answer or demur to the Bill of Complaint in this cause by the 31st day of May, 1958, or, in default thereof, thirty days thereafter a decree pro confesso may be taken against said Respondent.

ORDERED on this the 24 day of April, 1958.

Resident - W. A. W. W.
Register.

James R. Owen
Solicitor for Complainant

ORDER OF PUBLICATION

OLA M. AVERY,

Complainant,

vs.

WILLIAM A. AVERY,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

FILED

APR 24 1958

CLERK OF COURT

OLA M. AVERY, | IN THE CIRCUIT COURT OF
Complainant, | BALDWIN COUNTY, ALABAMA
vs. | IN EQUITY.
WILLIAM A. AVERY, |
Respondent |

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

Your Complainant, Ola M. Avery, represents and shows
unto the Court and your Honor as follows:

1. Complainant is over the age of eighteen years
and a resident of Baldwin County, Alabama, and has been a bona
fide resident of said State and County for more than five years
next preceding the filing of this Bill of Complaint, however,
Complainant is now residing in New Orleans, Louisiana; that the
Respondent, William A. Avery, is over the age of twenty-one years
and is a non-resident of the State of Alabama. Complainant
further alleges that Respondent's place of residence and Post
Office address is unknown and cannot be ascertained after reason-
able efforts in regard thereto, however, Complainant alleges that
his last known address was 2909 Buddis Lane, Effie, Minnesota.

2. The Complainant and Respondent were lawfully
married on or about, to-wit, October 5, 1955, in Leaksville,
Mississippi.

3. Complainant further avers that said Respondent
voluntarily abandoned the bed and board of Complainant for about
two years next preceding the filing of this Bill of Complaint,
since which time Complainant and Respondent have not lived to-
gether nor in any way recognized each other as husband and wife.

4. Complainant avers that there was one child born
to this marriage, Alice Marie Avery, who is now approximately
eighteen months of age and is in the care, custody and control
of Complainant, who is a fit and proper person to have such care,
custody and control of said minor child.

The premises considered, your Complainant makes the
said William A. Avery party respondent to this Bill of Complaint,

BOOK 023 PAGE 69

and in order that Complainant may have the relief herein prayed for, may it please the court to cause the State's writ of subpoena to be issued, directed to the said William A. Avery, commanding him to answer, plead or demur to the Bill of Complaint, within the time required by law; that the court will also make and enter an order of publication in said cause, directed to the said Respondent, commanding him to answer, plead or demur to the Bill of Complaint within the time required by law; and that on a final hearing of this cause, that the court will make and enter an order or decree divorcing Complainant from said Respondent, granting the Complainant the right to remarry, and giving Complainant the care, custody and control of the said minor child and that your Honor will grant such other, further and different relief as Complainant may be entitled to, the premises considered.

James R. O...
Solicitor for Complainant.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Ola M. Avery, who first being duly and legally sworn, deposes and says: That she has read over the foregoing complaint and that the facts stated therein are true.

Ola M Avery

Sworn to and subscribed
before me on this the 24
day of April, 1958.

Alice L. Miller
Notary Public, Baldwin County, Alabama.

4272