

(4/300)

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

CARL ALBERT BURNS

, Complainant

vs.

HELEN DUANE BURNS

, 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 CARL ALBERT BURNS is forever divorced from the said HELEN DUANE BURNS for and on account of Voluntary abandonment

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the care, custody and control of the minor children, Linda Burns, and Carl Albert Burns, Jr., be, and the same is hereby awarded to the Complainant, Carl Albert Burns, with the right of reasonable visitations on the part of the Respondent, Helen Duane Burns

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 Carl Albert Burns, the Complainant pay the cost herein to be taxed, for which executed may issue.

This 7th day of October, 1958

[Signature] 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

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

OCT 19 1958

**ALICE J. DUCK, CLERK
REGISTER**

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

July 26, 1958

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Re: Carl Albert Burns
vs: Helen Duane Burns
Case No. 4301

Dear Mrs. Duck:

You informed me that the registered letter to Florida has been returned "not found". Accordingly, it appears that under rule 5 2 (B), that service may now be had under publication by rule 6. I wish to bring this on the ammended bill of complaint which is enclosed.

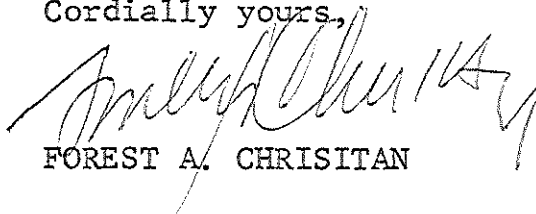
A copy of this is required to the address in Florida known as 3919½ 56th Avenue, North, St. Petersburg, Florida. Also, send a copy of complaint and notice of publication to Mrs. Helen Duane Burns, General Delivery, Dorchester, Massachusetts.

In order to give the Foley Onlooker plenty of time to put this in the paper, I am sending a copy, and if anything should be amiss I can stop the paper from preparing the notice.

I assume you will post a copy at the court house door.

With best wishes, I am,

Cordially yours,



FOREST A. CHRISITAN

Enclosures - as indicated

85.2

CARL ALBERT BURNS,)	IN THE CIRCUIT COURT OF
Complainant,)	BALDWIN COUNTY, ALABAMA. IN
VS.)	EQUITY.
HELEN DUANE BURNS,)	
Respondent.)	

TESTIMONY TAKEN ON OCTOBER 2, 1958, IN OPEN COURT, BEFORE HON. HUBERT M. HALL, JUDGE OF THE TWENTY_EIGHTH JUDICIAL CIRCUIT OF ALABAMA.

Carl Albert Burns, the Complainant, being first duly sworn, testified:

Examination by Mr. Christian.

- Q. Will you please tell the Court your name?
- A. Carl Albert Burns.
- Q. Where do you live.
- A. Loxley, Alabama
- Q. How long have you lived in Loxley?
- A. Approximately eight months, or a little better.
- Q. Before that time did you live in Jefferson County, Alabama?
- A. Yes sir.
- Q. Are you over the age of 21 years?
- A. Yes sir.
- Q. Were you married on April 5, 1947, to Helen Duane Burns?
- A. Yes sir.
- Q. At Birmingham, Alabama?
- A. Yes sir.
- Q. Did you all live together as husband and wife in Birmingham, Alabama, until about when?
- A. About June of '57. We have been separated approximately 14 months. You will have to figure back 14 months.
- Q. During your marriage, did you have two children?
- A. Yes sir.
- Q. What are their names and when were they born?
- A. Linda Burns, June 5, 1948, and Carl Albert Burns, Jr., born March 13, 1953.
- Q. Where is Linda now?

A. In Court.

Q. Is she living with you?

A. She lives with the DeVores, and stays down where I have one room part time, but most of the time she stays up there.

Q. Do you see her every day?

A. Yes sir.

Q. Do you have dinner or lunch with the DeVores?

A. Yes sir, I spend quite a lot of time there.

Q. Is Linda in school in Loxley?

A. Yes sir.

Q. Where is Carl Albert, Jr?

A. In Tampa, Florida with my folks on a visit.

Q. When did he leave on that visit?

A. It has been approximately almost two months.

Q. But he was here during the summer and staying with the DeVores with his sister, Linda?

A. Yes sir.

Q. You said you and Helen Duane Burns lived together as husband and wife up until about 14 months ago. Will you tell the Court what happened?

A. Well we were having difficulty, so it was agreeable that I go to Tampa, Florida and seek employment there and my wife was to join me in possibly three months and she never showed up and I came back to Birmingham and she still didn't want to go and that is when I came to Baldwin County.

Q. Did she tell you to come to Baldwin County?

A. She suggested it.

Q. Did you find a job here?

A. Yes sir.

Q. Do you have a steady job here?

A. Yes sir.

Q. Do you make sufficient money to support your wife?

A. Yes sir.

Q. Did you invite her to come to Baldwin County and live?

A. Yes sir.

Q. But she never did come to live with you?

A. No sir.

Q. Mr. Burns, you say your daughter goes to school at Loxley?

A. Yes sir.

Q. Do you take her to Sunday School on Sunday morning?

A. The majority of the time I do and the other times she goes with Mr. and Mrs. DeVore.

Q. You see your daughter every day?

A. Yes sir.

Q. You eat some of your meals with the DeVores to be with your daughter?

A. Yes sir.

Q. Sometimes you spend the night at the DeVores' house with your daughter, Linda?

A. Yes sir.

Q. Your son, Carl Albert, Jr. is now visiting -- Who is he with?

A. My parents.

Q. The boy's grand-parents?

A. Yes sir.

Q. Did they invite him down?

A. Yes sir.

Q. He is coming back to Loxley soon?

A. Yes sir.

Q. Where will he stay when he comes to Loxley?

A. Well until I can make arrangements, he will stay with the DeVores. --Until I can get a trailer on the lot where we can be together.

Q. Do you own a lot in Loxley?

A. No sir.

Q. Is your wife, Helen Duane Burns over the age of 21 years?

A. Yes sir.

Q. She is in Court here today, is she not?

A. Yes sir.

MR. SUELL DEVORES, A WITNESS FOR THE COMPLAINANT, BEING FIRST
DULY SWORN, TESTIFIED:

Examination by Mr. Christian.

Q. Are you Mr. Suell DeVores?

A. Yes sir.

Q. You reside in Loxley, Alabama?

A. Yes sir.

Q. What business are you in?

A. Truck brokerage.

Q. Do you know Mr. Burns, the Complainant, here?

A. Yes sir.

Q. How do you happen to know him?

A. He has been working for me for eight months.

Q. In the office?

A. Yes sir.

Q. What is his job in the office?

A. He bills all of the trucks and takes care of the office work.

Q. Is he able to manage your office when you are gone?

A. Yes sir.

Q. During the time that you have known Mr. Burns, the past eight months, has he been on the job every day?

A. Yes sir.

Q. What kind of hours does he work?

A. Well from around 6:00 o'clock in the morning until we get through at night; it will vary from 6:00 to 10:00 o'clock at night.

Q. How many days a week does he work?

A. Six and he is subject to seven.

Q. He has been there virtually every day during the past eight months?

A. Yes sir.

Q. You have seen him every day?

A. Every day, except two days I let him off; he wanted to take a little trip down on the Gulf and I gave him two days off to

rest up.

Q. Has he been an honest, conscientious, sober employee?

A. Yes.

Q. He has come to your house and seen his daughter daily?

A. Yes sir.

Q. Has he taken his daughter to Sunday School?

A. If he don't we do; she goes every Sunday.

Q. His daughter goes to school?

A. Yes sir.

Q. You are happy to have his daughter in the home for the time being?

A. Yes sir.

Q. Do you think that Carl Albert Burns is a suitable person to have the custody of the two children?

A. As far as I know, yes sir.

Q. Also the son, Carl Albert, Jr. -- Has he been at your house too?

A. Yes sir.

Q. How long did he stay at your house?

A. I imagine two weeks and then he went to see his grand-parents.

Q. He took good care of his son?

A. Yes.

Q. A good father to him?

A. Yes sir.

Q. You don't know Mrs. Helen Duane Burns?

A. I met her twice; I met her in Bessemer two or three months ago.

Q. What was that occasion?

A. Me and Mr. Burns went up there to get the boy; I understood that she told him to come get the boy.

Q. Did she voluntarily give the boy over to Carl?

A. Yes sir, and his clothes.

Q. She had no objection to his taking him?

A. No.

Q. She has never come down to visit Linda or Carl Albert, Jr.

at your place?

A. No.

Q. You are going to continue to employ him?

A. Yes sir, it is the busy season and I authorized Mr. Burns to sign checks for no limit.

Q. Are you going to keep him employed?

A. Yes sir.

MRS. SUELL DEVORES, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Christian.

Q. Are you Mrs. Suell DeVores?

A. Yes sir.

Q. You know Carl Albert Burns?

A. Yes sir.

Q. Is he employed by your husband?

A. Yes.

Q. Has Mr. Burns, the father, been in your home for the past eight months or so?

A. Yes sir.

Q. Do you see him every day?

A. Yes.

Q. Do you find him to be a gentleman and a good father to Linda and Carl Albert, Jr.?

A. In every way.

Q. Linda has been and is now in your home?

A. That's right.

Q. You are happy to have her?

A. Yes sir.

Q. For the time being?

A. Yes.

Q. She goes to school and Sunday School and is well taken care of in your opinion?

A. Yes, sir.

Q. Carl Burns, the father visits his children daily?

A. Yes sir.

Q. Spends time with them at night at your home?

A. Yes sir.

Q. Spends the night at your home with Linda sometimes?

A. Yes sir.

Q. Frequently takes meals there?

A. Yes sir.

Q. And you know Carl Albert Burns, Jr?

A. I do.

Q. Did the father take good care of junior?

A. Yes sir.

Q. As a father should?

A. Yes.

Q. If Junior should wish to come back to stay with the father for the time being you would be willing to have him and take care of him in your home for the time being?

A. Yes sir.

Q. You don't know Mrs. Burns, do you?

A. No sir, this is my first time to meet her.

Q. In your opinion Carl Albert Burns is a suitable person to have the custody of his two children, Linda and Carl Albert, Jr.?

A. Yes sir.

THE COMPLAINANT REST:

HELEN DUANE BURNS, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

THE COURT: Go ahead and tell what you know.

Well the main thing I'm interest in, this will be on a temporary basis and I don't want it written in there that I am to blame for dessertion; if it has to be that way I want my side of it put in there and as far as being fit right now, I don't see that either one of us would be really fit to take over with the kids as far as that goes, and I would like myself, within six months, to try to prove that I can make a home for them and be a mother to them like they need.

THE COURT: You think for the present time the children would be better off in the home with Mr. and Mrs. DeVores?

A. I am satisfied with where they are now on a temporary basis. I believe they are both pretty well satisfied; Linda is better satisfied than she would be with me now because I'm

really not able to take care of her now; I know she is getting good attention now.

Q. Do you have a home or an apartment in Bessemer?

A. I have an apartment and live with some people there.

MACON MOORE HORN, JR. A WITNESS FOR THE RESPONDENT, BEING FIRST DULY SWORN, STATED AS FOLLOWS:

Your Honor, I don't want to take sides with either the mother or the father; the mother is my sister - What I come to say is that I don't see where either one of them at this time are fit to have custody of the children; I am like my sister, I think they are in a good place; what I have to say about not being fit, my sister -- we want to leave the bad part out - so far as the second count is concerned --

THE COURT: I asked that that be left out.

WITNESS: That's the reason I feel that she is unfit, but as far as Mr. Burns turning over a new leaf, your Honor, last night we came to see Mrs. Burns and when we got here we couldn't find him where he lived and couldn't find him at the DeVores; Mr. DeVores suggested that he go hunt him and we went to town to hunt him and as we turned the corner my sister looked in the tavern and there he was drinking and when we got to the Cafe we turned around and drove back to see that it was him; I got out of the car and Mr. DeVores had driven back there to get him; Mr. DeVores must not have thought enough of the place to go in and get him, because he stopped outside and called him; as far as his present life in concerned, my uncle is a minister in Robdrtsdale ---

THE COURT: He is not here -

WITNESS: I called him to come, but I can go back and tell you for years on end since my sister and Albert have been married - he would come back to the house when my daddy was living and say that he was going straight; I don't know how many times that happened, and finally before my daddy died he made it clear that he wasn't to come back in the house because he was drinking and he never set foot in the house until after my daddy died and he would not now if he had been living because of his character and

the way he was living. I would like to go ahead and tell other things---

MR. CHRISTIAN: We had an agreement that we wouldn't introduce any evidence under count two.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Christian.

Q. Is that a beer tavern?

A. It certainly looked like one.

Q. What time was it?

A. Must have been around 7:00 o'clock.

Q. Did you see Mrs. Burns last night?

A. Yes sir.

Q. Was he intoxicated?

A. He wasn't drunk, but I say he was drinking.

Q. What was he drinking, beer?

A. That's what it smelled like to me on his breath.

THE RESPONDENT REST:

MR. DEVORES, RECALLED BY THE COMPLAINANT:

Q. Do you recall when the daughter, Linda, first came to you house?

A. Yes sir.

Q. Could you tell us the physical condition of the daughter when she came there?

A. Well she was sick ; she had nervous spells and would cry and smoother and we had to carry her to the Doctor several times; seemed like her nerves was the trouble.

Q. During the time you have known Mr. Burns have you ever known him to be out with any women?

A. No sir.

Q. Have you seen him every day?

A. Yes sir.

Q. Have you ever seen him intoxicated?

A. I have never saw him drunk; I have seen him when he had a few drinks, but not on duty.

Q. You have seen him every day and he has to be to work every day

except maybe a few days for the past eight months?

A. Yes sir.

Q. He has been in condition to do the business?

A. Yes sir.

Q. When Mr. Burns came to you did he tell you anything about the past?

A. Yes sir, he told me he had had a pretty rough past and he wanted to try out.

Q. Wanted to try out?

A. Yes sir.

Q. Do you think Mr. Burns has turned over a new leaf?

A. He is going a good job with me.

C E R T I F I C A T E:

I hereny certify that the foregoing is a true and correct transcript of the testimony taken by me in open court, in the above styled cause.

This 6th day of October, 1958.


Official Court Reporter

Carl Albert Burns

vs.

Helen Diane Burns

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, Amended bill of Complaint, decree pro confesso on publication and testimony as noted by the Register

and in behalf of Defendant upon

[Handwritten Signature]
Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

VS.

NOTE OF TESTIMONY

Filed in Open Court this 2

day of Nov, 1951

Archie Johnson
Register.

Printed by the Baldwin Times

BILL OF COMPLAINT

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

CARL ALBERT BURNS)
COMPLAINANT)

VS:)

HELEN DUANE BURNS)
RESPONDENT)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY CASE NO. 4301

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

Your complainant Carl Albert Burns respectfully represents and shows unto your Honor:

1. That complainant is over the age of twenty-one years and is a resident citizen of said State and County, and has been a bona fide resident citizen of said State and County for more than one year next preceding the filing of this bill of complaint; that Helen Duane Burns is over the age of twenty-one years and resides at 3919½ 56th Avenue North, St. Petersburg, in the State of Florida.

2. That your complainant and respondent were lawfully married on April 5, 1947, at Birmingham, Alabama.

3. Complainant further avers that said respondent voluntarily abandoned the bed and board of complainant for more than one year 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. Your complainant further avers and alleges that said respondent has been guilty of adultery with divers parties and persons whose names to your complainant are unknow, and especially one James Cordle who also resides at 3919½ 56th Avenue North, St. Petersburg, Florida.

5. That there has been born to said marriage two children, namely Linda Burns born June 5, 1948 and Carl Albert Burns, Jr. born March 13, 1953. The said daughter Linda Burns is now is custody of your complainant but Carl Albert Burns, Jr. is in custody of his mother, the respondent, in St. Petersburg, Florida. Your petitioner alleges that he is a suitable person for the control, custody and support to both children of said marriage and that the respondent is not a suitable person to have control, custody and support of either children because she is and has lived in open adultery with said James Cordle for several months in a small shack which is not a proper and suitable place to rear young children.

The premises considered, your complainant makes the said Helen Duane Burns a party respondent to this bill of complaint, and in order that complainant may have the relief herein prayed for, may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said Helen Duane Burns, commanding her to answer, plead or demur to this bill of complaint within the time required by law; and that on

a final hearing of this cause, that your Honor will enter a decree divorcing your complainant from said respondent, and that your Honor will grant such other, further and different relief as unto your Honor may seem just and proper, and your complainant will ever pray and that your Honor will order that the complainant shall have the custody, control and support of both of said children.

Carl Albert Burns

Carl Albert Burns

Forest A. Christian

Solicitor for Complainant
FOREST A. CHRISTIAN, Foley, Alabama

FILED
JUL 11 1963
CLERK OF COURT
FOLEY, ALABAMA

category, control and support of both of said children.
and that your honor will order that the complainant shall have the
honor and respect just and proper, and your complainant will ever truly
with great love and respect, and division relief as unto your
divorcing your complainant from said respondent, and that your honor
a final award of the same, and that your honor will enter a decree

Carl Albert Bruce
Carl Albert Bruce

[Handwritten Signature]

JAMES V. CHRISTIAN, Notary, Winona
Notary for Complainant

FILED
JUNE 11 1958

ALICE J. BECK, Register

AMMENDED BILL OF COMPLAINT

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

CARL ALBERT BURNS)
 COMPLAINANT)
VS:)
HELEN DUANE BURNS)
 RESPONDENT)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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

Your complainant Carl Albert Burns respectfully represents and shows unto your Honor:

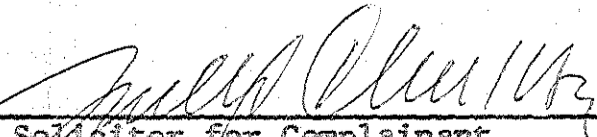
1. That complainant is over the age of twenty-one years and is a resident citizen of said State and County, and has been a bona fide resident citizen of said State and County for more than one year next preceding the filing of this bill of complaint; that Helen Duane Burns is over the age of twenty-one years and resides in Birmingham, Alabama.

2. That your complainant and respondent were lawfully married on April 5, 1947, at Birmingham, Alabama.

3. Complainant further avers that said respondent voluntarily abandoned the bed and board of complainant for more than one year 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. That there has been born to said marriage two children, namely Linda Burns born June 5, 1948 and Carl Albert Burns, Jr. born March 13, 1953. The said daughter Linda Burns is now in custody of your complainant but Carl Albert Burns, Jr is in custody of his mother, the respondent. Your petitioner alleges that he is a suitable person for the control, custody and support to both children of said marriage and that the respondent is not a suitable person to have control, custody and support of either children.

The premises considered, your complainant makes the said Helen Duane Burns a party respondent to this bill of complaint, and in order that complainant may have the relief herein prayed for, may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said Helen Duane Burns, commanding her to answer, plead or demur to this bill of complaint within the time required by law; and that, on a final hearing of this cause, that your Honor will enter a decree divorcing your complainant from said respondent, and that your Honor will award custody of both children, namely Linda Burns and Carl Albert Burns, Jr. to your complainant with right of the respondent to visit said children at reasonable times and places and that your Honor will grant such other, further and different relief as unto your Honor may seem just and proper, and your complainant will ever pray and that your Honor will order that the complainant shall have the custody, control and support of both of said children.



Solicitor for Complainant
FOREST A. CHRISTIAN, Foley, Alabama

AMENDED BILL OF COMPLAINT

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

CARL ALBERT BURNS)
COMPLAINANT)
VS:)
HELEN DUANE BURNS)
RESPONDENT)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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

Your complainant Carl Albert Burns respectfully represents and
shows unto your Honor:

1. That complainant is over the age of twenty-one years and is
a resident citizen of said State and County, and has been a bona fide
resident citizen of said State and County for more than one year next
preceding the filing of this bill of complaint; that Helen Duane Burns
is over the age of twenty-one years and resides in Birmingham, Alabama.

2. That your complainant and respondent were lawfully married on
April 5, 1947, at Birmingham, Alabama.

3. Complainant further avers that said respondent voluntarily aban-
doned the bed and board of complainant for more than one year next pre-
ceding 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. That there has been born to said marriage two children, namely
Linda Burns born June 5, 1948 and Carl Albert Burns, Jr. born March 13,
1953. The said daughter Linda Burns is now in custody of your complain-
ant but Carl Albert Burns, Jr is in custody of his mother, the respon-
dent. Your petitioner alleges that he is a suitable person for the con-
trol, custody and support to both children of said marriage and that the
respondent is not a suitable person to have control, custody and support
of either children.

The premises considered, your complainant makes the said Helen
Duane Burns a party respondent to this bill of complaint, and in order
that complainant may have the relief herein prayed for, may it please
your Honor to cause the State's writ of subpoena to be issued, directed
to the said Helen Duane Burns, commanding her to answer, plead or demur
to this bill of complaint within the time required by law; and that, on
a final hearing of this cause, that your Honor will enter a decree divorc-
ing your complainant from said respondent, and that your Honor will award
custody of both children, namely Linda Burns and Carl Albert Burns, Jr.
to your complainant with right of the respondent to visit said children
at reasonable times and places and that your Honor will grant such other,
further and different relief as unto your Honor may seem just and proper,
and your complainant will ever pray and that your Honor will order that
the complainant shall have the custody, control and support of both of
said children.


Solicitor for Complainant
FOREST A. CHRISTIAN, Foley, Alabama

LEGAL NOTICE

NOTICE TO NON-RESIDENT

THE STATE OF ALABAMA, BALDWIN COUNTY, CIRCUIT COURT, IN EQUITY
THIS THE 28th DAY OF JULY, 1958.

Carl Albert Burns, No. 4301, vs. Helen Duane Burns.

In this cause it being made to appear to the Clerk of this Court by the affidavit of Carl Albert Burns that the Defendant Helen Duane Burns is a non-resident of the State of Alabama and that her place of residence or her Postoffice address cannot be ascertained after a due and diligent search and further, that, in the belief of said Affiant the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Foley Outlook, a newspaper published in Foley, Baldwin County, Alabama, once a week for four consecutive weeks, requiring Helen Duane Burns the said Respondent to answer or demur to the Bill of Complaint in this cause by the 2nd day of September 1958, or after thirty days therefrom a decree Pro Confesso may be taken against her.

ALICE J. DUCK,
Register

FOREST A. CHRISTIAN
Solicitor for the Complainant

LEGAL NOTICE

NOTICE TO NON-RESIDENT

THE STATE OF ALABAMA, BALDWIN COUNTY, CIRCUIT COURT, IN EQUITY
THIS THE 28th DAY OF JULY, 1958.

Carl Albert Burns, No. 4301, vs. Helen Duane Burns.

In this cause it being made to appear to the Clerk of this Court by the affidavit of Carl Albert Burns that the Defendant Helen Duane Burns is a non-resident of the State of Alabama and that her place of residence or her Postoffice address cannot be ascertained after a due and diligent search and further, that, in the belief of said Affiant the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Foley Outlooker, a newspaper published in Foley, Baldwin County, Alabama, once a week for four consecutive weeks, requiring Helen Duane Burns the said Respondent to answer or demur to the Bill of Complaint in this cause by the 2nd day of September 1958, or after thirty days therefrom a Decree Pro Confesso may be taken against her.

ALICE J. DUCK,
Register

FOREST A. CHRISTIAN
Solicitor for the Complainant

Bay Minette, Ala., 7/2 19 58

To the Sheriff of Jefferson County, Birmingham, Alabama

I enclose herewith Bill of Comp. for Helen
Duane Burks, her address is
at the Residence of Mrs. Hugh Chapman
in the 3100 Block on 19th St north in

Please serve and return as early as possible. Hueytown, Ala.
Jay Lee Wilkins

Sheriff Baldwin County, Alabama

(If not found in your county please advise promptly giving information as to present location if possible)

POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS.—Show name, address and number of article below. Complete "Instructions to Delivering Employee" on other side, when applicable. Moisten gummed ends and securely attach to back of article. Endorse front of article RETURN RECEIPT REQUESTED.

RETURN TO

PCO Form 3811, Dec. 1955

REGISTERED NO.

NAME OF SENDER

Alice J. Duck, Register

CERTIFIED NO.

134281

STREET AND NO. OR P. O. BOX

Box 239

INSURED NO.

CITY, ZONE, AND STATE

Bay Minette, Alabama

616-71548-3

4301

INSTRUCTIONS TO DELIVERING EMPLOYEE

- DELIVER ONLY TO ADDRESSEE (20¢ additional)
- SHOW ADDRESS WHERE DELIVERED IN ITEM 4 BELOW (31¢ additional)

RECEIPT

Received from the Postmaster the Registered, Certified, or Insured Article, the number of which appears on the face of this return receipt.

1. SIGNATURE OR NAME OF ADDRESSEE

X

2. SIGNATURE OF ADDRESSEE'S AGENT (*Agent should enter addressee's name in item 1 above*)

3. DELIVERY DATE

19

4.

616-71548-3 GPO

ALICE J. DUCK, Circuit Clerk

Baldwin County
BAY MINETTE, ALA.

CERTIFIED MAIL

No. 134281

UNKNOWN
This Envelope not Returnable

Certified

For Delivery Only To Person
To Whom Addressed

Return Receipt Requested



Deliver to Addressee Only

Helen Duane Burns,
3919 1/2 56th Ave., North
St. Petersburg, Florida



47 RETURN RECEIPT REQUESTED

Deliver to Addressee Only

copy to
Sher 7-2-58



SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Circuit Court, Baldwin County

Baldwin County.

No. 1301

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Helen Duane Burns

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Helen Duane Burns, Defendant

by Carl Albert Burns

Plaintiff

Witness my hand this 11th day of June 19

58

Clerk

BILL OF COMPLAINT

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

CARL ALBERT BURNS)
COMPLAINANT)

VS:)

HELEN DUANE BURNS)
RESPONDENT)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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

Your complainant Carl Albert Burns respectfully represents and shows unto your Honor:

1. That complainant is over the age of twentyone years and is a resident citizen of said State and County, and has been a bona fide resident citizen of said State and County for more than one year next preceding the filing of this bill of complaint; that Helen Duane Burns is over the age of twenty-one years and resides at 3919½ 56th Avenue, North, St. Petersburg, in the State of Florida.

2. That your complainant and respondent were lawfully married on April 5, 1947, at Birmingham, Alabama.

3. Complainant further avers that said respondent voluntarily abandoned the bed and board of complainant for more than one year 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. Your complainant further avers and alleges that said respondent has been guilty of adultery with divers parties and persons whose names to your complainant are unknown, and especially one James Cordle who also resides at 3919½ 56th Avenue North, St. Petersburg, Florida.

5. That there has been born to said marriage two children, namely Linda Burns born June 5, 1948 and Carl Albert Burns, Jr. born March 13, 1953. The said daughter Linda Burns is now in custody of your complainant but Carl Albert Burns, Jr. is in custody of his mother, the respondent, in St. Petersburg, Florida. Your petitioner alleges that he is a suitable person for the control, custody and support to both children of said marriage and that the respondent is not a suitable person to have control, custody and support of either children because she is and has lived in open adultery with said James Cordle for several months in a small shack which is not a proper and suitable place to rear young children.

The premises considered, your complainant makes the said Helen Duane Burns a party respondent to this bill of complaint, and in order that complainant may have the relief herein prayed for, may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said Helen Duane Burns, commanding her to appear and plead to this bill of complaint, within the time required by law, and to answer to this bill of complaint.

a final hearing of this cause, that your Honor will enter a decree divorcing your complainant from said respondent, and that your Honor will grant such other, further and different relief as unto your Honor may seem just and proper, and your complainant will ever pray and that your Honor will order that the complainant shall have the custody, control and support of both of said children.

Carl Albert Burns

Carl Albert Burns

Forest A. Christian

Solicitor for Complainant

FOREST A. CHRISTIAN, Foley, Alabama

AFFIDAVIT AS TO NON-RESIDENCE OF RESPONDENT

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

CARL ALBERT BURNS, being dully sworn, disposes and says as follows: I am the complainant in a divorce proceeding in which Helen Duane Burns is the respondent. The said Helen Duane Burns is over the age of twenty-one years and is without any legal disabilities. She resides at 3919 1/2 56th Avenue, North, St. Petersburg, Florida, as stated in this Bill of Complaint. Your complainant requests the register of said Court to give service of process upon said respondent by registered mail, postage prepaid, a copy of this Bill of Complaint, together with the summons to answer the same within thirty days and receipt thereof.

Carl Albert Burns

Carl Albert Burns

Subscribed and sworn before me this the 9th day of June, 1958.

Notary Public Signature
Notary Public

FOLEY, ALA. 8/21 1958

HOWELL PUBLISHING CO.

HIGH QUALITY JOB PRINTING

Alice J. Duck

Bayminette

Ala

BROUGHT FORWARD

July	31		
Aug	7		
	14		
	21	Legal	12.87
		Carl A. Duen	

FILED

SEP 51 1958

ALICE J. DUCK, CLERK REGISTER

4301

22

WIRE TRANSFER
SEP 21 1952
LITTED

Handwritten notes and scribbles in the center of the page.

REGIONAL COMRADE

Handwritten address or name in the right margin.

HIGH QUALITY JOB PRINTING

НОМЕТЪ БЪЛГАРИНСКО

БЪЛГАРИЯ

ЛИТЕРАТУРА

БЪЛГАРИЯ

LEGAL NOTICE

Notice to Non-resident

THE STATE OF ALABAMA,
BALDWIN COUNTY, CIRCUIT
COURT, IN EQUITY THIS THE
28th DAY OF JULY 1958.

Carl Albert Burns, No. 4301, vs.
Helen Duane Burns.

In this cause it being made to appear to the Clerk of this Court by the affidavit of Carl Albert Burns that the Defendant Helen Duane Burns is a non-resident of the State of Alabama and that her place of residence or her Postoffice address cannot be ascertained after a due and diligent search and further, that, in the belief of said Affiant the Defendant is over the age of 21 years; it is therefore, ordered that publication be made in the Foley Onlooker, a newspaper published in Foley, Baldwin County, Alabama, once a week for four consecutive weeks, requiring Helen Duane Burns the said Respondent to answer or demur to the Bill of Complaint in this cause by the 2nd day of September 1958, or after thirty days therefrom a decree Pro Confesso may be taken against her.

ALICE J. DUCK,
Register

FOREST A. CHRISTIAN

Solicitor for the Complainant

4t, July 31,

4t, July 31, Aug. 7, 14, 21

AFFIDAVIT OF PUBLICATION

E. M. Howell

I, _____

Publisher

_____ of The Onlooker, published at
Foley, Ala., do solemnly swear that a copy of the above notice,
as per clipping attached, was published once each week in the
regular and entire edition of said newspaper, and not in any
supplement thereof, for 4 consecutive weeks, com-
mencing with the issue dated July 31, 1958, and
ending with the issue dated August 21, 1958.

[Signature]

Subscribed and sworn to before me this 23 day

of August, 1958

MY COMMISSION EXPIRES JULY 18, 1959

Notary Public.

[Signature]

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

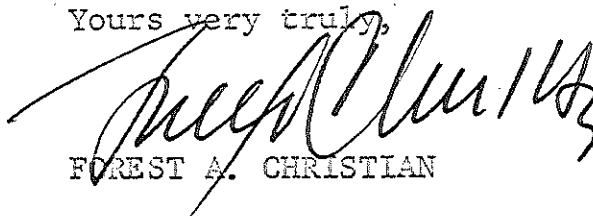
June 30, 1958

Mrs. Alice J. Duck
Circuit Clerk
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed you will find two copies of Bill of Complaints in the case of Carl Albert Burns vs. Helen Duane Burns. Please certify one of these copies and show that it was filed on June 11, 1958 and send it on to Mr. G. Ernest Jones, Attorney, Massey Building, Birmingham, Alabama. Kindly give the other copy to the Sheriff's office and request that it be sent to the Sheriff's office in Birmingham with instructions that they attempt to serve Mrs. Burns at the residence of Mrs. Hugh Chapman in the 3100 Block on 19th Street North, in Hueytown.

Yours very truly,



FOREST A. CHRISTIAN

cc: Mr. G. Ernest Jones
Attorney at Law
Massey Building
Birmingham, Alabama

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.



Circuit Court, Baldwin County

No. 4301

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Helen Duane Burns

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against-----

Helen Duane Burns-----, Defendant---

by Carl Albert Burns-----

-----, Plaintiff---

Witness my hand this 11th day of June 1958

-----, Clerk

The State of Alabama, }
Baldwin County

No. _____

CIRCUIT COURT, IN EQUITY

CARL ALBERT BURNS

-----, Complainant

Vs.

HELEN DUANE BURNS

-----, Defendant

Motion is hereby made for a Decree Pro Confesso against ----- HELEN DUANE BURNS -----

-----, Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant-----, and that said summons was duly served by Registered Mail, according to law, and that said Defendant----- has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 1st day of October, 1958

-----, Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, In Equity

vs.

Motion For Decree Pro Confesso
After Notice By Registered Mail

Filed 10-1 _____, 1958

W. J. ...
Register.

Recorded in _____ Record,

Vol. _____ Page _____

Register.

10-1-58
W. J. ...
...

LEGAL NOTICE

NOTICE TO NON-RESIDENT

THE STATE OF ALABAMA, BALDWIN COUNTY, CIRCUIT COURT, IN EQUITY
THIS THE 28th DAY OF JULY, 1958.

Carl Albert Burns, No. 4301, vs. Helen Duane Burns.

In this cause it being made to appear to the Clerk of this Court by the affidavit of Carl Albert Burns that the Defendant Helen Duane Burns is a non-resident of the State of Alabama and that her place of residence or her Postoffice address cannot be ascertained after a due and diligent search and further, that, in the belief of said Affiant the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Foley Onlooker, a newspaper published in Foley, Baldwin County, Alabama, once a week for four consecutive weeks, requiring Helen Duane Burns the said Respondent to answer or demur to the Bill of Complaint in this cause by the 2nd day of September 1958, or after thirty days therefrom a decree Pro Confesso may be taken against her.

ALICE J. DUCK,
Register



FOREST A. CHRISTIAN
Solicitor for the Complainant

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

June 9, 1958

Clerk of Court
Bay Minette, Alabama

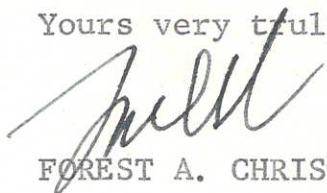
Dear Mrs. Duck:

Kindly serve by registered mail, return
receipt requested under equity rule # 5.

You should prepare Summons.

Thanks.

Yours very truly,



FOREST A. CHRISTIAN

The affidavit of non-residence is on page
2 of the Complaint.

FAC

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S. OF THE ...

THE ... OF NON-RESIDENCE IS ON BEHALF

ROBERT V. CHRISTIAN

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ROBERT V. CHRISTIAN

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THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

CARL ALBERT BURNS

Complainant

Vs.

HELEN DUANE BURNS

Defendant

Motion is hereby made for a Decree Pro Confesso against Helen Duane Burns

Defendant

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 1st day of October 19 58

746 Code

Solicitor.

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Complainant _____

Vs.

Defendant _____

Motion for Decree Pro Confesso
on Publication

Filed 10-1 1958

Beric J. ...
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

RECORDED IN THE PUBLIC RECORDS OF BALDWIN COUNTY ALABAMA

Handwritten notes and signatures on the right side of the page.

The State of Alabama,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY

No. Term, 19

Carl Albert Burns Complainant

Helen Duane Burns Defendant

In this cause it appears to the Register that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 31st day of July, 19 58, in the Foley Onlooker a newspaper published in Foley, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 31st day of July, 19 58, and

And it now further appearing to the Register Alice J. Duck, that the said Helen Duane Burns

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Helen Duane Burns

This 2nd day of October 19 58

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Alice J. Duck Register.

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

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

Carl Albert Burns

Vs.

Helen Duane Burns

Decree Pro Confesso of Publication

Issued October 2 ----- 1958

Register.

Recorded in ----- Record

Vol. ----- Page -----

Register.

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BILL OF COMPLAINT

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

CARL ALBERT BURNS)
COMPLAINANT)

VS:)

HELEN DUANE BURNS)
RESPONDENT)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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

Your complainant Carl Albert Burns respectfully represents and shows unto your Honor:

1. That complainant is over the age of twenty-one years and is a resident citizen of said State and County, and has been a bona fide resident citizen of said State and County for more than one year next preceding the filing of this bill of complaint; that Helen Duane Burns is over the age of twenty-one years and resides at 3919½ 56th Avenue, North, St. Petersburg, in the State of Florida.

2. That your complainant and respondent were lawfully married on April 5, 1947, at Birmingham, Alabama.

3. Complainant further avers that said respondent voluntarily abandoned the bed and board of complainant for more than one year 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. Your complainant further avers and alleges that said respondent has been guilty of adultery with divers parties and persons whose names to your complainant are unknown, and especially one James Cordle who also resides at 3919½ 56th Avenue North, St. Petersburg, Florida.

5. That there has been born to said marriage two children, namely Linda Burns born June 5, 1948 and Carl Albert Burns, Jr. born March 13, 1953. The said daughter Linda Burns is now in custody of your complainant but Carl Albert Burns, Jr. is in custody of his mother, the respondent, in St. Petersburg, Florida. Your petitioner alleges that he is a suitable person for the control, custody and support to both children of said marriage and that the respondent is not a suitable person to have control, custody and support of either children because she is and has lived in open adultery with said James Cordle for several months in a small shack which is not a proper and suitable place to rear young children.

The premises considered, your complainant makes the said Helen Duane Burns a party respondent to this bill of complaint, and in order that complainant may have the relief herein prayed for, may it please your Honor to cause the State's writ of subpoena to be issued, directed to the said Helen Duane Burns, commanding her to answer, plead or demur to this bill of complaint, within the time required by law; and that on

a final hearing of this cause, that your Honor will enter a decree divorcing your complainant from said respondent, and that your Honor will grant such other, further and different relief as unto your Honor may seem just and proper, and your complainant will ever pray and that your Honor will order that the complainant shall have the custody, control and support of both of said children.

Carl Albert Burns
Carl Albert Burns

Forest A. Christian
Solicitor for Complainant
FOREST A. CHRISTIAN, Foley, Alabama

AFFIDAVIT AS TO NON-RESIDENCE OF RESPONDENT

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

CARL ALBERT BURNS, being dully sworn, disposes and says as follows: I am the complainant in a divorce proceeding in which Helen Duane Burns is the respondent. The said Helen Duane Burns is over the age of twenty-one years and is without any legal disabilities. She resides at 3919 1/2 56th Avenue, North, St. Petersburg, Florida, as stated in this Bill of Complaint. Your complainant requests the register of said Court to give service of process upon said respondent by registered mail, postage prepaid, a copy of this Bill of Complaint, together with the summons to answer the same within thirty days and receipt thereof.

Carl Albert Burns
Carl Albert Burns

Subscribed and sworn before me this the 9th day of June, 1958.

Notary Public
Notary Public

Filed June 11, 1958
Alice J. Duck, Register

4300

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