(4309)

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

KATHLEEN V. DEVINE, Complainant

vs.

CARL A. DEVINE, 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 Kathleen V. Devine is forever divorced from the said Carl A. Devine 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 children born to the union of said parties, namely - Carl A. Devine,~~ Jr., 4 years old, Michael L. Devine, age 3 years old, and Barry D. Devine, age ~~2 years old, with the Respondent hereby being given the right of visitation at~~ reasonable times. It is further ordered, adjudged and decreed that the Respondent ~~pay to the Complainant the sum of $20.00 each week for the support of said minor~~ children.

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 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 further ordered that Carl A. Devine the Respondent, pay the cost herein to be taxed, for which executed may issue.

This 17 day of June 1958

Hubert 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. 4309 Page

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED
JUN 17 1958
ALICE J. DUCK, Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Delta H. Gwaltney Jr.

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 Kathleen V. Devine and Lula Boykin

a witness in behalf of Kathleen V. Devine in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Kathleen V. Devine is

, Complainant

and Carl A. Devine is

Respondent

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

Witness 16th day of June, 1958.

Register.

Commissioner's Fee, $

Witness' Fees, $

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

KATHLEEN V. DEVINE

Complainant

VS.

CARL A. DEVINE

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Grady P. Gilbert, Jr.

WITNESSES:

Kathleen V. Devine

Lula Boykin

8581—NOTE OF TESTIMONY

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

KATHLEEN V. DEVINE

vs.

CARL A. DEVINE

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 Kathleen V. Devine and Lula Boykin, as set out in the oral deposition.

and in behalf of Defendant upon

James P. Hendrix

Register.

No._____

THE STATE OF ALABAMA
Baldwin County

IN EQUITY

Circuit Court of Baldwin County

KATHLEEN V. DEVINE

VS.

CARL A. DEVINE

Note of Testimony

Filed in Open Court this_____

day of_____FILED_____, 19____

JUN 17 1958

ALICE J. DUCK, Register Register.

MOORE PRINTING CO., BAY MINETTE, ALA.

KATHLEEN V. DEVINE,	)	
Complainant,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
CARL A. DEVINE,	)	IN EQUITY.
Respondent.	)	

ANSWER AND WAIVER

Comes now the Respondent, Carl A. Devine, and for answer to the Bill of Complaint heretofore filed against him in said cause says as follows:

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

And for further answer to said Bill of Complaint the Respondent hereby accepts service of a copy and notice of the filing of the said Complaint and hereby waives 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.

Carl A. Devine

Carl A. Devine

Sworn to and subscribed before me
on this the 26 day of June, 1958.

James A. Hendrix

Notary Public, Baldwin County, Alabama.

ORAL DEPOSITION

Printed by The Baldwin Times

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

KATHLEEN V. DEVINE COMPLAINANT

vs.

CARL A. DEVINE RESPONDENT

I, Delta H. Gwaltney

as ~~Register and~~ Commissioner

have called and caused to come before me Kathleen V. Devine and Lula Boykin

witness~~es~~ named in the requirement for Oral Examination, on the 16th day of June

19 58, at the office of James A. Hendrix

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

truth, the whole truth, and nothing but the truth, the said Kathleen V. Devine and

Lula Boykin doth depose and say as follows:

My name is Kathleen V. Devine. I am over 21 years old and a resident of Baldwin County, Alabama, and have been for more than the past 5 years. Carl A. Devine is over 21 years old and is a resident of Baldwin County, Alabama. Carl and I were married on June 9, 1952, at Lucedale, Mississippi. On June 1, 1957, Carl voluntarily left me of his own free will and accord, and since that date, we have not lived together nor in anyway recognized each other as husband and wife. We had three children, namely, Carl A. Devine, Jr., a boy, now about 4 years old, Michael L. Devine, a boy, now about 3 years old and Barry D. Devine, a boy, now about 2 years old. Said children are now in my care, custody and control. Carl A. Devine is a well able bodied man, well able to support the said minor children.

Kathleen V. Devine

Kathleen V. Devine is my grand-daughter. She has lived with me for the past year. She is over 21 years old and has lived in Baldwin County, Alabama, for more than 5 years. Carl A. Devine is over 21 years old and lives in Baldwin County, Alabama. Kathleen and ~~Carl were married on June 9, 1952, at Lucedale, Mississippi. On June 1, 1957, Carl left~~ Kathleen of his own free will and accord, and since that date, they have not lived together nor in anyway recognized each other as husband and wife, to my knowledge. They had three children, Namely, Carl A. Devine, Jr., a boy, now about 4 years old, Michael L. Devine, a boy, now about 3 years old, and Barry D. Devine, a boy, now about 2 years old. Said children are now in the care, custody and control of their mother, Kathleen V. Devine. Carl A. Devine is a well able bodied man, and well able to support the said minor children.

Lula Boykin

ORAL EXAMINATION

Printed by The Baldwin Times

I, Delta H. Gwaltney Jr. 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 es 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 witness es or had proof made before me of the identity of said witness es; 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 16th day of June, 1958.

Delta H. Gwaltney (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

KATHLEEN V. DEVINE

COMPLAINANT

vs.

CARL A. DEVINE

RESPONDENT

ORAL DEPOSITION

Filed FILED, 19 JUN 17 1958, Register.

PAGE 1, RECORDED IN Register

Record

Vol. _____ Page _____

_____, Register.

STATE OF ALABAMA)

BALDWIN COUNTY)

KATHLEEN V. DEVINE,	(	
Complainant,	)	IN THE CIRCUIT COURT OF
vs.	(	BALDWIN COUNTY, ALABAMA
CARL A. DEVINE,	)	IN EQUITY.
Respondent.	(	

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

Sitting in Equity:

Comes now the Complainant, Kathleen V. Devine, humbly complaining of the Respondent, Carl A. Devine, in a matter of divorce, and represents and shows unto your Honor as follows:

FIRST: That Complainant, Kathleen V. Devine, is over the age of twenty-one 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 preceding the filing of this Bill of Complaint; that Respondent is over twenty-one years and is a resident of Baldwin County, Alabama.

SECOND: That your Complainant and Respondent were married on June 9, 1952, at Lucedale, Mississippi.

THIRD: Your Complainant avers and charges that the Respondent 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 1, 1957, and since which time Complainant and Respondent have not lived together nor in any way recognized each other as husband and wife.

FOURTH: Your Complainant would further aver and show unto Your Honor that there were three children born to the union of the Complainant and Respondent which are as follows: a boy, Carl A. Devine, Jr., who is now about four (4) years old, a boy, Michael L. Devine, who is now about three (3) years old, and a boy, Barry D. Devine, who is now about two (2) years old, who are now in the care, custody and control of the Complainant, their mother, and that Complainant is a fit and proper person to be awarded the permanent care, custody and control of the said minor children.

FIFTH: Your Complainant would further aver and show that the Respondent is an able bodied man, well able to help provide for and maintain the said minor children.

PRAYER FOR PROCESS

Wherefore the premises considered the Complainant prays that the said Carl A. Devine, 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 demure 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 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 children, CARL A. DEVINE, JR., MICHAEL L. DEVINE and BARRY D. DEVINE; and that your Honor will decree an amount to be paid each month by the Respondent to the Complainant for the support and maintenance of said minor children.

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

James P. Hendrix

Attorney for Complainant.

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