Gertrude V. Penington,
Complainant,

vs

Charles R. Penington,
Respondent,

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
~~In Equity~~
#3491

Comes the Respondent in the above entitled cause and moves the Court to rescind and cancel and hold for naught an alleged agreement by him in the form of an answer to an alleged bill of complaint and also an alleged waiver of the right to examine and cross-examine witnesses and other things, and as grounds therefor says:

1. That he was not apprised of the contents of said document.

2. That if he did sign said document, he was under such an emotional strain as to be incapable to understand said documentx.

3. That said document is part of an agreement by Complainant and Respondent for a divorce; that Respondent did not know it is illegal to enter into such an agreement until so advised by a competent Alabama attorney, whereupon he files this motion.

Charles R. Penington

No 3491

Motion

Pennington
vs
Tennington

FILED
APR 5 1955
ALICE J. DUCK, Register

Gertrude V. Penington
Complainant

vs

Charles R. Penington
Respondent

Circuit Court

Baldwin County

Alabama

In Equity

Comes Charles R. Penington and, for answer to the Bill of Complaint in the above titled cause, states that he denies each and every allegation therein contained.

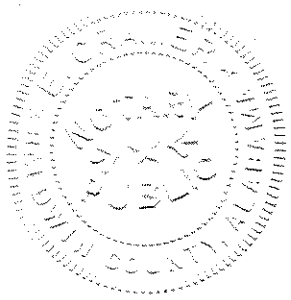
Said Charles R. Penington, Respondent, further does hereby waive the right to demand for and the issuance of formal commission to take testimony, the right to imtroduce evidence in his own behalf and to cross examine Complainants' witnesses and he agrees that the within cause may be submitted for final decree at any time, without further notice to him, upon Complainant pleadings and evidence as noted by the Register of Your Honorable Court.

Charles R. Penington

State of Alabama, Baldwin County;

Personally appeared Charles R. Penington, known to me, and he acknowledged that he signed the foregoing answer and waiver voluntarily with full knowledge of the purposes there of.

Given under my hand and seal this 19th day of March 1955.



E. Tanner
Notary Public, Baldwin County
Alabama

GERTRUDE PENNINGTON, Complainant, VS. CHARLES R. PENNINGTON Respondent	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY. NO. 3491

It appearing to the Court that this cause was, on January 17, 1956, dismissed without prejudice, for the want of prosecution, and that a formal order of dismissal was not entered.

IT IS NOW, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that said cause be and it is hereby dismissed, without prejudice.

Dated this 12th day of July, 1956.

Hubert M. Hall
Judge

FILED
JUL 13 1956
ALICE J. DUCK, Register

Gertrude V. Penington
Complainant

vs

Charles R. Penington
Respondent

Circuit Court

Baldwin County

Alabama

In Equity

To the Honorable H. M. Hall, Judge of said Court, sitting in Equity, comes Gertrude V. Penington and shows unto Your Honor this, her Bill of Complainant against Charles R. Penington, and exhibits as follows;

First: Complainant, whose age is 58 years, and Respondent, whose age is 66 years, intermarried February 9th 1935 at Elkton, Maryland.

Second: The parties hereto have been resident of Fairhope, Baldwin County, Alabama, for more than three years next preceding the filing of this Bill of Complaint.

Third: For more than one year past, Respondent has committed acts of physical violence upon the person of Complainant so as to put her in fear of her life, limb and health and, from his conduct, there is reasonable apprehension that he might continue so to do

Fourth: For more than one year past, Respondent has been addicted to the use of alcholic beverages to the degree that he has become, habitually, intoxicated.

The premises considered, Complainant prays that said Charles R. Penington be, by all due and appropriate process, made party defendant to the within cause, that he be compelled to plead, answer or demur to the several paragraphs hereof within the time prescribed by law and that he be further compelled to abide and obey all orders and decrees made in the premises.

Complainant further prays that, upon a hearing of the within cause, a decree be ordered and entered granting that she be forever divorced from said Charles R. Penington and that she be granted such other, further, general and different relief as, in Equity, may seem meet and proper.

E. A. Cramer
Solicitor for Complainant

Gertrude V. Penington
Complainant