(3503)

DIVORCE DECREE

PRINTED BY MOORE PTG CO.

EXHIBIT "A"

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

EVELYN E. NORTHCUTT, Complainant

vs.

DEWEY VAN BUREN NORTHCUTT, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~XXXXXXXXXXXXXXXXXX~~ 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 EVELYN E. NORTHCUTT is forever divorced from the said DEWEY VAN BUREN NORTHCUTT for and on account of Voluntary abandonment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that the Respondent be and he is hereby awarded the care, custody and control of the minor child, Dewey Van Buren Northcutt, Jr.

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 Dewey Van Buren Northcutt, the Respondent pay the cost herein to be taxed, for which executed may issue.

This 8th day of April, 19 55

/s/ 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._____ Page_____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Northcutt

Complainant

vs.

Northcutt

Respondent

DIVORCE DECREE

Amended Petition

Filed 10/12/55
Murray
Judge

EVELYN E. NORTHCUTT,	)	
	)	
Complainant,	)	IN THE CIRCUIT COURT OF
	)	
VS.	)	BALDWIN COUNTY, ALABAMA.
	)	
DEWEY VAN BUREN NORTHCUTT,	)	IN EQUITY. NO. 3503½.
	)	
Respondent.	)	

AMENDED PETITION

Come the Petitioner, EVELYN E. NORTHCUTT, and amends her Petition heretofore filed in this cause so that, as amended, it reads as follows:

1. That your complainant is twenty years of age and is a bona fide resident citizen of Baldwin County, Alabama, where she has lived all of her life; and that the respondent, DEWEY VAN BUREN NORTHCUTT, is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, Alabama.

2. That the parties hereto are, or were, formerly husband and wife; that on, to-wit: the 8th day of April, 1955, they were divorced by a decree issued out of this Honorable Court, a copy of which said decree is attached hereto, marked Exhibit "A", and, by reference, made a part hereof as though fully set out herein.

3. That under, and by virtue of, the terms of the aforesaid decree, in accordance with an agreement between the parties, the care, custody and control of their minor child, DEWEY VAN BUREN NORTHCUTT, JR., who is now only twenty-two months of age, was given to the respondent; that at the time of said divorce your complainant had no job and no income and was not in a position to keep said child.

4. That since said decree was rendered there has been a change in conditions; that your complainant now has a good job, making in excess of Fifty ($50.00) Dollars per week; that your complainant is now in a position to take care of said child; that she is a fit and proper person to have the care, custody and control of said child; and that it would be to the best interests of said child to be placed in the care, custody and control of your complainant; and that the respondent is not a fit and proper person to have the care, custody and control of a child of such tender years.

5. That the respondent is a strong, able-bodied man, who is well able to work and provide for the support and maintenance of his son; that he has an income in excess of One Hundred Fifty ($150.00) Dollars per month, and that he lives with his family and has no expense for room and board.

6. That the respondent has taken into his possession certain personal property belonging to your complainant, to-wit: a 1954 Ford 2-door Sedan, a mixmaster, an electric toaster, a rug, linens, glassware, china and some silver pieces; that despite repeated requests the respondent has refused to return this property to your complainant.

WHEREFORE, THE PREMISES CONSIDERED, your complainant makes the said DEWEY VAN BUREN NORTHCUTT party respondent to this her amended petition, and prays that your Honor will by proper process make him a party respondent, requiring him to plead, answer or demur hereto within the time prescribed by law and the practice of this Honorable Court.

Your complainant further prays that, upon a final hearing of this cause, your Honor will make and enter a decree, modifying the decree of this Court dated, to-wit: the 8th day of April, 1955, by awarding to your complainant the care, custody and control of their minor child, DEWEY VAN BUREN NORTHCUTT, JR., under such terms and conditions as to your Honor seems equitable and just; that your Honor will order the respondent to pay to your complainant such sum monthly for the support and maintenance of said child as to your Honor seems meet and proper; that your Honor will order the respondent to return to your complainant her personal property which he has wrongfully taken into his possession, or wrongfully withholds from her; and your complainant prays for such other, further, different or general relief as in equity and good conscience she is entitled to receive, and, as in duty bound, she will ever pray, etc.

Tellair A. Marlburg, Jr.
Solicitor for Complainant.

I certify that I have this 12th day of October, 1955, served a copy of the foregoing Amended Petition on the respondent, by handing it to Honorable James R. Owen, his Solicitor of Record.

Tellair A. Marlburg, Jr.
Solicitor for Complainant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 3503½.

****

EVELYN E. NORTHCUTT,

Complainant,

VS.

DEWEY VAN BUREN NORTHCUTT,

Respondent.

****

AMENDED PETITION.

FILED: October 12, 1955.

DIVORCE DECREE

PRINTED BY MOORE PTG CO.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

EVELYN E. NORTHCUTT, Complainant

vs.

DEWEY VAN BUREN NORTHCUTT, 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 Evelyn E. Northcutt is forever divorced from the said Dewey Van Buren Northcutt for and on account of Voluntary abandonment.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the Respondent be and he is hereby awarded the care, custody and control of the minor child, Dewey Van Buren Northcutt Jr.

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 Dewey Van Buren Northcutt the Respondent pay the cost herein to be taxed, for which executed may issue.

This 8th day of April, 1955

Hubert M Hale

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. 3503 Page

THE STATE OF ALABAMA

BALDWIN COUNTY

In Circuit Court, In Equity

Evelyn E. Northcutt

Complainant

vs.

Dewey Van Buren Northcutt

Respondent

DIVORCE DECREE

FILED
APR 8 1955
ALICE J. DUCK, Register

EVELYN E. NORTHCUTT	)	
COMPLAINANT	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA,
VS	)	IN EQUITY
DEWEY VAN BUREN NORTHCUTT	)	
RESPONDENT	)	

KNOW ALL MEN BY THESE PRESENTS, That WHEREAS the Complainant and theRespondent married at Robertsdale, Alabama, on May 17, 1953; and

WHEREAS the parties have one child, Dewey Van Buren Northcutt Jr., now fifteen months old; and

WHEREAS the parties have decided and concluded that it is impossible for them tolonger live together as husband and wife; and

WHEREAS on August 17, 1953, they separated and have since that time lived separate and apart; and

WHEREAS the parties have reached a full and complete agreement as to the custody, maintenance and support of the minor child, Dewey Van Buren Northcutt Jr.

NOW, THEREFORE, It is hereby expressly agreed by and between the parties hereto as follows:

1. That the Respondent, Dewey Van Buren Northcutt, shall have the custody, care and control of the minor child, Dewey Van Buren Northcutt Jr.

2. That the Complainant, Evelyn E. Northcutt, shall have the right to visit with said child at reasonable times.

3. That the Respondent assumes the responsibility and will care for, maintain and support of said minor child, and the Complainant is hereby relieved and released from any claim for support or maintenance of the said child.

Your Complainant and Respondent respectfully request the court to consider this agreement in rendering his decree and as a part of his final order in this matter grant custody of the child, Dewey Van Buren Northcutt, Jr., in accordance with the terms of this agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, in duplicate, on this the 6th day of April, 1955.

Evelyn E. Northcutt (SEAL)

Dewey V Northcutt (SEAL)

STATE OF ALABAMA
BALDWIN COUNTY

I, J Albert M Brantley, a Notary Public, in and for said County, in said State, hereby certify that Evelyn E. Northcutt and Dewey Van Buren Northcutt, whose names are signed to the foregoing instrument, and who are known tome, acknowledged before me on this day that, being informed of the contents of said conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 6th day of April, 1955.

J Albert M Brantley
Notary Public, Baldwin County, Alabama

3503

Evelyn E. Northcutt

Complainant

VS

Dewey Van Buren Northcutt

Respondent

AGREEMENT OF COMPLAINANT
AND RESPONDENT

FILED
APR 6 1955
MARK A. DUCK, Register

ORAL DEPOSITION Printed by the Baldwin Times, Bay Minette, Alabama.

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

EVELYN E. NORTHCUTT Complainant

VS.

DEWEY VAN BUREN NORTHCUTT Respondent

I, Evelyn Watts

as Register and Commissioner

have called and caused to come before me Evelyn E. Northcutt

witness named in the Requirement for Oral Examination, on the 6 day of April 194 55, at the office of Tolbert M. Brantley in Bay Minette, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Evelyn E. Northcutt doth depose and say as follows:

My name isEvelyn E. Northcutt. I am the Complainant in the above styled cause and twenty years of age. The Respondent,Dewey Van Buren Northcutt, is over the age of twenty-one. We both are resident citizens of Baldwin County, Alabama, and have lived in Robertsdale all of our lives. The Respondent and I were married to one another at Robertsdale, Alabama, on May 17, 1953. We separated on August 17, 1953, and have lived separate and apart since that time and have in no way lived together since that time as man and wife. We have reached an agreement as to the custody of our minor child, Dewey Van Buren Northcutt Jr., and in my opinion the Respondent, Dewey Van Buren Northcutt, is a suitable and proper person to have the care, custody and control of the said child. That the Respondent abandoned me voluntarily without just cause or reason.

Evelyn E. Northcutt

ORAL EXAMINATION.

I, Evelyn Watts, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness and read over to her and she signed the same in the presence of myself and Tolbert M. Brantley at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proom 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 6 day of April, 1955

Evelyn Watts (L. S.)

NO. 3523 PAGE

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Evelyn F. Northcutt

vs. Complainant

Dewey Van Buren Northcutt

Respondent.

Oral Deposition

Filed, 194, Register.

Recorded in Record

Vol. Page

, Register.

EVELYN R. NORTHCUTT	)	
		IN THE CIRCUIT COURT OF
COMPLAINANT	)	
		BALDWIN COUNTY, ALABAMA,
VS	)	
		IN EQUITY
DEWEY VAN BUREN NORTHCUTT	)	
RESPONDENT	)	

Now comes the Respondent, in his own proper person, and admits the allegations contained in the Bill of Complaint filed in the above styled cause as to ages, residences, marriage and children, but denies all other allegations therein contained and demands strict proof of the same.

The Respondent waives notice of the time of taking of testimony on behalf of the Complainant; the right to cross examine Complainant's witnesses; and agrees that this cause be submitted for final decree without further notice.

Dewey V. Northcutt

STATE OF ALABAMA
BALDWIN COUNTY

I, TOLBERT M. BRANTLEY,, a Notary Public, in and for said County, in said State, hereby certify that Dewey Van Buren Northcutt, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 6th day of April, 1955.

Tolbert M Brantley
Notary Public, Baldwin County, Alabama

3573

EVELYN E. NORTHCUTT

COMPLAINANT

VS

DEWEY VAN BUREN NORTHCUTT

RESPONDENT

ANSWER AND WAIVER

FILED
APR 6 1955
ALICE J. DUCK, Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Evelyn Watts

KNOW YE: that we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Evelyn R. Northcutt

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Evelyn E. Northcutt is, Complainant and Dewey Van Buren Northcutt is Respondent on oath, to be by you administered, upon Evelyn B. Northcutt to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 6th day of April, 195 5.

Dwight. Nesch
Register.

Commissioner's Fee, $

Witness' Fees, $

No. 3503

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Evelyn E. Northcutt

Complainant—

VS.

Dewey Van Buren Northcutt

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

Evelyn Watts

WITNESSES:

Evelyn E. Northcutt

8581. NOTE OF TESTIMONY

Printed by the Baldwin Times, Bay Minette, Alabama.

Evelyn E. Northcutt

vs.

Dewey Van Buren Northcutt

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, agreement between the complainant and respondent, answer and waiver and testimony of Complainant

and in behalf of Defendant upon

Walters & Brantley
Joel M. Brantley

Register.

No. 3503

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Evelyn E. Northcutt

vs.

Dewey Van Buren Northcutt

NOTE OF TESTIMONY

Filed in Open Court this .....

day of ....., 194 .....

FILED

APR 6 1955 Register.

Printed by the Baldwin Times

ALICE J. DUCK, Register

EVELYN E. NORTHCUTT, Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
DEWEY VAN BUREN NORTHCUTT, Respondent.	)	IN EQUITY NO. 3503½

ANSWER

Now comes the Respondent in the above styled cause and for answer to the Amended Petition of the Complainant and to each and every paragraph thereof says:

1. He admits the allegations of paragraph one of the Amended Petition.

2. He admits the allegations of paragraph two of the Amended Petition.

3. He admits the allegations of paragraph three of the Amended Petition.

4. He admits that allegation of paragraph four of the Amended Petition which alleges that the Complainant now has a good job making in excess of Fifty Dollars ($50.00) per week, but he denies each and every other allegation of paragraph four of the Amended Petition and demands strict proof thereof.

5. He admits the allegations of paragraph five of the Amended Petition.

6. He admits that he has possession of a 1954 Ford two-door sedan, a mixmaster, an electric toaster and a rug. He denies that he has possession of any linens, glassware, china and any silver pieces and demands strict proof thereof. He denies that any of the said personal property of which he has possession belongs to the Complainant and alleges that the said property belongs to him.

Solicitor for Respondent.

ANSWER

EVELYN E. NORTHCUTT,

Complainant,

VS.

DEWEY VAN BUREN NORTHCUTT,

Respondent.

FILED

OCT 14 1955

ALICE J. DUCK, CLERK

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3503½

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons DEWEY VAN BUREN NORTHCUTT to appear and plead, answer or demur within thirty days from the service hereof to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by EVELYN E. NORTHCUTT, as Complainant, and against Dewey Van Buren Northcutt, as Respondent.

WITNESS my hand this the _____ day of April, 1955.

_____
Register

EVELYN E. NORTHCUTT COMPLAINANT VS DEWEY VAN BUREN NORTHCUTT E RESPONDENT	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY

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

Your Complainant, Evelyn E. Northcutt, respectfully represents unto Your Honor and this Honorable Court as follows:

1.

That your Complainant is twenty years of age, and a bona fide resident citizen of Baldwin County, Alabama, and have been all of her life; that the Respondent is over twenty-one years of age and a bona fide resident citizen of Baldwin County, Alabama.

2.

That your Complainant and the Respondent married at Robertsdale, Alabama, on May 17, 1953, and lived together as husband and wife in Baldwin County, Alabama, until on to-wit, August 17, 1953.

3.

That on, to-wit, August 17, 1953, the Respondent voluntarily abandoned the bed and board of your Complainant and has remained away voluntarily and continuously since that time.

4.

That there was born to the marriage between your Complainant and the Respondent, one child, Dewey Van Buren Northcutt Jr., now fifteen months old.

WHEREFORE, the premises considered, the Complainant prays that your Honor will by proper process make the said Dewey Van Buren Northcutt, party Respondent to this cause of action, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant prays that upon a hearing hereof, Your Honor will enter an order and decree granting to her an absolute decree of divorce forever barring the bonds of matrimony existing between her and the Respondent; Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive.

Wilt[illegible]rs & Brantley

BY: Tolbert M Brantley

Solicitor for the Complainant

3503

EVELYN E. NORTHCUTT

COMPLAINANT

VS

DEWEY VAN BUREN NORTHCUTT

RESPONDENT

BILL OF COMPLAINT

FILED
APR 6 1955
ALICE J. DUCK, Register

EVELYN E. NORTHCUTT, Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
DEWEY VAN BUREN NORTHCUTT, Respondent.	)	IN EQUITY NO. 3503½

DECREE SETTING PLEA FOR HEARING TO TEST
ITS LEGAL SUFFICIENCY

On application of the Respondent and with the consent of the Complainant, acting by and through her solicitor of record, the plea filed in this cause by the Respondent on this date shall be and the same is hereby set for hearing to determine its legal sufficiency at 10:00 o'clock A. M. on September 27, 1955.

ORDERED, ADJUDGED AND DECREED on this the 13 day of September, 1955.

Hubert M Hall
Judge.

DECREE SETTING PLEA FOR HEARING
TO TEST ITS LEGAL SUFFICIENCY

EVELYN E. NORTHCUTT,

Complainant,

VS.

DEWEY VAN BUREN NORTHCUTT,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3503½

EVELYN E. NORTHCUTT, Complainant,	)	IN THE
VS.	)	CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.
DEWEY VAN BUREN NORTHCUTT, Respondent	)	IN EQUITY. NO.3503½

This cause coming on to be heard is submitted for a decree upon the petition of the Complainant, as last amended, the answer of the Respondent, and the testimony of witnesses taken ore tenus.

No demurrers were filed to the complaint.

The Court, after considering all of the testimony, finds as follows: That the Complainant secured a divorce from the Respondent in the Circuit Court of Baldwin County, Alabama, in Equity, on April 8, 1955; that in said decree the care, custody and control of the minor child, Dewey Van Buren Northcutt, Jr., was awarded to the Respondent; that the parties in and by a collateral agreement agreed that the Respondent should have the custody, care and control of said minor child, with the right of the Complainant to visit him at reasonable times; that the Respondent assumed the responsibility of caring for, maintaining and supporting said child; that by an agreement between the Complainant and the Respondent certain personal property, including one 1954 Tudor Ford Sedan was awarded to the Complainant; that subsequent to the granting of said decree the Complainant delivered to said Respondent possession of the said automobile; that the Complainant made certain payments on said automobile; that six payments were made in the sum of $62.49 each from money which the Complainant received as an allotment from the Respondent.

The Court is of the further opinion from the evidence that there is no material change in the conditions existing at

the time of the divorce.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the custody of the minor child, Dewey Van Buren Northcutt, Jr., shall remain in the Respondent, Dewey Van Buren Northcutt, as set out in the original decree, subject to the right of the Respondent to have the custody of said child for two or three days of each week, when she is at home to take care of said child; that it shall be the duty of the Complainant to care for and deliver the said minor child to the home of the Respondent.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant have and recover of the Respondent the sum of ONE HUNDRED EIGHTY SEVEN AND 47/100 ($187.47) DOLLARS, being one-half of the payments as herein alleged, for which execution may issue.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complaint of the Complainant as to the other personal property other than the Ford automobile as herein set out be and the same is hereby dismissed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the costs herein accrued be taxed equally against the Complainant and the Respondent.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court retain jurisdiction of said minor child, to amend this decree from time to time as the conditions or welfare of said minor child may warrant.

Dated this 22nd day of December, 1955.

Hubert M Hale

Judge of the 28th Judicial Circuit

SUMMONS Form 1531-3 McQuiddy Printing Co., Nashville, Tenn.

The State of Alabama, ... County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon Dewey Van Buren Northcutt

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State by Evelyn E. Northcutt

against Dewey Van Buren Northcutt

Herein fail not. Due return make of this writ as the law directs.

Witness this 18th day of August, 1955

Alice J. Wesch, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

Code 1923-6528-6529

No....., ... Page.....

The State of Alabama

..... COUNTY.

IN CIRCUIT COURT, IN EQUITY

.....

.....

vs.

.....

.....

SUMMONS

Returned by the Sheriff and filed in office, this the.....day of....., 19.....

....., Register.

Received in office, this the ..... day of

....., 19.....

....., Sheriff.

I have executed the within by leaving a copy thereof with.....

.....

.....

.....

.....

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.....

.....

.....

.....

defendant named herein, on this the.....

day of....., 19.....

....., Sheriff.

By....., Deputy.

EVELYN E. NORTHCUTT, Complainant,	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
VS.	)	IN EQUITY. NO. 3503.
DEWEY VAN BUREN NORTHCUTT, Respondent.	)	

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

Your complainant, EVELYN E. NORTHCUTT, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your complainant is twenty years of age and is a bona fide resident citizen of Baldwin County, Alabama, where she has lived all of her life; and that the respondent, DEWEY VAN BUREN NORTHCUTT, is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, Alabama.

2. That your complainant and the respondent intermarried at Robertsdale, Alabama, on May 17, 1953.

3. That on, to-wit: the 8th day of April, 1955, the complainant and the respondent were divorced by a decree issued out of this Honorable Court.

4. That said decree was based on fraud and misrepresentation in that the complaint in said cause alleged that the respondent had voluntarily abandoned your complainant more than one year prior to the filing of said bill of complaint and the taking of the testimony in said cause, when, in fact, he had not done so, and had actually slept with your complainant the night before the divorce decree was obtained.

5. That all of the arrangements for the said divorce were made by the respondent in the absence of your complainant; that the bill of complaint was drawn up and the testimony written up before she was taken into the presence of the Solicitor who handled the matter, Honorable Tolbert M. Brantley; that your complainant is young and inexperienced and that she signed the testimony without realizing the wrong she was doing and the fraud she was perpetrating on the Court.

6. That since the said decree was rendered she has learned of the enormity of her offense, and, because of her child, DEWEY VAN BUREN NORTHCUTT, JR., she is desirous of correcting this mistake now.

7. That at the time of said divorce your complainant entered into an agreement with the respondent that he should have the care, custody and control of their minor child, DEWEY VAN BUREN NORTHCUTT; that said child is only 18 months old now; that said agreement was to endure only until such time as your complainant had a job and was able to take care of the said child; that your complainant is now in a position to take care of said child; and that she is a fit and proper person to have the care, custody and control of said child; and that it would be to the best interest of said child to be placed in the care custody and control of your complainant.

8. That the respondent has taken into his possession certain personal property belonging to your complainant, to-wit: a diamond engagement ring, a diamond wedding ring, a cedar chest, a 1954 Ford 2-door sedan, and certain wedding presents, including linens, glassware, china and some silver pieces; that despite repeated requests the respondent has refused to return this property to your complainant.

THE PREMISES CONSIDERED, your Complainant makes the said DEWEY VAN BUREN NORTHCUTT party respondent to this her bill of complaint, and prays that your Honor will by proper process make hima party respondent to this cause of action, requiring him to plead, answer or demur hereto within the time, and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that, upon a final hearing of this cause, your Honor will make and enter a decree declaring null and void and of no effect the divorce decree heretofore granted these parties out of this Court on the aforesaid 8th day of April, 1955; that your Honor will decree that your complainant is the proper person to have the care, custody and control of their minor child, and will order the respondent to pay such sum monthly to your complainant for the support and maintenance of said child as to your Honor seems meet and proper; and that your Honor will order the respondent to return to your complainant her personal property, described in paragraph "8" hereof, which he has wrongfully taken into his possession; and your Complainant prays for such other,

further, different or general relief as in equity and good conscience she may be entitled to receive, and, as in duty bound, she will ever pray, etc.

Solicitor for Complainant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 3503 ½

RECORDED

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EVELYN E. NORTHCUTT,

Complainant,

VS.

DEWEY VAN BUREN NORTHCUTT,

Respondent.

****

BILL OF COMPLAINT.

FILED
AUG 18 1955
ALICE J. DUCK, Register

D. L. Leisco atl Resinilton

Received 18 day of Aug 1955
and on 19 day of Aug 1955
served a copy of the within B. of C
on Dewey Van Buren Northcutt

by service on

TAYLOR WILKINS, Sheriff
By Edleigh Steadham D.S.

EVELYN E. NORTHCUTT, Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
DEWEY VAN BUREN NORTHCUTT, Respondent.	)	IN EQUITY NO. 3503½

PLEA

The Respondent, by way of protestation to all of the relief sought and prayed for in and by the prayer for relief of the Complainant's Bill of Complaint which was filed in this case on the 18th day of August, 1955, does hereby plead and for said plea says that the Complainant is estopped to set up at this time the matters and things alleged in the said Complaint because of the following:

The Complainant did on the 6th day of April, 1955, file in this case a Bill of Complaint, reference to which is hereby made as though fully incorporated herein, wherein the Complainant, with knowledge of the facts in this case assumed or took the position that the Respondent voluntarily abandoned the bed and board of the Complainant on August 17, 1953, and remained away voluntarily and continuously from August 17, 1953, until April 6, 1955. After the filing of this Bill of Complaint on April 6, 1955, the Respondent entered into an agreement with the Complainant a copy of which said agreement is attached hereto, marked Exhibit "A", and made a part hereof as though fully incorporated herein and on, to-wit, April 6, 1955, this agreement was filed in this court, and on the same date the Respondent executed and filed in this Court an answer and waiver to the said Bill of Complaint. Thereafter and on, to-wit, April 8, 1955, this case was tried in and by this Court and a decree was rendered granting the Complainant the relief prayed for by her in her said Bill of Complaint. The only testimony in this cause was that of the Complainant, a copy of which is hereto attached, marked Exhibit "B", and made a part hereof as though fully incorporated herein.

On, to-wit, August 18, 1955, the Complainant filed in this cause her Bill of Complaint, in which and by which she alleges that the said decree heretofore rendered on April 8, 1955, was based on fraud and misrepresentation in that the Respondent had not voluntarily abandoned the Complainant for more than one year prior to the filing of said Bill of Complaint and had actually slept with the Complainant the night before the divorce decree was obtained, because of which the Complainant claims to be entitled to a decree declaring the said divorce decree null and void and of no effect, together with other relief, which is a position inconsistant with that taken by the Complainant in her Bill of Complainant which was filed on April 6, 1955, and the testimony of the Complainant which was taken and filed on the trial of the said cause on, to-wit, April 6, 1955, which resulted in the said decree in her favor dated on the 8th day of April, 1955.

The Respondent is ready to verify all of the matters and things set out above, and humbly prays the judgment of this honorable court thereupon and whether he is liable or shall be compelled to make any further or other answer to the said Bill of Complaint.

Solicitor for Respondent.

EXHIBIT "A"

EVELYN E. NORTHCUTT, Complainant	)	IN THE CIRCUIT COURT OF
VS	)	BALDWIN COUNTY, ALABAMA,
DEWEY VAN BUREN NORTHCUTT, Respondent	)	IN EQUITY

KNOW ALL MEN BY THESE PRESENTS, That WHEREAS the Complainant and the Respondent married at Robertsdale, Alabama, on May 17, 1953; and

WHEREAS the parties have one child, Dewey Van Buren Northcutt, Jr., now fifteen months old; and

WHEREAS the parties have decided and concluded that it is impossible for them to longer live together as husband and wife; and

WHEREAS on August 17, 1953, they separated and have since that time lived separate and apart; and

WHEREAS the parties have reached a full and complete agreement as to the custody, maintenance and support of the minor child, Dewey Van Buren Northcutt Jr.

NOW, THEREFORE, It is hereby expressly agreed by and between the parties hereto as follows:

1. That the Respondent, Dewey Van Buren Northcutt, shall have the custody, care and control of the minor child, Dewey Van Buren Northcutt Jr.

2. That the Complainant, Evelyn E. Northcutt, shall have the right to visit with said child at reasonable times.

3. That the Respondent assumes the responsibility and will care for, maintain and support of said minor child, and the Complainant is hereby relieved and released from any claim for support or maintenance of the said child.

Your Complainant and Respondent respectfully request the court to consider this agreement in rendering his decree and as a part of his final order in this matter grant custody of the child, Dewey Van Buren Northcutt, Jr., in accordance with the terms of this agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, in duplicate, on this the 6th day of April, 1955.

(S) EVELYN E. NORTHCUTT (SEAL)

(S) DEWEY V. NORTHCUTT (SEAL)

STATE OF ALABAMA)
*
BALDWIN COUNTY)

I, Tolbert M. Brantley, a Notary Public, in and for said County, in said State, hereby certify that Evelyn E. Northcutt and Dewey Van Buren Northcutt, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of said conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 6th day of April, 1955.

(S) TOLBERT M. BRANTLEY
Notary Public, Baldwin County, Alabama.

EXHIBIT "B"

EVELYN E. NORTHCUTT, Complainant, VS. DEWEY VAN BUREN NORTHCUTT, Respondent.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY

I, Evelyn Watts as Register and Commissioner have called and caused to come before me Evelyn E. Northcutt witness named in the Requirement for Oral Examination, on the 6 day of April, 1955, at the office of Tolbert M. Brantley in Bay Minette, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said Evelyn E. Northcutt doth depose and say as follows:

> My name is Evelyn E. Northcutt. I am the Complainant in the above styled cause and twenty years of age. The Respondent, Dewey Van Buren Northcutt, is over the age of twenty-one. We both are resident citizens of Baldwin County, Alabama, and have lived in Robertsdale all of our lives. The Respondent and I were married to one another at Robertsdale, Alabama, on May 17, 1953. We separated on August 17, 1953, and have lived separate and apart since that time and have in no way lived together since that time as man and wife. We have reached an agreement as to the custody of our minor child, Dewey Van Buren Northcutt, Jr., and in my opinion the Respondent, Dewey Van Buren Northcutt, is a suitable and proper person to have the care, custody and control of the said child. That the Respondent abandoned me voluntarily withouth just cause or reason.

(S) EVELYN E. NORTHCUTT

I, Evelyn Watts, as Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness and read over to her and she signed the same in the presence of myself and Tolbert M. Brantley at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proom 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 6 day of April, 1955.

(S) EVELYN WATTS (SEAL)