

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: GRADY P. GILBERT, 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 Ruby Bargineer

a witness in behalf of Ruby Bargineer in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein Ruby Bargineer is

, Complainant

and Willard E. Bargineer is

Respondent

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

Witness 27 day of December

, 1958

Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

VS. Complainant

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

DEC 30 1958

WITNESSES: J. DICK
CLERK
REGISTER

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

RUBY BARGINEER

, Complainant

vs.

WILLARD E. BARGINEER

, 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

Ruby Bargineer is forever divorced from the said Willard E. Bargineer 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 the said parties, namely, Willard E. Bargineer, Jr., a boy, 17 years of age, Juanda P. Bargineer, a girl, 15 years of age, and Steve Bargineer, a boy, 10 years of age; with the Respondent being hereby awarded visitation rights at all reasonable times.

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 the payment of the cost of this suit.

It is further ordered that Willard E. Bargineer the Respondent pay the cost herein to be taxed, for which execution may issue.

This 30th day of December, 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.

RUBY BARGINEER,) IN THE CIRCUIT COURT OF
Complainant,) BALDWIN COUNTY, ALABAMA
vs.) IN EQUITY.
WILLARD E. BARGINEER,)
Respondent.

ANSWER AND WAIVER

Comes now the Respondent, WILLARD E. BARGINEER, 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.

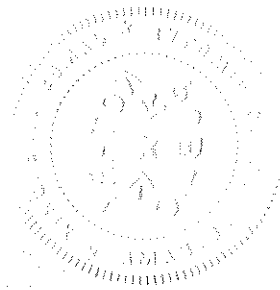


Willard E. Bargineer.

Sworn to and subscribed before me on this the 27 day of December, 1958.


Notary Public, Baldwin County, Alabama.

44646



Ans. & Waiver

FILED

DEC 30 1958

ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA)

BALDWIN COUNTY)

RUBY BARGINEER,)

Complainant,)

vs.)

WILLARD E. BARGINEER,)

Respondent.)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

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

Sitting in Equity:

Comes now the Complainant, Ruby Bargineer, humbly complaining of the Respondent, Willard E. Bargineer, in a matter of divorce, and represents and shows unto Your Honor as follows:

FIRST: That Complainant, Ruby Bargineer, 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 old and at present resides in Pensacola, Florida.

SECOND: That Your Complainant and Respondent were lawfully married on or about November 20, 1936, at Pensacola, Florida.

THIRD: Complainant further avers and shows unto your Honor that the said Respondent, Willard E. Bargineer, voluntarily abandoned the bed and board of Complainant, for more than one year next preceding the filing of this Bill of Complaint, on June 1, 1957, and since that time your Complainant and Respondent have at no time lived together, nor have they 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 is as follows: Willard E. Bargineer, Jr., a boy, now 17 years old, Juanda P. Bargineer, a girl, now 15 years old, and Steve Bargineer, a boy, now 10 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 said minor children.

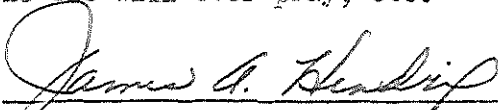
PRAYER FOR PROCESS

Wherefore the premises considered the Complainant prays that the said Willard E. Bargineer be made party Respondent to this her Bill of Complaint and that a summons be issued and served upon him as required to plead, answer or demur 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 the said decree the Complainant will be granted the right to again contract marriage; that in and by virtue of said decree the Complainant will be awarded the permanent care, custody and control of said minor children, Willard E. Bargineer, Jr., Juanda P. Bargineer, and Steve Bargineer.

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


Attorney for Complainant.

ALICE J. DUCK, CLERK
REGISTER

DEC 31 1900

FILED

4468

Ruby Barginear

Willard & Barginear

FILED

DEC 30 1900

ALICE J. DUCK, CLERK
REGISTER

Bill of complaint

4468

THE STATE OF ALABAMA }
Baldwin County }

Circuit Court of Baldwin County, Alabama,
(In Equity)

RUBY BARGINEER

COMPLAINANT

vs.

WILLARD E. BARGINEER

RESPONDENT

I, GRADY P. GILBERT, JR.

as ~~Register and~~ Commissioner

have called and caused to come before me Ruby Barginer

witness named in the requirement for Oral Examination, on the 29th day of December

194 58, at the office of James A. Hendrix

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

truth, the whole truth, and nothing but the truth, the said Ruby Barginer

doth depose and say as follows:

My name is Ruby Barginer. I am over 21 years old and have lived in Baldwin County, all my life. Willard Barginer is over 21 years of age and at present resides in Pensacola, Florida. Willard and I were married on November 20, 1936, at Pensacola, Florida. In June of 1957 Willard left me of his own free will and accord and without fault on my part and since that time he and I have not lived together as husband and wife. We have three minor children, Willard E. Barginer, Jr., a boy, now 17 years of age, Juanda P. Barginer, a girl, now 15 years of age, and Steve Barginer, a boy, now 10 years of age; these three children are now in my custody and control and I feel that I am a fit and proper person to be awarded the permanent care, custody and control of said minor children.

Ruby Barginer

I, GRADY P. GILBERT, JR. as Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witnesses 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 person identify of said witnesses or had proof made before me of the identity of said witness; that I am not of counsel or 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 29th day of December, 1958.

Grady P. Gilbert, Jr. (L.S.)

FILED
DEC 30 1958
ALICE L. DICK, CLERK
REGISTRAR