

4489

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

BETTIE JOYCE PHILLIPS, Complainant

vs.

HOWARD PHILLIPS JR., Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, 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 Bettie Joyce Phillips is forever divorced from the said Howard Phillips Jr. for and on account of Cruelty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent, Howard Phillips, Jr., shall have the care, custody and control of the minor children, Julia Faye Phillips, age 3 years and Kevin Lloyd Phillips, age 14 months.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the Complainant, Bettie Joyce Phillips, shall have the right to visit with the said minor children, Julia Faye Phillips, age 3 years and Kevin Lloyd Phillips, age 14 months, at reasonable times and places.

It is futher 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 futher ordered that Howard Phillips Jr. the Respondent pay the cost herein to be taxed, for which executed may issue.

This 27 day of January 1959

[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.

DL

No. \_\_\_\_\_ Page \_\_\_\_\_

**THE STATE OF ALABAMA  
BALDWIN COUNTY**

**In Circuit Court, In Equity**

BETTYE JOYCE PHILLIPS

Complainant

vs.

HOWARD PHILLIPS JR.,

Respondent

**DIVORCE DECREE**

FILED  
Filed  
1958  
COURT CLERK  
BALDWIN COUNTY, ALABAMA

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA  
Baldwin County



Circuit Court

TO: LOIS WILSON

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 Bettye Joyce Phillips and H. L. Phillips

a witness in behalf of Bettye Joyce Phillips in a cause pending in our  
Circuit Court in Baldwin County, of said State, wherein Bettye Joyce Phillips

, Complainant

and Howard Phillips Jr.,

Respondent

on oath, to be by you administered, upon  
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 Jan.

, 1959  
*Alice J. Slusk*  
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

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THE STATE OF ALABAMA  
Baldwin County

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CIRCUIT COURT

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BETTYE JOYCE PHILLIPS

Complainant

VS.

HOWARD PHILLIPS JR.,

Defendant

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COMMISSION TO TAKE DEPOSITION

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COMMISSIONER:

LOIS WILSON

WITNESSES:

BETTYE JOYCE PHILLIPS  
H. A. PHILLIPS

77  
27 1959  
WILLIAM J. DUCK, Register

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama  
(In Equity)

BETTYE JOYCE PHILLIPS

COMPLAINANT

vs.

HOWARD PHILLIPS, JR.,

RESPONDENT

I, Lois Wilson

as Register and Commissioner

have called and caused to come before me Bettye Joyce Phillips and H. L. Phillips

witness es named in the requirement for Oral Examination, on the 24th day of January  
19 59 , at the office of C. LeNoir Thompson

in Bay Minette , Alabama, and having first sworn said witness es to speak the  
truth, the whole truth, and nothing but the truth, the said Bettye Joyce Phillips and

H. L. Phillips doth depose and say as follows:

That my name is Bettye Joyce Phillips, I am over the age of 21 and a resident of Baldwin County and have been a resident more than two years next preceding. The respondent is over the age of 21 and is also a resident of Baldwin County, Alabama having lived here all his life. We were married at Bay Minette on May 21, 1955 and lived together as husband and wife in Baldwin County until our last separation on or about January 16, 1959, at which time I was forced to leave the respondent being in fear of my life or health. The respondent had, without fault on my part, abused and mistreated me so that I was in fear of my life or health believing the respondent would do what he said and I know of no cause which I gave him to abuse me in such manner. I know that I can never live together with him any more as his wife. There were born as fruits of our marriage two children, Julia Faye Phillips, age about 3 years and Kevin Lloyd Phillips age about 14 months. Because of my circumstances and because the respondent has provided for these children I do not claim their custody and control but have agreed that the respondent shall have their permanent care, custody and control and accordingly I do not ask for any maintenance and support from the respondent. I do ask that I have the right and privilege to visit with them at reasonable times and places.

*Bettye Joyce Phillips*

That my name is H. L. Phillips, I know both parties to this cause, they are both over the age of 21 and have been residents of Baldwin County, Alabama more than 2 years next preceding. They were married at Bay Minette on May 21, 1955 and lived together as husband and wife until their last separation on or about January 16. On that date and on several occasions prior thereto the respondent had mistreated the complainant threatening actual violence to her person which would endanger her life or health and on the last occasion noted because of the treatment that night the complainant became in fear of her life or health and was forced to leave him. There were born as fruits of this marriage 2 children, Julia Faye Phillips, age about 3 and Kevin Lloyd Phillips, age about 14 months, these children have resided with the respondent under his care, custody and control all of their life and I respectfully represent that the respondent is a fit, suitable and proper person to have their permanent care, custody and control. I do not believe these parties will ever live together again as husband and wife.

*H L Phillips*

ORAL EXAMINATION

I, Lois Wilson 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 C. LeNoir Thompson 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 24th day of January , 19 59 .

*Lois Wilson* (L. S.)

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THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

BETTYE JOYCE PHILLIPS

COMPLAINANT

vs.

HOWARD PHILLIPS JR.,

RESPONDENT

ORAL DEPOSITION

Filed

FILED

, 19

JAN 27 1959

ALICE J. DUCK, Register, Register.

RECORDED IN

Record

Vol. \_\_\_\_\_

Page \_\_\_\_\_

Register.

BETTYE JOYCE PHILLIPS

THE STATE OF ALABAMA  
Baldwin County

vs.

HOWARD PHILLIPS Jr.,

IN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint,  
Testimony of Bettye Joyce Phillips and H. L. Phillips

and in behalf of Defendant upon Answer and Waiver

*C. L. Davis Thompson*

*Alice J. Duck*  
Register.

*m*

No. ....

**THE STATE OF ALABAMA**  
**Baldwin County**

**IN EQUITY**  
**Circuit Court of Baldwin County**

BETTYE JOYCE PHILLIPS

VS.

HOWARD PHILLIPS JR.,

**Note of Testimony**

Filed in Open Court this

**FILED**

day of JAN 27 1959, 19

ALICE J. DUCK, Register

Register.



BETTIEJOYCE PHILLIPS  
COMPLAINANT  
VS  
HOWARD PHILLIPS, JR.,  
RESPONDENT

\*  
\* IN THE CIRCUIT COURT OF  
\*  
\* BALDWIN COUNTY, ALABAMA.  
\*  
\* IN EQUITY.  
\*  
\* CASE NO. \_\_\_\_\_  
\*  
\*  
\*  
\*  
\*

Now comes the Respondent and accepted service of the summons and complaint in this cause.

The Respondent admits the allegations as to the ages, marriage and residence, but denies all other allegations contained in the bill of complaint, 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.

Respondent, however admits an agreement between the parties as to custody of the children, same being given respondent.

Howard Phillips Jr.

STATE OF ALABAMA  
BALDWIN COUNTY

I, C. LENOIR THOMPSON, a Notary Public, in and for said County, in said State, hereby certify that Howard Phillips Jr., whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 26 day of January, 1959.

C. L. Thompson  
Notary Public, Baldwin County, Alabama.

RECORDED

BETTYE JOYCE PHILLIPS

COMPLAINANT

VS

HOWARD PHILLIPS JR.,

RESPONDENT

\* \* \* \* \*

ANSWER AND WAIVER

\* \* \* \* \*

FILED

JAN 27 1959

ALICE J. DUCK, Register

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons HOWARD PHILLIPS, JR., 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 BETTYEJOYCE PHILLIPS, as Complainant and against HOWARD PHILLIPS, Jr., as Respondent.

WITNESS my hand this the 27 day of January, 1959.

  
\_\_\_\_\_  
Register.

\* \* \* \* \*

BETTYEJOYCE PHILLIPS	*	IN THE CIRCUIT COURT OF
COMPLAINANT	*	BALDWIN COUNTY, ALABAMA.
VS	*	IN EQUITY.
HOWARD PHILLIPS, JR.,	*	CASE NO. _____
RESPONDENT	*	

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

Your Complainant, Betty Joyce Phillips, respectfully represents unto Your Honor and this Honorable Court as follows:

1.

That your Complainant is over the age of 21 and a resident of Baldwin County, Alabama; and has been more than two years next preceding; The Respondent is over the age of 21 and a resident of Baldwin County, Alabama, and has been more than two years next preceding.

2.

That your Complainant and the Respondent married at Bay Minette, Alabama on May 21, 1955, and lived together as husband and wife in Baldwin County, Alabama, until January 16, 1959.

3.

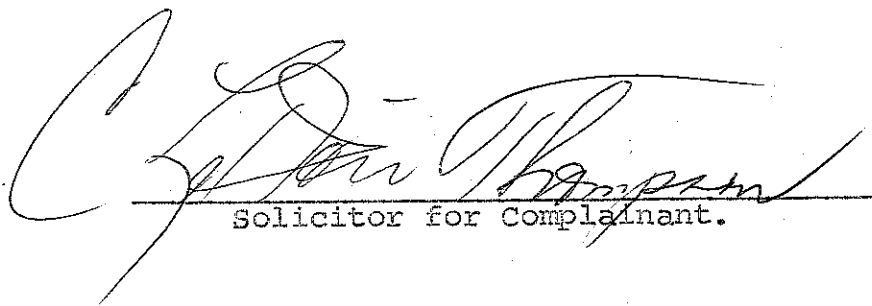
That on January 16, 1959, and on several occasions prior thereto the Respondent threatened and abused the complainant and threatened to do actual violence to her person which would necessarily endanger her life and health. The conduct of the respondent was such as to give the complainant every reasonable apprehension to believe and she did actually believe that if she continued to live with him he would carry out his threats and do actual violence to her person, which would necessarily endanger her life and health.

4.

There were born as fruits of this marriage between the complainant and the respondent 2 children, Julia Faye Phillips, age about 3 years and Kevin Lloyd Phillips, age about 14 months, and no property to be divided.

WHEREFORE, the premises considered, your complainant prays that your Honor will by proper procedure make the said Howard Phillips, Jr., party respondent to this bill of complaint 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 further prays that upon a hearing hereof, your Honor will enter an order and decree granting to her an absolute décreé of divorce, forever barring the bonds of matrimony existing between her and the respondent; and that a decree be made awarding to the respondent the care, custody and control of the minor children, Julia Faye Phillips, age about 3 years and Kevin Lloyd Phillips, age about 14 months; Your Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to receive.

  
Solicitor for Complainant.

4489

RECORDED

BETTYE JOYCE PHILLIPS

COMPLAINANT

VS

HOWARD PHILLIPS JR.,

RESPONDENT

\* \* \* \* \*  
SUMMONS AND COMPLAINT  
\* \* \* \* \*

FILED

JAN 27 1959

ALICE J. DUCK, Register

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