(3663)

DIVORCE DECREE

PRINTED BY MOORE PTG. CO.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Dorothy Jean Turner, Complainant

vs.

Howard Sylvester Turner, 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 Dorothy Jean Turner is forever divorced from the said Howard Sylvester Turner for and on account of Cruelty. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant be and she is hereby awarded the care, custody and control of Brenda Gayle Turner; that the care, custody and control of Howard Harry Turner is and is hereby granted to the Respondent. Both the Complainant and Respondent are hereby granted the right to visit their children at all reasonable times and places. It is further ordered, adjudged and decreed that the Respondent pay Wilkes & Brantley, Solicitors for the Complainant, the sum of $100.00 attorney's fees.

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 Howard Sylvester Turner the Respondent pay the cost herein to be taxed, for which executed may issue.

This 3 day of March, 1956

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.

RECORDED

No._____ Page_____

THE STATE OF ALABAMA

BALDWIN COUNTY

In Circuit Court, In Equity

Dorothy Jean Turner

Complainant

vs.

Ibnard Sylvester Turner

Respondent

DIVORCE DECREE

8602 Decree Pro Confesso After Notice By Registered Mail.

MOORE PTG CO.-BAY MINETTE

Dorothy Jean Turner (Snyder) vs. Howard Sylvester Turner	CIRCUIT COURT OF Baldwin County. IN EQUITY.

In this cause it being made to appear to the Register that on the 30th day of December, 1961 ~~1961~~, a copy of the Bill of Complaint filed in this cause was sent to Dorothy Jean Turner (Snyder) Complainant ~~Defendant~~, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of this Court; and that on the ..... day of ..... 192...., such receipt was duly received and filed in this cause:

And it further appearing to the Register that the said Complainant ~~Defendant~~ has failed to plead, answer or demur to the said Bill to the date hereof, it is now, therefore, on motion of Respondent ~~Complainant~~, ordered, adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things taken as confessed against the said Dorothy Jean Turner (Snyder) Complainant ~~Defendant~~.

This the 6 day of Feb 1962

Alice J. Duck Register.

Acts 1915. Page 604.

No. .....

CIRCUIT COURT OF BALDWIN COUNTY, ALA.

In Equity.

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vs.

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Decree Pro Confesso After Notice By Registered Mail.

Filed in office this ..... day of

....., 192...

....., Register

Entered in O. B. ..... Page .....

MOORE PTG CO.

8581. NOTE OF TESTIMONY

Printed by the Baldwin Times, Bay Minette, Alabama.

Dorothy Jean Turner

vs.

Howard Sylvester Turner

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 of the respondent, agreement between complainant and respondent

Talbot M. Brantley
Atty for Complainant

and in behalf of Defendant upon

Register.

RECORDED

No. .....

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Dorothy Jean Turner

vs.

Donald Sylvester Turner

NOTE OF TESTIMONY

Filed in Open Court this 3

day of March, 1956

Register.

Printed by the Baldwin Times

ORAL DEPOSITION

Printed by Moore Printing Co.

The State of Alabama, Baldwin County. } Circuit Court of Baldwin County, Alabama (In Equity)

Dorothy Jean Turner Complainant

VS.

Howard Sylvester Turner Respondent

I, W. E. Bolay

as ~~Register and~~ Commissioner

have called and caused to come before me Jean Turner

witness ____ named in the Requirement for Oral Examination, on the ____ day of ____

19 56, at the office of W.E. Bolay

in Decatur, Illinois, ~~Alabama~~, and having first sworn said Witness ____ to speak the truth, the whole truth, and nothing but the truth, the said Jean Turner

doth depose and say as follows:

My name is Dorothy Jean Turner. I am over the age of twenty-one years, and Howard Sylvester Turner is over the age of twenty-one years. We are both bona fide resident citizens of Baldwin County, Alabama, and have been for the past two years. We were married to one another on June 24 1950, at Perdido, Alabama. We have two children, Howard Wayne Turner, a boy, age 4 and Brenda Gayle Turner, a girl, age 1.

Since the time I filed my complaint in court, the Respondent and I have reached a settlement concerning a division of our property and the custody of our children.

That on the 31st day of December, 1954, the Respondent beat me by striking me with his fist, and because I was afraid to continue living with him I was forced to leave home and have lived separate and apart from him since that time. I do not feel that I could live with him again with any degree of comfort and safety.

I am a fit and proper person to have the care, custody and control of my minor child Brenda Gayle Turner.

I have employed the firm of Wilters & Brantley to represent me in this matter and I have no means to pay them for their services.

Dorothy Jean Turner

ORAL EXAMINATION

I, W. E. Bolay, 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

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 27 day of February, 1956.

W E Bolay (L. S.)
Notary Public

No. _____ Page _____

The State of Alabama
Baldwin County.

In Circuit Court, In Equity

Dorothy Jean Turner
vs. Complainant
Howard Sylvester Turner
Respondent

Oral Deposition

Filed 3-3, 1956
Alice J. Gilbreath, Register
Recorded in
Record
Vol. _____ Page _____
_____, Register

Dorothy Jean Turner Complainant Vs Howard Sylvester Turner Respondent	)	In the Circuit Court of Baldwin County, Alabama In Equity. No. 3663

To Hon. Hubert M. Hall, Judge of the Baldwin County, Alabama, Circuit Court, in Equity:

Now comes the Respondent and shows unto Your Honor and this Honorable Court as follows:

1.

That on to wit March 3, 1956, Your Honor signed a divorce to the parties in this said cause, Equity case no. 3663.

2.

That therein contained was a provision granting custody of the minor children of the parties, Brenda Gayle Turner to the Complainant and Howard Wayne Turner to the Respondent.

3.

That said custody provisions were based on a Seperation Agreement agreed on by the parties prior to the rendering of said decree, on to wit January 27, 1956, the original of which said agreement is on file in said cause.

4.

That paragraph 4 of said agreement reads as follows, "It is further agreed that both of us shall have the right to visit the child in the other parent's custody, at all reasonable times and places and we further agree that in the event of the death of either party to this agreement, the surviving parent shall have the full care, custody and control of both of the above named minor children".

5.

That the Complainant, Dorothy Jean Turner has violated the terms and conditions of said agreement, by removing the said Brenda Gayle Turner to the County of San Bernardino, State of California, thus making it impossible for the Respondent to visit said child, see her or help look out for her general welfare; that your Respondent is not a rich man and even one trip per year to see his child would almost be impossible.

6.

That the Complainant has further violated the terms and conditions of said agreement , that in the event of death of either party, the surviving parent were to have the custody of both of the children, in that she has remarried to one, David Snyder and the Complainant and the said David Snyder has filed a petition in the Superior Court of San Bernardino County, State of California, Juvenile Division, Petition no. J 29763, Action no. A-2263, to adopt said Brenda Gayle Turner, to the said David Snyder, in direct violation of the terms of said agreement, alleging in paragraph 3 of said petition that your Respondent has abandoned said Brenda Gayle Turner, when the Complainant herself has made it impossible for your Respondent to see and associate with said child, by removing her clear across the nation from your Respondent.

7.

That your Respondent is both ready, willing and able to support said Brenda Gayle Turner, when her custody is granted to your Respondent; that he is in all respects a fit, proper and suitable person to have her care, custody and control, and the Complainant has shown that she is not, by the herein alleged violations of said agreement, entered into in good faith by your Respondent, and her trying to cut off all rights of the Respondent, petitioner, the child's father, under said agreement; that your Respondent has had to expend considerable expense, time and trouble and hire an Attorney to have said California suit abated, if possible, all because of the violations herein enumerated, of said agreement and decree by the Complainant.

That in and by virtue of the Circuit Court of Baldwin County, Alabama, in Equity, case no. 3663, having assumed jurisdiction of said cause and said children in said divorce suit, the said minor children became Wards of the Circuit Court; that said Court, by operation of law, retains jurisdiction of said children as it's wards, under the law of the State of Alabama, until said children reach their majority, or 21 years of age; that the Constitution of the United States of America, Article 4, Section 1, provides that full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state; that said divorce decree and seperation agreement established all rights and liabilities of the parties to said decree in the State of Alabama; that the State of California is legally obligated to honor said decree under said section of said Constitution and that the Circuit Court of Baldwin County, Alabama has exclusive jurisdiction of said minor child, Brenda Gayle Turner, as a Ward of said Court.

Wherefore, the premises considered, your Respondent prays that the Complainant, Dorothy Jean Turner Snyder, whose present address is 1066 West 14th Street, San Bernardino, California be given notice by registered mail of the pendency of these proceedings, requiring her to plead, answer or demur to the same within the time prescribed by law and the practice of this Honorable Court.

Your Respondent further prays that upon a final hearing hereof, Your Honor will make a decree awarding the care, custody and control of said minor child, Brenda Gayle Turner to your Respondent, Howard Sylvester Turner, subject to further orders and decrees of this court.

Dated this 20th day of December, 1961.

Howard Sylvester Turner
Howard Sylvester Turner, Respondent-Petitioner

Reuben F. McKinley
Reuben F. McKinley, Attorney for the Respondent-Petitioner

State of Alabama
Baldwin County

Before me, the undersigned authority, within and for said County in said State, personally appeared Howard Sylvester Turner, who being by me first duly and legally sworn, deposes and says; that he is the Respondent-Petitioner in the above styled cause; that he has read over the foregoing instrument and that the facts contained therein are true.

Howard Sylvester Turner

Sworn to and subscribed before me on this the 20 day of Dec 1961.

Notary Public, Baldwin County, Alabama

FILED
DEC 20 1961
ALICE J. DUCK, CLERK
REGISTER

DOROTHY JEAN TURNER	)	
COMPLAINANT	)	IN THE CIRCUIT COURT OF
VS	)	BALDWIN COUNTY, ALABAMA,
HOWARD SYLVESTER TURNER	)	IN EQUITY
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 examined the Complainant's Witnesses; and agrees that this cause be submitted for final decree without further notice.

Howard S. Turner

STATE OF ALABAMA
BALDWIN COUNTY

I, Gilbert M Brantley, a Notary Public, in and for said County, in said State, hereby certify that Howard Sylvester Turner, 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 2nd day of Feb, 1956.

Gilbert M Brantley
Notary Public, Baldwin County, Alabama

COMMISSION TO TAKE DEPOSITIONS B.T.-500-11-54

THE STATE OF ALABAMA
Baldwin County } **Circuit Court**

TO: W. E. Polay, Sr., 11 East Main Street, Decatur, Macon County, Illinois

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 Jean Turner

a witnesses in behalf of Dorothy Jean Turner in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Dorothy Jean Turner is, Complainant

and Howard Sylvester Turner, is

Respondent

on oath, to be by you administered, upon Jean Turner

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 16th day of February, 1956

Register.

Commissioner's Fee, $

Witness' Fees, $

No._____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

_____

_____

_____

_____

Complainant___

VS.

_____

_____

_____

Defendant___

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

_____

WITNESSES:

_____

_____

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons HOWARD SYLVESTER TURNER 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 DOROTHY JEAN TURNER, as Complainant and against HOWARD SYLVESTER TURNER, as Respondent.

WITNESS, my hand this the 28 day of November, 1955.

Alice J. Duck
Register

- -

DOROTHY JEAN TURNER	)	
		IN THE CIRCUIT COURT OF
COMPLAINANT	)	
		BALDWIN COUNTY, ALABAMA,
VS	)	
		IN EQUITY
HOWARD SYLVESTER TURNER,	)	
RESPONDENT	)	

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

Comes now your Complainant and respectfully represents and shows unto Your Honor as follows:

1.

That the Complainant and Respondent are both over the age of twenty-one years and are bona fide resident citizens of said County and State, and have been for more than two years next preceding the time of the filing of this Bill of Complaint.

2.

That your Complainant and Respondent were lawfully married to one another on or about June 19, 1950, at Perdido, Alabama.

3.

That there was born to their union two children, Howard Wayne Turner a boy age 4, and Brenda Gayle Turner, a girl, age 1.

4.

That your Complainant and Respondent now jointly own the following described land to-wit,

Northwest quarter of Southwest quarter of Southeast quarter of Section 25, Township 1 North, Range 4 East, in Baldwin County, Alabama.

That there is a house located on said land. That the Complainant and Respondent jointly purchased the following described household goods: a four piece bedroom suite, a living room suite, three chairs, 5 tables, a cedar chest, a stove, 4 cabinents, a four piece breakfast set, and a refrigerator. That the Respondent now has about $1000.00 deposited in the Bank of Atmore.

5.

That on the 31st day of December, 1954, on account of the matters hereinafter complained of, your Complainant was compelled to leave the Respondent and live separate and apart from him; that on this date the Respondent beat the Complainant by striking her with his fist; that he beat her prior to this and at a time when she was pregnant; that on one occasion the Respondent threatened to kill theComplainant; that your Complainant had reasonable apprehension that if she continued to live with the Respondent her life and health would be endangered.

6.

Your Complainant avers that she is a fit and proper person to have the care, custody and control of her minor children; that the Respondent is not, because of the foregoing allegations.

7.

That your Complainant has employed the firm of Wilters & Brantley to represent her in this matter of divorce and has no means of paying them for their services.

8.

That the Respondent is an abled bodied man and is now earning approximately Three Thousand ($3000.00) Dollars per year.

WHEREFORE, the premises considered, your Complainant prays that Your Honor will by proper process make the said Howard Sylvester Turner, 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 practices of this Honorable Court.

Premises considered, Your Complainant prays that on a final hearing of this cause, Your Honor will enter a decree granting your Complainant a divorce from the Respondent and granting her the right to remarry. Your

Complainant prays further that Your Honor will by said decree grant her the permanent care, custody and control of her two minor children, Howard Wayne Turner and Brenda Gayle Turner. Your Complainant further prays that Your Honor will grant her alimony in gross and cause the Respondent to convey title tothe property described in this Bill of Complaint to the Complainant in payment of the same or will impose a lien upon this property to force payment of the same. Your Complainant further prays that Your Honor will order the Respondent to pay the Complainant support money for her minor children. Your Complainant prays further that the Court will ascertain a reasonable attorneys fees to be paid the firm of Wilters & Brantley and cause the Respondent to pay the same, together with the cost of this proceeding. Your Complainant further prays for such, other, further and different relief to which your Complainant may in equity be entitled.

Wilters & Brantley

BY: Gilbert M Brantley

Solicitors for the Complainant

3663

Received 28 day of Nov 1955
and on 1 day of Dec. 1955
I served a copy of the within Bill of
on Complaint

By service on Howard Sylvester
Turner

FLOYD WILKINS, Sheriff
By J D Horn D. S.
Perdido Ala

DOROTHY JEAN TURNER

RECORDED

COMPLAINANT

VS

HOWARD SYLVESTER TURNER

RESPONDENT

BILL OF COMPLAINT

FILED
NOV 28 1955
ALICE J. DUCK, Register

Respondent lives
In Perdido.

8600 - Motion for Decree Pro Confesso After Service by Registered Mail. B.T. 1-47-200

The State of Alabama,
Baldwin County.

No. 3663 CIRCUIT COURT, IN EQUITY.

Dorothy Jean Turner (Snyder) Complainant

Vs.

Howard Sylvester Turner Defendant

Motion is hereby made for a Decree Pro Confesso against Dorothy Jean Turner (Snyder) Complainant ~~Defendant~~

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Complainant ~~Defendant~~, and that said summons was duly served by Registered Mail, according to law, and that said Complainant ~~Defendant~~ has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 6th day of February, 1962

[illegible], Solicitor.

No. ..... Page.....

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT, IN EQUITY

.....

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Vs.

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MOTION FOR DECREE PRO CONFESSO
AFTER NOTICE BY REGISTERED MAIL

Filed FILED, 19.....

FEB 6 1962

ALICE J. DUCK, CLERK REGISTER Register.

Recorded in ..... Record,

Vol. ..... Page .....

..... Register.

The Baldwin Times, Bay Minette, Ala.

STATE OF ALABAMA

BALDWIN COUNTY

We, the undersigned, Dorothy Jean Turner and Howard Sylvester Turner, feeling that we can no longer live together as man and wife, have separated and pending a divorce decree have reached a mutual agreement as to the custody of our children and the division of our property which is hereinafter set out:

It is agreed that Dorothy Jean Turner shall have the care, custody and control of our child, Brenda Gayle Turner.

It is agreed that Howard Sylvester Turner shall have the care, custody and control of our child, Howard Wayne Turner.

It is further agreed that both of us shall have the right to visit the child in the other parent's custody at all reasonable times and places and we further agree that in the event of the death of either party to this agreement, the surviving parent shall have the full care, custody and control of both of the above named children.

It is further understood and agreed that Howard Sylvester Turner shall pay Dorothy Jean Turner THREE HUNDRED FIFTY ($350.00) DOLLARS cash and her attorneys fees in the divorce suit now pending in the amount of ONE HUNDRED ($100.00) DOLLARS. For and as consideration of this agreement Dorothy Jean Turner hereby waives all her right, title and interest in and to all the personal property jointly owned by the parties to this agreement; she agrees to convey to Howard Sylvester Turner all of her interest in and to all real property jointly owned by the parties to this agreement and further agrees to waive all her right to alimony and to support for herself and her child, Brenda Gayle Turner.

Executed in duplicated, this the 27 day of January, 1956.

x Dorothy Jean Turner (SEAL)

Howard S. Turner (SEAL)

STATE OF ALABAMA
BALDWIN COUNTY

I, Evelyn Watts, a Notary Public, in and for said County, in said State, hereby certify that Howard Sylvester Turner, 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 the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 1 day of ~~January~~ Feb., 1956.

Evelyn Watts
Notary Public,

STATE OF ILLINOIS
COUNTY OF Macon

I, J. Fehrman, a Notary Public, in and for said County, in said State, hereby certify that Dorothy Jean Turner, 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 the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 27 day of January, 1956.

J. Fehrman
Notary Public,