

(3741)

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

GARY O. BROWN, Complainant

vs.

FRANCES DIANE BROWN, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Deed & Copy of 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 GARY O. BROWN is forever divorced from the said FRANCES DIANE BROWN for and on account of

Abandonment. IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Respondent, Frances Diane Brown, is hereby awarded custody and control of the minor child of this marriage, namely, Gari Ann Brown, and that she is awarded the sum of \$40.00 per month as support and maintenance for the said minor child.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant pay to Arthur C. Epperson the sum of \$ 50.00, as reasonable 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 Gary O. Brown the Complainant pay the cost herein to be taxed, for which executed may issue.

This 31 day of September, 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.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

*Filed 12-15-56
Avis French
Avis -*

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

GARY O. BROWN

Complainant

VS.

FRANCES DIANE BROWN

Respondent

I, Frances G. Mallory

as Register and Commissioner in Chancery

have called and caused to come before me Gary O. Brown and E. R. Weston

witness es named in the Requirement for Oral Examination, on the 16 day of July
1956, at the office of C. G. Chason
in Foley, Alabama, and having first sworn said Witness es to speak the
truth, the whole truth, and nothing but the truth, the said Gary O. Brown and E. R. Weston
doth depose and say as follows:

Testimony of Gary O. Brown:

My name is Gary O. Brown. I am over the age of twenty-one years and a bona fide resident citizen of Fairhope, Baldwin County, Alabama, having been such a resident citizen for over a year, and previous thereto, have been a resident citizen of Foley, Baldwin County, Alabama, for several months. Frances Diane Brown, who is seventeen years of age, is a resident of Portales, New Mexico. We were married in July of 1954, and more than one year ago she voluntarily and with no cause abandoned my bed and board, and we have not lived together or recognized each other as husband and wife since that time. We have one child, Gari Ann Brown, who was born on May 16, 1955, and who is in the care, custody and control of her mother. I believe at the present time si that she is a suitable and proper person to have custody, and I am financially able to pay the sum of Forty Dollars (\$40.00) per month for the maintenance and support of the said minor child. I have entered into an agreement with Frances Diane Brown relative to the custody and support of Gari Ann Brown, and ask that a copy of this contract be filed with this case.

Signed: Gary O. Brown

Testimony of E. R. Weston:

My name is E. R. Weston. I am over the age of twenty-one years and a resident citizen of Fairhope, Baldwin County, Alabama. I am personally acquainted with Gary O. Brown, who has been a resident citizen of Fairhope, Baldwin County, Alabama, formore than one year. He was married to Frances Diane Brown in 1954 and more thanone year ago she voluntarily and with no cause abandoned his bed and board, and they have not lived together or recognized each other as husband and wife since that time.

Signed: E. R. Weston

ORAL EXAMINATION.

I, Frances G. Mallory, as Register and Commissioner hereby certify that the foregoing deposition S on Oral Examination was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself and C. G. Chason at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom made before me of the identity of said witness es; 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 16 day of July, 1956

Frances G. Mallory
(R.S.)

NO. 3741 PAGE

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

GARY O. BROWN

vs. Complainant

FRANCES DIANE BROWN

Respondent.

Oral Deposition

Filed _____, 1956

FILED

AUG 20 1956
Recorded in _____ Register.

Record _____ Register

Vol. _____ Page _____ Register

GARY O. BROWN
COMPLAINANT }
VS }
FRANCES DIANE BROWN
RESPONDENT }

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Now comes Frances Diane Brown, the respondent in the above entitled cause, by her attorneys, and amends her answer and cross-bill to the bill of complaint in said cause heretofore filed as follows:

1. For answer to paragraph one, the respondent admits that complainant is over the age of 20 years, but denies that he is a bona fide legal resident of Baldwin County, Alabama, or that he has been such for more than one year. Respondent admits that she is not a resident of the state of Alabama, and that her present address is: c/o M. T. Brown, P.O. Box 621, Portales, New Mexico, but states, however, she is in truth and fact now over the age of 17 years, and will be 18 on August 7, 1956.

2. For answer to paragraph two, respondent admits that complainant and respondent were married on July 20, 1954.

3. For answer to paragraph three, respondent specifically denies paragraph three of complaint.

4. For answer to paragraph four, respondent admits that one child, Cari Ann Brown, was born of this marriage on May 17, 1955, and that she is now in the custody of respondent.

Now having answered the allegations in the Bill filed in this cause by Gary O. Brown, the respondent prays that this her answer be made and taken as a cross-bill, and she avers:

1. That she is without necessary funds with which to employ an attorney to represent her in this cause and that she has secured the services of Arthur C. Epperson, Attorney at Law, Foley, Alabama, to represent her in this cause.

Wherefore the premises considered, the cross-complainant

makes the said Gary O, Brown respondent to this cross-bill and prays that upon a final hearing of this cause that your Honor will render a decree granting custody and support and maintenance of said minor child to the respondent and permanent attorney fees for her solicitor of record in the sum of \$100.00, and your cross-complainant prays for such other, further or general relief to which she may be entitled, and waives notice of the filing of interrogatories in said cause, and the right to cross same; waives notice of taking of testimony in said cause, and consents that the same may be taken and the cause submitted for final decree.

Arthur C. Epperson
Solicitor for Respondent and
Cross-Complainant

FILED
JUL 22 1924
CLERK OF COURT

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: FRANCES G. MALLORY

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 Gary O. Brown and E. R. Weston

as witnesses in behalf of Gary O. Brown in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Gary O. Brown

_____, Complainant
and Frances Diane Brown

_____, Respondent

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

Witness 16 day of July, 1956

Alice J. Wink
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 3741

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

GARY O. BROWN

Complainant—

vs.

FRANCES DIANE BROWN

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

WITNESSES:

CECIL G. CHASON

ATTORNEY AT LAW
FOLEY, ALABAMA

August 27, 1956

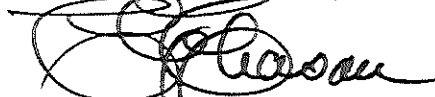
Mrs. Alice J. Duck, Register
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is Deposition, Commission to take
Deposition, Note of Testimony, Agreement, and Divorce
Decree in the divorce proceeding of Brown -vs- Brown.

Please advise me what the Costs of Court will be.

Yours very truly,



C. G. Chason

CGC:fm

encls. 5

CECIL G. CHASON

ATTORNEY AT LAW
FOLEY, ALABAMA

February 22, 1956


Mrs. Alice J. Duck, Register
Bay Minette, Alabama

Dear Mrs. Duck:

I am enclosing herewith an original and two (2) copies of a Bill of Complaint for divorce against Frances Diane Brown, who is a minor, along with an order appointing a Guardian Ad Litem and an acceptance of the Guardianship.

Please serve a copy of the Summons and Complaint on the Respondent by Registered Mail, c/o M. T. Brown, Box 621, Portales, New Mexico. As soon as you have a return from the service, fill in on the Decree appointing the Guardian Ad Litem, the date of service, and ask Judge Hall to make an appointment. Let me then know who has been appointed, in order that a date for hearing can be agreed upon.

Yours very truly,


C. G. Chason

CGC:fm

encls. 5

CECIL G. CHASON

ATTORNEY AT LAW
FOLEY, ALABAMA

October 10, 1956


3741

Mrs. Alice J. Duck, Register
Bay Minette, Alabama

Dear Mrs. Duck:

Please tell us the status of the Gary O. Brown -vs- Frances Diane Brown Divorce proceeding. I understood the Divorce Decree had already been rendered, however, we have not yet received the Cost Bill. If rendered, please let us know the amount of Costs.

Yours very truly,


C. G. Chason
fm.

CGC:fm

GARY O. BROWN

vs.

FRANCES DIANE BROWN

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, _____
appointment of Guardian ad Litem, amended Bill of Complaint,
Executed Contract and Agreement and testimony of Gary O. Brown
and E. R. Weston

and in behalf of Defendant upon Plea in abatement, answer and Cross-
Complaint and Answer and Waiver

[Handwritten signature]
Attorney for Complainant

[Handwritten signature]
Register.

No. 3741

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

GARY O. BROWN

vs.

FRANCES DIANE BROWN

NOTE OF TESTIMONY

Filed in Open Court this
day of , 194.....

FILED
AUG 22 1956
ALICE L. LUCK, Register
Register.

STATE OF ALABAMA
BALDWIN COUNTY

WHEREAS, heretofore, Gary O. Brown has instituted in the Equity Court of Baldwin County, Alabama, a suit for Divorce against Frances Diane Brown, in which it was suggested that Frances Diane Brown be granted the care, custody and control of Gari Ann Brown, the minor child of this marriage and that she be paid the sum of \$30.00 per month for maintenance and support, and,

WHEREAS, the said Frances Diane Brown has filed a cross-complaint and Gary O. Brown an amended complaint, and,

WHEREAS, both of the parties hereto still insist that they shall proceed in prosecution of their cause, and,

WHEREAS, in anticipation of a divorce being granted, they have reached certain agreements not fully set out in the Bill of Complaint,

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and in consideration of the proceeding now pending, it is mutually agreed between the parties as follows:-

1. That the Respondent, Frances Diane Brown, will withdraw the cross-bill filed in said cause and will file by and through her attorney of record an Answer and Waiver.

2. That the Complaint of Gary O. Brown will be amended or such testimony entered as will result in custody and control of the minor child of this marriage being placed in Frances Diane Brown, with the sum of \$40.00 per month being allowed for the support and maintenance of the said minor child.

3. Gary O. Brown hereby agrees that should Frances Diane Brown re-marry some person who is fit and proper, that he will interpose no objection to the adoption of Gari Ann Brown by the step-father.

4. In the event of adoption, he shall no longer be required to pay for the support and maintenance of the said minor child.

WITNESS the hands and seals of the parties hereto on this the 12th day of June, 1956.

STATE OF ALABAMA
BALDWIN COUNTY

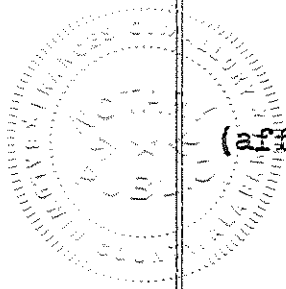
Gary O. Brown SEAL
Frances Diane Brown SEAL

C. G. C.

I, FRANCES G. MALLORY, a Notary Public in and

for said County in said State, hereby certify that GARY O. BROWN, 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 said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and Notarial Seal hereto affixed by me on this the 12th day of June, 1956.



(affix Seal)

Frances G. Mallow
Notary Public, Baldwin County
State of Alabama

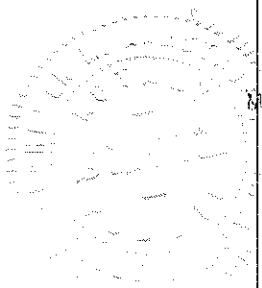
STATE OF NEW MEXICO

COUNTY OF ROOSEVELT

I, *Helen M. Armstrong*, a Notary Public in and for said County in said State, hereby certify that FRANCES DIANE BROWN, 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 said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and Notarial Seal hereto affixed by me on this the 16 day of June, 1956.

My Commission expires Jan. 15, 1960



(affix Seal)

Helen M. Armstrong
Notary Public, Roosevelt County
State of New Mexico

GARY O. BROWN,)	
Complainant,	)	IN THE CIRCUIT COURT OF
-vs-	)	BALDWIN COUNTY, ALABAMA
	)	IN EQUITY
FRANCES DIANE BROWN,)	
Respondent.)	

APPOINTMENT OF GUARDIAN AD LITEM

In this cause it appearing to the Court that the Respondent, Frances Diane Brown, is a minor, under the age of eighteen (18) years and therefore cannot defend the suit for divorce brought in this cause without the intervention and protection of a Guardian Ad Litem, and it further appearing that a copy of the Summons and Bill of Complaint in this cause was personally served on the said minor by Registered Mail on the 16 day of March, 1956, and it further appearing that _____

James Bruce, a practicing attorney of law in Baldwin County, Alabama, is in all respects a suitable and proper person to act as Guardian Ad Litem for said minor, and said James Bruce having filed his consent in writing to act as such, it is now, therefore, ordered by the Court that James Bruce be and he is hereby appointed to act as Guardian Ad Litem for said minor, Frances Diane Brown.

Done this the 19 day of March, 1956.

Hubert M. Hall
Circuit Judge

Comes James Bruce and accepts the appointment as Guardian Ad Litem for Frances Diane Brown, the Respondent in the above stated cause and consents to act as such Guardian Ad Litem for said minor.

James Bruce
Attorney at Law

GARY O. BROWN)	
COMPLAINANT	)	IN THE CIRCUIT COURT OF
)	
<u> VS </u>	)	BALDWIN COUNTY, ALABAMA
)	
FRANCES DIANE BROWN	)	IN EQUITY
RESPONDENT)	

Now comes Frances Diane Brown, the respondent in the above entitled cause, by her attorneys, and amends her answer and cross-bill to the bill of complaint in said cause heretofore filed as follows:

1. For answer to paragraph one, the respondent admits that complainant is over the age of 20 years, but denies that he is a bona fide legal resident of Baldwin County, Alabama, or that he has been such for more than one year. Respondent admits that she is not a resident of the state of Alabama, and that her present address is: c/o M. T. Brown, P.O. Box 621, Portales, New Mexico, but states, however, she is in truth and fact now over the age of 17 years, and will be 18 on August 7, 1956.

2. For answer to paragraph two, respondent admits that complainant and respondent were married on July 20, 1954.

3. For answer to paragraph three, respondent specifically denies paragraph three of complaint.

4. For answer to paragraph four, respondent admits that one child, Gari Ann Brown, was born of this marriage on May 17, 1955, and that she is now in the custody of respondent.

Now having answered the allegations in the Bill filed in this cause by Gary O. Brown, the respondent prays that this her answer be made and taken as a cross-bill, and she avers:

1. That she is without necessary funds with which to employ an attorney to represent her in this cause and that she has secured the services of Arthur C. Epperson, Attorney at Law, Foley, Alabama, to represent her in this cause.

Wherefore the premises considered, the cross-complainant

makes the said Gary O, Brown respondent to this cross-bill and prays that upon a final hearing of this cause that your Honor will render a decree granting custody and support and maintenance of said minor child to the respondent and permanent attorney fees for her solicitor of record in the sum of \$100.00, and your cross-complainant prays for such other, further or general relief to which she may be entitled, and waives notice of the filing of interrogatories in said cause, and the right to cross same; waives notice of taking of testimony in said cause, and consents that the same may be taken and the cause submitted for final decree.


Solicitor for Respondent and
Cross-Complainant

GARY O. BROWN
Complainant)
VS.)
FRANCIS DIANE BROWN
Respondent)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
CASE NO. ~~333~~ 3741

Now comes the respondent, Francis Diane Brown and moves the Court to strike the amendment to the original bill of complainant filed in this cause and for grounds of said motion assigns separately and severally, the following:

1. Said amendment to said original bill of complaint is a departure from the original bill.
2. Said amendment to the original bill of complaint constitutes an entire change of cause of action from the cause of action set up in the original bill
3. Said amendment shows on its face that there is no equity contained in said amendment.
4. Said amendment does not state a cause of action.

Arthur C. Sperson
ATTORNEY FOR RESPONDENT

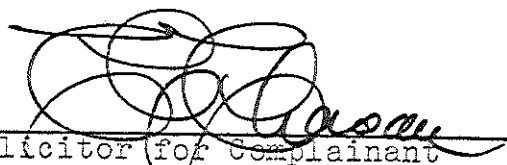
COPY MAILED TO:
Cecil G. Chason, Attorney of Record
for the Complainant, Foley, Ala.
Postage prepaid June 16, 1956.

GARY O. BROWN)	
Complainant	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
FRANCES DIANE BROWN	)	IN EQUITY
Respondent)	

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, Sitting in Equity:

Comes the Complainant in the above styled cause and amends the original Bill of Complaint heretofore filed by adding there- to the following:

6. Complainant further avers that the Respondent has com- mitted actual violence on his person, attended with danger to his life or health in that she procured or obtained the services of a professional boxer, or a man proficient in fighting, or requested, or directed a professional boxer, or a man proficient at fighting to beat the Complainant, so that Complainant's nose was broken, and seven stitches taken in and about the treatment of his wounds, and that she committed actual violence on his person in that she threw a pair of scissors at him, and that she has made threats of doing other and further bodily harm to him, and committing other actual violence on his person, attended with danger to his life or health, and that he is reasonably apprehen- sive of such other or further violence should he continue to live with her.


Solicitor for Complainant

3741

AMMENDMENT TO BILL OF COMPLAINT

() () () () () () () ()

GARY O. BROWN

Complainant

-vs-

FRANCES DIANE BROWN

Respondent

() () () () () () () ()

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

() () () () () () () ()

FILED

MAY 30 1956

ALICE I. DUCK, Register

GARY O. BROWN)	
)	
Complainant	)	IN THE CIRCUIT COURT OF
)	
-vs-	)	BALDWIN COUNTY, ALABAMA
)	
FRANCES DIANE BROWN	)	IN EQUITY
)	
Respondent)	
)	

Now comes Frances Diane Brown, the respondent in the above entitled cause, by her attorneys, and for answer to the bill of complaint in said cause heretofore filed, she says:

1. For answer to paragraph one, the respondent admits that complainant is over the age of 20 years, but denies that he is a bona fide legal resident of Baldwin County, Alabama, or that he has been such for more than one year. Respondent admits that she is not a resident of the state of Alabama, and that her present address is: c/o M. T. Brown, P. O. Box 621, Portales, New Mexico, but states, however, she is in truth and fact now over the age of 17 years, and will be 18 on August 7, 1956.

2. For answer to paragraph two, respondent admits that complainant and respondent were married on July 20, 1954.

3. For answer to paragraph three, respondent specifically denies paragraph three of the complaint.

4. For answer to paragraph four, respondent admits that one child, Gari Ann Brown, was born of this marriage on May 17, 1955, and that she is now in the custody of respondent.

5. For answer to paragraph five, the respondent admits that the complainant is gainfully employed and able to pay the respondent considerably more than stated in the complaint.

Now having answered the allegations in the Bill filed in this cause by Gary O. Brown, the respondent prays that this her answer be made and taken as a cross-bill, and she avers:

1. That the cross-respondent Gary O. Brown is in the military service and stationed at Barin Field, Baldwin County,

Alabama, and is a resident of Portales, New Mexico; that your cross-complainant is 17 years of age and is a bona fide resident of Portales, New Mexico.

2. That on July 20, 1954, she intermarried with Gary O. Brown at Clovis, New Mexico, and that of this marriage there was born one child, Gari Ann Brown, born on May 17, 1955, and who is now in the custody of the cross-complainant.

3. That at the time of said marriage cross-respondent was in the military service of the U. S., with the U.S. Navy, stationed at Norman, Oklahoma; that after said marriage cross-respondent returned to his base at Norman, Oklahoma, and cross-complainant remained at Portales, New Mexico; that during the time he was at Norman, Oklahoma, he would visit cross-complainant at Portales, New Mexico, every other weekend; that on or about October 1, 1954, cross-respondent was transferred to Memphis, Tennessee; that soon after this the cross-complainant went to Memphis, Tennessee, where she lived with cross-respondent until on or about December 20, 1954; that on said date the cross-respondent told the cross-complainant to come to Portales, New Mexico, and that he would join her later, having obtained a leave of absence; that cross-respondent failed and refused to come to Portales, New Mexico, as promised; that on or about February 11, 1955, cross-respondent was transferred to Foley, Alabama; that he had never been to see cross-complainant, or their child, from the time he sent cross-complainant home from Memphis, Tennessee; that cross-complainant was always willing and ready to join cross-respondent, and live with him as his wife, as soon as he made preparations for same; that cross-respondent never made such preparations; that on or about August 15, 1955, cross-respondent wrote cross-complainant asking for a divorce; that cross-complainant informed cross-respondent that she did not want a divorce, that she wished to join him and establish a home for their child; that cross-complainant did not hear anything further from cross-respondent until sometime during October, 1955, when he came home on leave; that he then asked her for a divorce and requested that she get same, stating that he needed to marry another girl; that cross-complainant again refused such

request, and asked that he establish a home for her and their child; that soon after this cross-respondent returned to Foley, Alabama, and cross-complainant heard nothing further whatever from him until receiving the summons and process in this cause.

4. Cross-complainant states that the minor child of the parties is now of the approximate age of one year; that she is unable to work because of having to care for said child and to devote full time to same; that she is now receiving for the support of said child the sum of \$117.10 per month, by way of allotment from the U. S. Navy; that with this sum, though not fully adequate, she is able to secure the necessities of life for said minor child; that as to her support, she is entirely dependent upon her father, M. E. Brown; that the sum of \$30.00 per month is not sufficient to provide the necessities of life for said minor child; that there are outstanding doctor and hospital bills in the approximate amount of \$75.00, which are owed by the parties; that she is without necessary funds with which to employ an attorney to represent her in this cause, or with which to travel to Alabama to contest same; that she has secured the services of Arthur C. Epperson, Attorney at Law, Foley, Alabama, to represent her in this cause.

Wherefore the premises considered, the cross-complainant makes the said Gary O. Brown respondent to this cross-bill and prays that the process of this Court may be directed to him according to law, commanding him to appear in this cause within the time and in the manner required by law and the rules of this court and plead, answer or demurr to this, her cross-complaint within the time required by law and that your Honor will order the Register of this Court to hold a reference and report to this Court what would be a reasonable amount to be allowed your cross-complainant as alimony for her and her minor child's support and maintenance pending this suit; what would be a reasonable amount to be allowed your cross-complainant for travel ex-

penses from Portales, New Mexico, to Baldwin County, Alabama, to contest this suit; and what would be a reasonable amount to be allowed your cross-complainant's solicitor and that upon a final hearing of this cause that your Honor will render a decree granting to your cross-complainant permanent alimony and support and maintenance for herself and minor child in the sum of \$150.00 a month and permanent attorney fees for her solicitor of record in the sum of \$250.00; denying the cross-respondent the relief prayed for in his original Bill of Complaint; and your cross-complainant prays for such other, further or general relief to which she may be entitled.



Solicitor for Respondent and
Cross-complainant

3141

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

GARY O. BROWN
Complainant

-vs-

FRANCES DIANE BROWN
Respondent

ANSWER AND CROSS-COMPLAINT

FILED

MAY 12 1956

ARTHUR O. EPPERSON
ATTORNEY AT LAW
FOLBY, ALA.

GARY O. BROWN)	
)	
Complainant	)	IN THE CIRCUIT COURT OF
)	
-vs-	)	BALDWIN COUNTY, ALABAMA
)	
FRANCES DIANE BROWN	)	IN EQUITY
)	
Respondent)	
)	

Comes your Respondent, Frances Diane Brown, and for the sole and only purpose, and for no other purpose, in abatement of said suit in the above named cause, and pleads:

1. That at the time of the filing of this bill of complaint in this cause the complainant was not and has not become, since the filing of the said bill of complaint, a resident of Baldwin County, Alabama.
2. That the complainant and the respondent were not married in the state of Alabama and have never resided in the state of Alabama.
3. That at the time of the filing of this bill of complaint in this cause the complainant and respondent were not residents of Baldwin County, Alabama, and that the jurisdiction and venue of this cause is not in Baldwin County, Alabama.

Arthur C. Epperson
Solicitor for Respondent

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, personally appeared Arthur C. Epperson, solicitor for the Respondent in the above styled cause, who, first being duly sworn, deposes and says on oath that he is informed and believes and upon such information and belief says that the facts averred in the above plea of abatement are true.

Arthur C. Epperson

Sworn to and subscribed before me this 3 day of April, 1956.

Alice J. Duck
Alice J. Duck
Register of the Circuit Court

3741

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

GARY O. BROWN

Complainant

-vs-

FRANCES DIANE BROWN

Respondent

PLEA ~~OF~~ ABATEMENT

FILED

APR 2 1956

ALICE J. GIBB, Register

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALA.

SUMMONS AND COMPLAINT

The State of Alabama, }
Baldwin County. }

Circuit Court, Baldwin County

No. _____

_____ TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Frances Diane Brown

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against _____

Frances Diane Brown _____, Defendant...

by Gary O. Brown _____

_____, Plaintiff...

Witness my hand this 7th day of March 19 56

Alice J. Smith _____, Clerk

No. _____ Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

Summons and Complaint

Filed _____ 19____

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

_____ 19____

_____, Sheriff

I have executed this summons

this _____ 19____

by leaving a copy with

_____ Sheriff

_____ Deputy Sheriff

GARY O. BROWN,
Complainant,
-vs-
FRANCES DIANE BROWN,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TO THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, Sitting in Equity:

Comes your Complainant, Gary O. Brown, and files this his Bill of Complaint for divorce against Frances Diane Brown, and respectfully represents and shows unto your Honor:-

1. That the Complainant is over the age of twenty years and a bona fide resident citizen of Fairhope, Baldwin County, Alabama, having been such a resident citizen of Baldwin County, Alabama, for more than one year. That Frances Diane Brown, who is sixteen years of age and who will be 17 years of age in July of 1956, is not a resident citizen of the State of Alabama, and whose last known residence and Post Office address was: c/o M. T. Brown, Box #621, Portales, New Mexico.

2. That the Complainant and Respondent were lawfully married in July of 1954.

3. The Complainant further avers that the Respondent has voluntarily abandoned the bed and board of the Complainant for more than one year next preceding the filing of this Bill of Complaint, since which time Complainant and Respondent have not lived together nor in any way recognized each other as husband and wife.

4. Complainant further shows to the Court that there was born of this marriage one (1) child, Gari Ann Brown, who was born on May 16, 1955, and which said minor is in the care, custody and control of the Respondent.

5. Complainant further avers that he is gainfully employed and believes himself to be financially able to pay the sum of Thirty Dollars (\$30.00) per month for the maintenance and support of the minor child of this marriage.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED, your Complainant prays that Frances Diane Brown be made a party defendant of this cause by the usual process of this Honorable Court, by service by Registered Mail, requiring her to plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the Statutes in such cases made and provided; that upon a final hearing of this cause that he be granted a divorce from the said Respondent, and that Respondent be granted custody and control of the minor child hereinabove named. Complainant further prays that the payment of the sum of Thirty Dollars (\$30.00) per month for the maintenance and support of the said minor child be approved.

Complainant further prays that a Guardian Ad Litem be appointed by this Honorable Court to represent and defend the rights of the Respondent, Frances Diane Brown.

Should your Complainant be mistaken in the relief prayed for that he be granted such other, further, different and general relief to which he may be entitled and as in duty bound he will ever pray.


Solicitor for Complainant