

3742

DIVORCE DECREE

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The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

LUTHER S. LAY

Complainant

vs.

IRENE C. LAY

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

LUTHER S. LAY

is forever divorced from the

said

IRENE C. LAY

for and on account of

Abandonment. IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the

Court that the Complainant, Luther S. Lay, pay to the Respondent,

Irene C. Lay, the sum of Five Dollars (\$5.00) per week for the

maintenance and support of the minor child, Billie Joe Lay, and

that custody and control of said minor child is hereby awarded to

the Respondent, Irene C. Lay, with reasonable rights of visitation

reserved to the Complainant, Luther S. Lay.

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 Luther S. Lay

the Complainant pay the cost herein to be taxed, for which executed may issue.

This 27 day of October, 1956

Luther S. Lay

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
OCT 2 1956

CLERK OF COURT

LUTHER S. LAY,
Complainant,
-vs-
IRENE C. LAY,
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, Luther S. Lay, and files this his Bill of Complaint for divorce against Irene C. Lay, and respectfully represents and shows unto your Honor:-

1. That the Complainant is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, Alabama, having been such a bona fide resident citizen for more than one year. That Irene C. Lay is over the age of twenty-one years and is not a resident of the State of Alabama, and her place of residence and Post Office Address are not known and cannot be ascertained by the Complainant, and that Complainant has used reasonable diligence in an attempt to ascertain her location and address. Complainant further shows that the Respondent's last known address was Mt. Vernon, Indiana.

2. That the Complainant and Respondent were married on, to-wit, March 19, 1952.

3. The Complainant further avers that the Respondent 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 child, namely, Billie Joe Lay, who was born on the 27th day of March, 1953, and which said child is in the custody and control of the Respondent.

PRAYER FOR PROCESS AND RELIEF

THE PREMISES CONSIDERED, your Complainant prays that Irene C. Lay be made a party defendant to this his Bill of Complaint for divorce, and prays that process of this Court may issue to

her by the usual process as provided by Law, and that a copy of said Complaint may be sent to her at her last known address, said process to require her to appear in this cause and plead, answer or demur within the time and under the penalties prescribed by Law, and that upon a final hearing of this cause your Honor will make and enter a Decree granting to your Complainant an absolute divorce from the said Respondent, upon the grounds hereinabove set out.



Solicitor for the Complainant

BOOK 021 PAGE 277

LUTHER S. LAY,
Complainant,
-vs-
IRENE C. LAY,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Comes the Respondent, acting by and through her attorney,
and waives notice of the taking of testimony in said cause
and consents that the same may be taken and the cause submitted
for final decree.

And for Answer to the Bill of Complaint heretofore filed
in this cause, Respondent says:

1. She admits the allegations contained in Paragraph 1
of said Bill of Complaint.

2. She admits the allegations contained in Paragraph 2
of said Bill of Complaint.

3. She denies the allegations contained in Paragraph 3
of said Bill of Complaint and demands strict proof thereof.

4. She admits the allegations contained in Paragraph 4
of said Bill of Complaint.


Attorney for Respondent

STATE OF ALABAMA

BALDWIN COUNTY

Before me, FRANCES G. MALLORY, a Notary Public in and for said County in said State, personally appeared Luther S. Lay, who is known to me and who, after being by me first duly and legally sworn, deposes and says as follows:- That his name is Luther S. Lay; that he is over the age of twenty-one years, and a bona fide resident citizen of Baldwin County, Alabama; that he is the Complainant in an action for divorce filed in the Circuit Court of Baldwin County, Alabama, wherein Irene C. Lay is the Respondent; that Irene C. Lay is over the age of twenty-one years and that she is a non-resident of the State of Alabama, her address being unknown; that the Respondent's last known address was Mt. Vernon, Indiana, but the Complainant has been informed and believes that the Respondent has departed from Mt. Vernon Indiana, and her present Post Office address and location is unknown and cannot be ascertained after diligent inquiry; that in making inquiry the Complainant has requested of a friend of the Respondent, who is a resident of Indiana, to assist in locating the Respondent, and was informed that she believed the Respondent to have gone to Mississippi, but the town or location is not known. That this is made for the purpose of obtaining an order from the Register in Chancery for Notice by Publication, as provided by the Laws and Statutes of the State of Alabama.

Luther S. Lay
Complainant

Sworn to and subscribed before
me, a Notary Public, on this the
5th day of March,
1956.

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

LUTHER S. LAY,

Complainant,

VS.

IRENE C. LAY,

Respondent.

IN THE CIRCUIT COURT OF

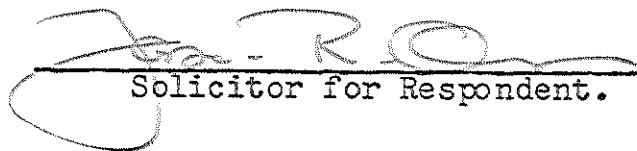
BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3742

DEMURRER

Now comes the Respondent in the above styled cause, by her solicitor, and demurs to the Bill of Complaint heretofore filed in this cause and as grounds for said demurrer assign the following:

- 1. The said complaint does not state a cause of action.


 Solicitor for Respondent.

TO: RECORDED
 BY: [illegible]
 IN: [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

DEMURRER

3742

LUTHER S. LAY,
 Complainant,
 VS.
 IRENE C. LAY,
 Respondent.

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 IN EQUITY NO. 3742

FILED

APR 4 1956

ALICE J. DUCK, Register

RECEIVED FOR THE REGISTER

RECEIVED FOR THE REGISTER
 APR 4 1956
 BALDWIN COUNTY, ALABAMA

RECEIVED FOR THE REGISTER
 APR 4 1956
 BALDWIN COUNTY, ALABAMA

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

LUTHER S. LAY

Complainant

VS.

IRENE C. LAY

Respondent

I, Frances G. Mallory

as Register and Commissioner in Chancery

have called and caused to come before me Luther S. Lay and Frank Osborne

witness^{es} named in the Requirement for Oral Examination, on the 2nd day of Oct
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 Luther S. Lay and Frank
Osborne doth depose and say as follows:

Testimony of Luther S. Lay:

My name is Luther S. Lay. I am over the age of twenty-one years and a bona fide resident citizen of Foley, Baldwin County, Alabama, having been such a resident citizen for more than one (1) year prior to filing my divorce proceeding. Irene C. Lay is over the age of twenty-one years and I do not know her exact ~~address~~ location but her last known address was Mt. Vernon, Indiana. We were married on March 19, 1952, and lived together as husband and wife until August of 1954, at which time and with no cause she voluntarily abandoned my bed and board and we have not lived together nor recognized each other as husband and wife since that time. We have one child, namely Billie Joe Lay, who was born on March 27, 1953. He is now in the custody of his mother, and I feel that I am financially able to pay the sum of Five Dollars (\$5.00) per week for its maintenance and support.

Signed: Luther S. Lay

Testimony of Frank Osborne:

My Name is Frank Osborne. I am over the age of twenty-one years and a resident citizen of Foley, Alababama. I am personally acquainted with Luther S. Lay, and he has been a resident of Foley, Baldwin County, Alabama, for approximately two (2) years. Irene C. Lay is not a resident of Alabama and her place of residence is unknown to me. In August of 1954 Irene C. Lay voluntarily and with no cause abandoned the bed and board of Luther S. Lay, taking with her the child of this marriage, Billie Joe Lay.

Signed: Frank Osborne

ORAL EXAMINATION.

I, Frances G. Mallory, 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 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 2nd day of Oct, 1956

Frances G. Mallory (T.S.)

NO. 3712 PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

LUPPER S. LAY

vs. Complainant

IRENE C. LAY

Respondent.

Oral Deposition

Filed _____, 1956

FILED

Recorded in

1956

Register.

Record

Vol. 111 Page _____

Register

COMMISSION TO TAKE DEPOSITIONS

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 Luther S. Lay and Frank Osborne

as witnesses in behalf of Luther S. Lay in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

Luther S. Lay

Complainant

and Irene C. Lay

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 2 day of Oct, 1956

Reice J. W. ...
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 3742

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

LUTHER S. LAY

Complainant—

vs.

IRENE C. LAY

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

WITNESSES:

LUTHER S. LAY,

Complainant,

- vs -

IRENE C. LAY,

Respondent.

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

Comes your Complainant, Luther S. Lay, and shows that he is the Complainant in a Bill of Complaint for divorce against Irene C. Lay, filed on the 6th day of March, 1956, wherein it was set out that the address and residence of Irene C. Lay was unknown. Complainant further shows that he has filed with the Court an affidavit as required by Law. Motion is therefore made that service be had by publication by Rule 6 of Equity Rules of Practice of the State of Alabama.



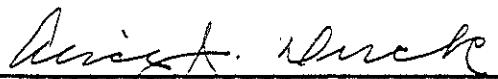
Attorney for Complainant


LUTHER S. LAY,
Complainant,
- vs -
IRENE C. LAY,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

In this cause it being made to appear to the Register of this Court by the Affidavit of Luther S. Lay that the Respondent, Irene C. Lay is a non-resident of the State of Alabama, and that her Post Office address is unknown, and further, that the Respondent is over the age of twenty-one years; it is therefore Ordered that publication be made in the Onlooker, a newspaper published in Foley, Alabama, once a week for four (4) consecutive weeks, requiring the said Respondent, Irene C. Lay, to answer or demur to the Bill of Complaint in this cause by the 9th day of April, 1956, or that, after thirty (30) days therefrom a decree Pro-Confesso may be taken against her.

Done this the 6th day of March, 1956.


Alice J. Duck, Register


C. G. Chason, Attorney for Complainant

CECIL G. CHASON

ATTORNEY AT LAW
FOLEY, ALABAMA

March 5, 1956


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

Dear Mrs. Duck:

Enclosed herewith is Bill of Complaint for Divorce of Luther S. Lay against Irene C. Lay. Her address is not known to the Complainant, however, her last known address was Mt. Vernon, Indiana. Therefore, I suggest that you send a copy of the Complaint to her at that address.

I am also enclosing the Publication Notice, which I have taken the liberty of filing with the Foley Onlooker. As you know, one copy of this Notice should be posted in the Court House.

Yours very truly,



C. G. Chason

CGC:fm

encls.

LUTHER S. LAY,
Complainant,
VS.
IRENE C. LAY,
Respondent.

IN THE
CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. IN EQUITY
No. 3742

This cause coming on to be heard is submitted for decree upon the demurrer filed by the Respondent to the bill of complaint on behalf of the Complainant and the Court, after considering the same is of the opinion that the demurrer is not well taken and should be overruled.

IT IS, THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the demurrer of the Respondent to the bill of complaint on behalf of the complainant be, and the same is hereby overruled.

IT IS FURTHER ORDERED that the Respondent is allowed 20 days in which to file additional pleadings.

This 17th day of April, 1956.

Hubert W. Hall
Judge, 20th Judicial Circuit

FILED

APR 18 1956

ALICE L. BUCK, REGISTER

LUTHER S. LAY,
Complainant,
- vs -
IRENE C. LAY,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

In this cause it being made to appear to the Register of this Court by the Affidavit of Luther S. Lay that the Respondent, Irene C. Lay is a non-resident of the State of Alabama, and that her Post Office address is unknown, and further, that the Respondent is over the age of twenty-one years; it is therefore Ordered that publication be made in the Onlooker, a newspaper published in Foley, Alabama, once a week for four (4) consecutive weeks, requiring the said Respondent, Irene C. Lay, to answer or demur to the Bill of Complaint in this cause by the 9th day of April, 1956, or that, after thirty (30) days therefrom a decree Pro-Confesso may be taken against her.

Done this the 6th day of March, 1956.

Alice J. Duck, Register

C. G. Chason, Attorney for Complainant

AFFIDAVIT OF PUBLICATION

LEGAL NOTICE

Luther S. Lay, Complainant
Irene C. Lay, Respondent. In the
Circuit Court of Baldwin County,
Alabama, In Equity.

In this cause it being made to ap-
pear to the Register of this Court
by the Affidavit of Luther S. Lay
that the Respondent, Irene C. Lay
is a non-resident of the State of
Alabama, and that her Post Of-
fice address is unknown, and fur-
ther that the Respondent is over
the age of twenty-one years; it is
therefore Ordered that publica-
tion be made in the Onlooker, a
newspaper published in Foley, Ala-
bama, once a week for four (4)
consecutive weeks, requiring the
Respondent, Irene C. Lay, to
answer or demur to the Bill of
complaint in this cause by the 9th
day of April, 1956, or that, after
thirty (30) days therefrom a de-
creed Pro-Confesso may be taken
against her.

Done this the 6th day of March,
1956.

Alice J. Duck, Register.
C. G. Chason, Attorney for Com-
plainant.

(4t Mar. 8, 15, 22, 29)

I, Loise Howell

Office Manager of The Onlooker, published at
Foley, Ala., do solemnly swear that a copy of the above notice,
as per clipping attached, was published once each week in the
regular and entire edition of said newspaper, and not in any
supplement thereof, for 4 consecutive weeks, com-

mencing with the issue dated Mar. 8, 1956, and

ending with the issue dated Mar. 29, 1956

Loise Howell

Subscribed and sworn to before me this 30th day

of March, 1956

Bliss J. Ebert
Notary Public.

LUTHER S. LAY

vs.

IRENE C. LAY

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, and
Testimony of Luther S. Lay and Frank Osborne

and in behalf of Defendant upon Answer and Waiver

E. J. Hasan
Solicitor for Complainant

W. J. ...
Register.

No. 3742

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

LUTHER S. LAY

vs.

IRENE C. LAY

NOTE OF TESTIMONY

Filed in Open Court this
day of _____, 194

FILED

JUL 2 1956

ALICE J. DECK, Reg. Register.

Printed by the Baldwin Times