

(3753)

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

ISSAC PAYNE

Complainant

vs.

MARY PAYNE

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree of Divorcement~~ on ANSWER & 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 ISSAC PAYNE is forever divorced from the said MARY PAYNE for and on account of

ABANDONMENT

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 ISAAC PAYNE the COMPLAINANT pay the cost herein to be taxed, for which executed may issue.

This 28th day of May 1956

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. 3753

Page

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

ISAAC PAYNE

Complainant

vs.

MARY PAYNE

Respondent

DIVORCE DECREE

FILED
MAY 23 1956
ALICE L. BUCK, CLERK

TONSMEIRE & HODNETTE
ATTORNEYS AND COUNSELLORS AT LAW
ANNEX FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

May 25, 1956

GEORGE A. TONSMEIRE
ROBERT E. HODNETTE, JR.
STOVA F. MCFADDEN

Mrs. Alice Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

We submitted a divorce case a couple of weeks ago entitled "Isaac Payne vs Mary Payne", case #3753.

I wonder if you would advise me of the status of this matter. We have the court costs available and will give you the costs as soon as we find out the amount.

Very truly yours,

TONSMEIRE & HODNETTE



Robert E. Hodnette, Jr.

/jwt

Isaac Payne

Complainant

No. 3753

Vs.

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

Mary Payne

Defendant

ANSWER AND WAIVER

Comes the Defendant in the above entitled cause and for answer to the Bill of Complaint therein admits the allegations as to the ages, residences and marriage and denies each and every other allegation of said Bill of Complaint and demands strict proof thereof.

I agree that the testimony in this cause may be taken by deposition on oral examination, and waive notice of the time and place of the taking such testimony and agree that this cause may be submitted for final decree at any time. I waive all notices to which I may be entitled by law in this cause.

Mary Payne
Defendant

Note: The space below is intended for "Agreements Between the Parties."

It is further agreed by the parties that Vivian M. Gordon may act as commissioner in taking the depositions in the above matter, without the issuance of a commission.

Witnesses to
Mary Payne
D. J. Grant
Henry Smith

Mary Payne
Isaac Payne

Isaac Payne
Mary Payne

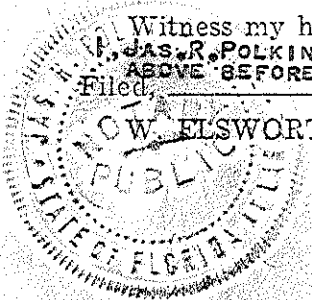
Isaac Payne

STATE OF Alabama

COUNTY OF _____

I, _____, a NOTARY PUBLIC in and for said State and County, do hereby certify that Mary Payne, whose name is signed to the foregoing instrument, and who is known to me, acknowledge before me this day, that being informed of the contents of the instrument, she executed the same voluntarily on the day same bears date.

Witness my hand and seal this _____ day of _____, 19 56.
I, JAS. R. POLKINGHORNE, A NOTARY PUBLIC HEREBY CERTIFY THAT ISAAC PAYNE DID SIGN HIS NAME ABOVE BEFORE ME THIS 28 DAY OF APRIL, 1956



HOW ELSWORTH HAUGHTON, REGISTER

JAS. R. POLKINGHORNE
NOTARY PUBLIC
Notary Public, State of Florida at large.
My commission expires July 19, 1956.
Bonded by American Surety Co. of N. Y.
STATE OF FLORIDA
COUNTY OF ESCAMBIA

ISAAC PAYNE)	IN THE CIRCUIT COURT
Complainant)	OF BALDWIN COUNTY,
VS)	ALABAMA
MARY PAYNE)	IN EQUITY
Respondent)	NO

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

Comes your complainant, Isaac Payne, and respectfully shows unto Your Honor as follows:

ONE

Complainant avers that he is over the age of twenty-one years and that he is a bona fide resident citizen of Pensacola, Florida, and that the respondent is over the age of twenty-one years and is a bona fide resident citizen of Baldwin County, Alabama, and has been such for a period of more than one year next immediately preceding the filing of this bill of complaint, and resides at Route 1, Box 24, Marlowe, Alabama.

TWO

Complainant alleges and avers that he and the respondent are husband and wife, having been lawfully married in the year, to-wit, 1922, in Bay Minette, Alabama.

THREE

Complainant further alleges and avers that the respondent voluntarily abandoned his bed and board without his consent, in March, 1950, without sufficient reason therefor, and without intention to return, and that said abandonment has been continuous and uninterrupted for a period of more than one year next immediately preceding the filing of this bill of complaint.

Complainant further alleges that he and the respondent have had no children born of said marriage.

PRAYER FOR PROCESS

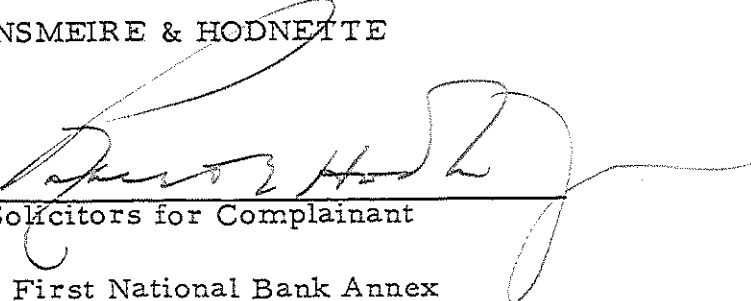
WHEREFORE, the complainant prays that the said Mary Payne be made a party respondent to this bill of complaint and be required to appear and plead, answer or demur to this bill of complaint within the time required by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Complainant prays that, upon the final hearing of this cause, Your Honor will enter a decree dissolving the bonds of matrimony now existing between complainant and respondent, and grant unto him an absolute divorce with the right to remarry.

Complainant prays for such other, further and different relief as in equity and good conscience he may be entitled to receive, the premises considered.

TONSMEIRE & HODNETTE

By 
Solicitors for Complainant

407 First National Bank Annex
Mobile, Alabama

3753

Isaac Payne
vs.
Mary Payne

FILED

MAR 21 1956

ALLEN L. BRICK, Notary

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

CIRCUIT COURT, BALDWIN COUNTY

BALDWIN COUNTY

No. 3753

March TERM, 19 56

BOOK 021 PAGE 348

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon

MARY PAYNE

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

MARY PAYNE

Defendant

by ISAAC PAYNE

Plaintiff

Witness my hand this 21 day of March 19 56

Amos J. Drake Clerk

No. 3753

Page

*Et 1 Box 24
Marlowe*

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

ISAAC PAYNE

Plaintiffs

vs.

MERY PAYNE

Defendants

SUMMONS and COMPLAINT

Filed March 21, 1956

ALICE J. ENK DUCK

Clerk

TONSMEIRE & HODNOTTE

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

3/21, 19*56*

, Sheriff

I have executed this summons

this *3- April*, 19*56*

by leaving a copy with

*L & C,
Mary Payne*

Sheriff claims *80* miles at

Ten Cents per mile Total \$ *8.00*

TAYLOR WILKINS, Sheriff

BY

Children
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Children Deputy Sheriff

Marlowe

Isaac Payne

No. _____ VS. _____

Mary Payne

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated,

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to wit:

FOR COMPLAINANT

FILED, 5-8-56
Wiley J. Hockett Register

- 1. Original bill of complaint
- 2. Answer and waiver
- 3. Testimony of complainant's witnesses, Isaac Payne and Clarence Fair

TONSMEIRE & HODNETTE

By [Signature]
Solicitor—for Complainant.

FOR RESPONDENT

Solicitor—for Respondent.

RECORDED

No. _____

Isaac Payne

Vs.

Mary Payne

ORDER OF SUBMISSION
NOTE OF EVIDENCE

Terms, 19____

, 19____

Ent. Min. No. _____, Page _____

*Filed 5-8-86
Ainsworth
Register*

COMMISSION TO BEHOLD

ROYALTY TO BEHOLD

MARY, WIFE OF

BY SPECIAL

TESTIMONY OF ISAAC PAYNE

My name is Isaac Payne and I am the complainant in this case seeking a divorce from my wife, Mary Payne. I live in Pensacola, Florida and have lived there for about four years continuously before this time. My wife, Mary Payne is a bona fide resident citizen of Mobile County, Alabama, and lives at Route 1, Box 54, at Marlowe near Summerdale, Baldwin County, Alabama, where she has lived for more than ten or fifteen years continuously immediately preceding the filing of this suit. We are both over the age of twenty-one years.

We are husband and wife having been married lawfully in 1922 in Bay Minette, Alabama, where we got a license and were married by a Justice of the Peace. We lived together as man and wife until about March, 1950, and we have no children. In March, 1950, she left me without any reason and voluntarily abandoned my bed and board without my consent and without the intention to return and has not lived with me since that time. This abandonment has been continuous and uninterrupted since 1950.


Isaac Payne

TESTIMONY OF CLARENCE FAIR

My name is Clarence Fair and I live at Fairhope, Alabama. I have known Isaac and Mary Payne for eight or ten years and I know that they were husband and wife. Mary Payne now lives in Marlowe near Summerdale in Baldwin County and she has lived in Baldwin County continuously ever since I have known her. I remember sometime in about 1950 Isaac Payne and Mary Payne quit living together and I know that for several times prior to that she would leave him. On this occasion she abandoned him and they have not lived together since as husband and wife. Both of them are over twenty-one years of age and have no children.

Clarence Fair
Clarence Fair

CERTIFICATE

I, Vivian M. Gordon, the commissioner named by agreement in that certain cause entitled Isaac Payne vs Mary Payne filed in the Circuit Court of Baldwin County, Alabama, in Equity, No. _____, hereby certify that I, under and by virtue of the power conferred upon me by said agreement, caused Isaac Payne and Clarence Fair, witnesses for the complainant, who are known to me, to come before me at the time and place hereinafter named: May 3, 1956, at 407 First National Bank Annex, Mobile, Alabama, and that said witnesses were first duly sworn by me, that they were then examined under oath and testified in response thereto as it is hereinabove written; that their testimony was by me reduced to writing as given by them and as near as might be in the identical language of the said witnesses; and that, after their testimony had been so reduced to writing, it was read over to the said witnesses, who assented to and signed the same in my presence.

I further certify that I am not of counsel or kin to any of the parties to the cause and am not in anywise interested in the result thereof and that the depositions are true and correct as given by the witnesses.

I further certify that Tonsmeire & Hodnette, solicitors for the complainant, were present at the time the above witnesses were examined in my presence.

Witness my hand this the 7th day of May, 1956

Vivian M. Gordon
Commissioner

TONSMEIRE & HODNETTE
ATTORNEYS AND COUNSELLORS AT LAW
ANNEX FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

GEORGE A. TONSMEIRE
ROBERT E. HODNETTE, JR.
STOVA F. MCFADDEN

March 20, 1956

Mrs. Alice Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

Re: Isaac Payne vs Mary Payne

Dear Mrs. Duck:

Please file the enclosed bill for divorce and ask the Sheriff to serve the respondent at Route 1, Box 24, Summerdale, Alabama, this being the Marlowe community near Summerdale.

I will appreciate your kindness in advising me when service has been completed.

Very truly yours,

TONSMEIRE & HODNETTE

Robert E. Hodnette, Jr.

Robert E. Hodnette, Jr.

jwt

enc.