

(3764)

DIVORCE DECREE

PRINTED BY MOORE PTC CO.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

McKAY P. BEST, Complainant

vs.

DONALD G. BEST, 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

McKAY P. BEST is forever divorced from the

said DONALD G. BEST for and on account of Cruelty. It is ordered, adjudged and decreed that the stipulated agreement between the parties, and a part of the proceedings hereto, is confirmed; that is, the Complainant shall have the care, custody and control of the minor children; the Respondent shall have the family automobile; personal property shall be sold and the proceeds divided equally; the Respondent shall pay as maintenance for the minor children as follows: \$150. per month until 1 July, 1956, \$50.00 per month from that date to December 31, 1956, thereafter \$50.00 per month payable to Complainant and \$50.00 per month in trust for said children and Respondent is ordered to establish said trust; Respondent to pay medical expenses incurred to 1 July, 1956 for children and medical expenses in excess of \$25.00 thereafter.

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 McKay P. Best

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

This 6th day of April, 1956

[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____

[Signature] Register of Circuit Court, In Equity.

No. 3764 Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

McKAY P. BEST

Complainant

vs.

DONALD G. BEST

Respondent

DIVORCE DECREE

*Filed 4-6-56
Doris J. Adams
H. J. J.*

McKAY P. BEST

vs.

DONALD G. BEST

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, _____
stipulated agreement and testimony of McKay P. Best and Virginia Austin

and in behalf of Defendant upon Answer and Waiver

Wiley J. Luck

Register.

W. J. Luck
Attorney for Complaint

No. 3764

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

McKay P. Best

vs.

Donald G. Best

NOTE OF TESTIMONY

Filed in Open Court this

FILED

day of

APR 9 1956

, 194

W. J. BARK, Register

BALDWIN COUNTY


McKAY P. BEST, : IN THE CIRCUIT COURT OF
 Complainant : BALDWIN COUNTY, ALABAMA
 vs. : IN EQUITY
 DONALD G. BEST, :
 Respondent :

ANSWER AND WAIVER

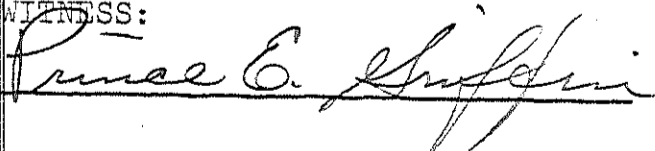
Comes the Respondent in the above styled cause and for answer to the Bill of Complaint filed in said cause and each and every paragraph thereof separately and severally, says:

1. Respondent admits the allegations of the first Paragraph of the Bill of Complaint.
2. Respondent admits the allegations of the second Paragraph of the Bill of Complaint as to the date of marriage and date of separation but denies all other allegations of this Paragraph and demands strict proof of the same.
3. Respondent admits the allegations of the third Paragraph of the Bill of Complaint.

Respondent hereby accepts service of a copy of the Summons and Complaint in this cause and waives further service of the same. The Respondent also waives notice of taking of testimony in this cause and notice of submission of said cause and agrees that the testimony may be taken and the cause submitted without further notice to him.


 Donald G. Best

WITNESS:



THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Barbara J. Thomas
Fairhope, Alabama

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 McKay P Best and Virginia Austin

as witnesses in behalf of McKay P. Best in a cause pending in our Circuit Court in Baldwin County, of said State, wherein McKay P. Best

_____, Complainant
and Donald G. Best

_____, Respondent
on oath, to be by you administered, upon them

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

Witness 4th day of April, 1956

Barbara J. Thomas
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 3764

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

McKAY P. BEST

Complainant

VS.

DONALD G. BEST

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Barbara J. Thomas

WITNESSES:

[Faint, illegible text, likely bleed-through from the reverse side of the page]

[Faint, illegible text, likely bleed-through from the reverse side of the page]

[Faint, illegible text, likely bleed-through from the reverse side of the page]

TRUST FOR BENEFIT OF MINOR CHILDREN

STATE OF ALABAMA

COUNTY OF BALDWIN

This agreement, made and entered into in triplicate original by and between Donald G. Best, first party, McKay P. Best White, second party, and Gus Schultz, trustee for McKay P. Best, Michael P. Best and Donald G. Best, III, children of the parties, WITNESSETH:

Whereas, the parties are now and have been since April 6, 1956, divorced from the bonds of matrimony by decree of the Circuit Court of Baldwin County, Alabama, sitting in equity; and

WHEREAS, according to terms of said divorce decree, the second party was awarded the care, custody and control of the minor children of said marriage, namely, McKay P. Best, Michael P. Best, and Donald G. Best, III; and the first party was ordered to pay as maintenance for the minor children the following sums: \$150 per month until July 1, 1956; \$50.00 per month from July 1, 1956 to December 31, 1956; and \$50.00 per month thereafter in trust for said children, and first party was further ordered to establish said trust and now wishes to so establish said trust and pay therein and thereunto the sums of money heretofore specified, and the other and further stipulated amount or amounts of \$50.00 from this day forward during the remainder of the respective minorities of said children, that is to say, \$50.00 per month from this date forward during the remainder of the time when any of said children are minors;

Now, therefore, in consideration of the premises and in further consideration of \$1.00 cash in hand paid, the receipt of which is hereby acknowledged, and in consideration of the acceptance of the trust by the said Gus Schultz under this agreement, the first party, Donald G. Best, hereby conveys, transfers and delivers in fee simple to the said Gus Schultz of Foley, Alabama, as trustee, for the accumulation thereof by the addition of interest received through investment, for the sole use and benefit of the said children, the following sums of money, to-wit:

and agrees to further pay to the said trustee the other and further sum or sums of \$50.00 per month for each and every month hereafter, on or before the 10th day of each and every month; the substance is as follows:

The trustee is to receive, hold, and put in a savings account, the said sum or sums of money, after deducting the reasonable expense of receiving and handling same. No sum or sums of money shall be paid from the trust until the oldest of said children attains the age of 21 years, at which time his proportionate share shall be paid to him. Thereafter the trust shall continue in accumulation for the benefit of the two remaining minor children, and each shall receive his or her proportionate share upon attaining majority. When the youngest of said children shall have attained majority, the trust shall be dissolved by the payment thereof to the said remaining minor child.

The trustee agrees to render reports of financial condition of the trust to either party upon written request.

IN WITNESS WHEREOF, the parties and the trustee have hereunto set their hands and seals on this 21 day of October, 1958.

Donald G. Best
Donald G. Best

McKay P. Best White

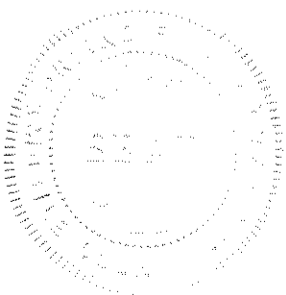
Gus Schultz, Trustee

STATE OF ALABAMA
COUNTY OF MOBILE

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that Donald G. Best, 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 signed the same voluntarily and on the day same bears date.

Given under my hand and seal this 21st day of October, 1958.

Online Flarey
Notary Public



STATE OF FLORIDA
COUNTY OF ESCAMBIA

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that McKay P. Best White, 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, she signed the same voluntarily on the day same bears date.

Given under my hand and seal this _____ day of _____, 1958.

Notary Public

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that Gus Schultz as trustee, 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 signed the same voluntarily on the day same bears date.

Given under my hand and seal this _____ day of _____, 1958.

Notary Public

TRUST FOR BENEFIT OF MINOR CHILDREN

STATE OF ALABAMA

COUNTY OF BALDWIN

This agreement, made and entered into in triplicate original by and between Donald G. Best, first party, McKay P. Best White, second party, and Gus Schultz, trustee for McKay P. Best, Michael P. Best and Donald G. Best, III, children of the parties, WITNESSETH:

Whereas, the parties are now and have been since April 6, 1956, divorced from the bonds of matrimony by decree of the Circuit Court of Baldwin County, Alabama, sitting in equity; and

WHEREAS, according to terms of said divorce decree, the second party was awarded the care, custody and control of the minor children of said marriage, namely, McKay P. Best, Michael P. Best, and Donald G. Best, III; and the first party was ordered to pay as maintenance for the minor children the following sums: \$150 per month until July 1, 1956; \$50.00 per month from July 1, 1956 to December 31, 1956; and \$50.00 per month thereafter in trust for said children, and first party was further ordered to establish said trust and now wishes to so establish said trust and pay therein and thereunto the sums of money heretofore specified, and the other and further stipulated amount or amounts of \$50.00 from this day forward during the remainder of the respective minorities of said children, that is to say, \$50.00 per month from this date forward during the remainder of the time when any of said children are minors;

Now, therefore, in consideration of the premises and in further consideration of \$1.00 cash in hand paid, the receipt of which is hereby acknowledged, and in consideration of the acceptance of the trust by the said Gus Schultz under this agreement, the first party, Donald G. Best, hereby conveys, transfers and delivers in fee simple to the said Gus Schultz of Foley, Alabama, as trustee, for the accumulation thereof by the addition of interest received through investment, for the sole use and benefit of the said children, the following sums of money, to-wit:

and agrees to further pay to the said trustee the other and further sum or sums of \$50.00 per month for each and every month hereafter, on or before the 10th day of each and every month; the substance is as follows:

The trustee is to receive, hold, and put in a savings account, the said sum or sums of money, after deducting the reasonable expense of receiving and handling same. No sum or sums of money shall be paid from the trust until the oldest of said children attains the age of 21 years, at which time his proportionate share shall be paid to him. Thereafter the trust shall continue in accumulation for the benefit of the two remaining minor children, and each shall receive his or her proportionate share upon attaining majority. When the youngest of said children shall have attained majority, the trust shall be dissolved by the payment thereof to the said remaining minor child.

The trustee agrees to render reports of financial condition of the trust to either party upon written request.

IN WITNESS WHEREOF, the parties and the trustee have herunto set their hands and seals on this 21 day of October, 1958.

Donald G. Best
Donald G. Best

McKay P. Best White

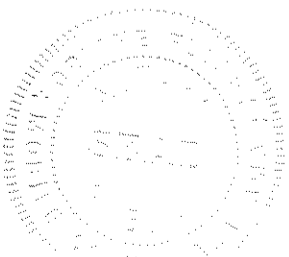
Gus Schultz, Trustee

STATE OF ALABAMA
COUNTY OF MOBILE

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that Donald G. Best, 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 signed the same voluntarily and on the day same bears date.

Given under my hand and seal this 21st day of October, 1958.

Orlene Flurry
Notary Public



STATE OF FLORIDA
COUNTY OF ESCAMBIA

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that McKay P. East White, 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, she signed the same voluntarily on the day same bears date.

Given under my hand and seal this _____ day of _____, 1958.

Notary Public

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that Gus Scholtz as trustee, 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 signed the same voluntarily on the day same bears date.

Given under my hand and seal this _____ day of _____, 1958.

Notary Public

TRUST FOR BENEFIT OF MINOR CHILDREN

STATE OF ALABAMA

COUNTY OF BALDWIN

This agreement, made and entered into in triplicate original by and between Donald G. Best, first party, McKay P. Best White, second party, and Gus Schultz, trustee for McKay P. Best, Michael P. Best and Donald G. Best, III, children of the parties, WITNESSETH:

Whereas, the parties are now and have been since April 6, 1956, divorced from the bonds of matrimony by decree of the Circuit Court of Baldwin County, Alabama, sitting in equity; and

WHEREAS, according to terms of said divorce decree, the second party was awarded the care, custody and control of the minor children of said marriage, namely, McKay P. Best, Michael P. Best, and Donald G. Best, III; and the first party was ordered to pay as maintenance for the minor children the following sums: \$150 per month until July 1, 1956; \$50.00 per month from July 1, 1956 to December 31, 1956; and \$50.00 per month thereafter in trust for said children, and first party was further ordered to establish said trust and now wishes to so establish said trust and pay therein and thereunto the sums of money heretofore specified, and the other and further stipulated amount or amounts of \$50.00 from this day forward during the remainder of the respective minorities of said children, that is to say, \$50.00 per month from this date forward during the remainder of the time when any of said children are minors;

Now, therefore, in consideration of the premises and in further consideration of \$1.00 cash in hand paid, the receipt of which is hereby acknowledged, and in consideration of the acceptance of the trust by the said Gus Schultz under this agreement, the first party, Donald G. Best, hereby conveys, transfers and delivers in fee simple to the said Gus Schultz of Foley, Alabama, as trustee, for the accumulation thereof by the addition of interest received through investment, for the sole use and benefit of the said children, the following sums of money, to-wit:

and agrees to further pay to the said trustee the other and further sum or sums of \$50.00 per month for each and every month hereafter, on or before the 10th day of each and every month; the substance is as follows:

The trustee is to receive, hold, and put in a savings account, the said sum or sums of money, after deducting the reasonable expense of receiving and handling same. No sum or sums of money shall be paid from the trust until the oldest of said children attains the age of 21 years, at which time his proportionate share shall be paid to him. Thereafter the trust shall continue in accumulation for the benefit of the two remaining minor children, and each shall receive his or her proportionate share upon attaining majority. When the youngest of said children shall have attained majority, the trust shall be dissolved by the payment thereof to the said remaining minor child.

The trustee agrees to render reports of financial condition of the trust to either party upon written request.

IN WITNESS WHEREOF, the parties and the trustee have hereunto set their hands and seals on this 21 day of October, 1958.

Donald G. Best
Donald G. Best

McKay P. Best White

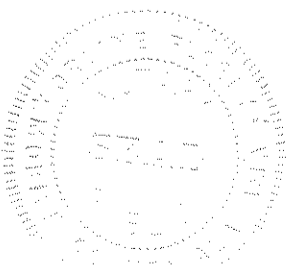
Gus Schultz, Trustee

STATE OF ALABAMA
COUNTY OF MOBILE

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that Donald G. Best, 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 signed the same voluntarily and on the day same bears date.

Given under my hand and seal this 21st day of October, 1958.

Opelme Flarey
Notary Public



STATE OF FLORIDA
COUNTY OF ESCAMBIA

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that McKay P. Best White, 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, she signed the same voluntarily on the day same bears date.

Given under my hand and seal this _____ day of _____, 1958.

Notary Public

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that Gus Scholtz as trustee, 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 signed the same voluntarily on the day same bears date.

Given under my hand and seal this _____ day of _____, 1958.

Notary Public

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

McKAY P. BEST

Complainant

VS.

DONALD G. BEST

Respondent

I, Barbara J. Thomas

~~Register and~~ Commissioner

have called and caused to come before me McKay P. Best and Mrs. Virginia Austin

witnesses named in the Requirement for Oral Examination, on the 14th day of April

19 56, at the office of Ernest M. Bailey, Attorney at Law

in Fairhope, Alabama, and having first sworn said Witness es to speak the

truth, the whole truth, and nothing but the truth, the said McKay P. Best and Mrs.

Virginia Austin doth depose and say as follows:

STATEMENT OF McKAY P. BEST:

My name is McKay P. Best and the Respondent's name is Donald G. Best. We are both over the age of twenty-one years and are bona fide residents of Baldwin County, Alabama. On November 29, 1953 we were married in Mobile, Alabama and lived together as husband and wife until March 24, 1956. On March 24, 1956 the Respondent cursed, abused and did threaten to do violence upon my person. The Respondent has on other occasions abused and threatened to do violence to me. I am of the opinion that if we continue to live together the Respondent will commit on my person actual violence or will injure me permanently.

McKay P. Best
McKay P. Best

STATEMENT OF MRS. VIRGINIA AUSTIN:

My name is Virginia Austin. I am over the age of twenty-one years and am a bona fide resident of Fairhope, Alabama. I have known the Complainant and Respondent during their entire married life. I have seen the Complainant on several occasions when she was emotionally disturbed by reason of domestic difficulties with her husband.

Virginia W. Austin
Virginia Austin

ORAL EXAMINATION

I, Barbara J. Thomas, ~~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 Ernest M. Bailey, Attorney at Law,

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 5th day of April, 1956

Barbara J. Thomas (L. S.)

No. 3764

Page

The State of Alabama
Baldwin County.

In Circuit Court, In Equity

McKay P. Best

vs. Complainant

Donald G. Best

Respondent

Oral Deposition

Filed _____, 19__

FILED

Register

APR 9 1956

Recorded in 1956

APR 1 1956 Register Record

Vol. _____ Page _____, Register

McKAY P. BEST, : IN THE CIRCUIT COURT OF
 Complainant : BALDWIN COUNTY, ALABAMA
 vs. : IN EQUITY
 DONALD G. BEST, :
 Respondent :

S T I P U L A T I O N

It is hereby stipulated and agreed by and between the parties hereto as follows:

1. That the Complainant shall have the full care, custody and control of their minor children, Michael Payne Best, Donald Gibson Best, III and McKay Payne Best, and the Respondent shall have the right to visit such children at reasonable and proper times. The Respondent shall also have a right of custody during limited periods of vacations, at the expense of the Respondent, as shall be agreed to and at such times as shall seem proper to the Complainant.

2. It is further stipulated and agreed that the Complainant shall convey to the Respondent the family automobile now used by the Complainant.

3. All personal property owned by the parties shall be sold at a convenient time, except said family car, and the proceeds of such sale shall be divided equally between Complainant and Respondent.

4. It is further stipulated and agreed between the parties hereto that the Respondent shall pay the Complainant as and for support and maintenance of the said minor children as follows:

(a) Until 1 July, 1956 the sum of \$150.00 per month in two equal monthly payments on or about the 1st and the 16th day of each month.

(b) Beginning the 1st day of July, 1956 and during the period through the 31st day of December, 1956, the Respondent shall pay \$50.00 per month in two equal installments on or about the 1st and the 16th day of each month.

(c) Beginning 1 January, 1957 and each month thereafter until such time as the children shall reach their legal age, the Respondent shall pay \$50.00 per month payable in two equal installments on or

about the 1st and 16th day of each month. In addition thereto the Respondent shall deposit in a trust fund to be established by him \$50.00 per month for the benefit of the said minor children and the Respondent does hereby agree to create and establish the aforesaid trust. The above payments are to continue until such time as the children marry or become of age or until changed by proper order of a Court of competent jurisdiction.

5. It is further stipulated and agreed by the parties hereto that until 1 July, 1956 the Respondent shall pay all medical expenses incurred by and for the said minor children. The Respondent further agrees that he will pay medical expenses incurred by and for the said minor children thereafter in excess of those incurred in the amount of \$25.00 per month, if called on to do so by the Complainant.

Dated this the 3rd day of April, 1956.

Donald G. Best
Donald G. Best

McKay P. Best
McKay P. Best

WITNESSED BY:

Prince E. Sullivan
For Respondent

James M. Bailey
For Complainant

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Donald G. Best 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 McKay P. Best, as Complainant against Donald G. Best, as Respondent.

Witness my hand this the ____ day of April, 1956.

Register

McKAY P. BEST,	:	IN THE CIRCUIT COURT OF
Complainant	:	BALDWIN COUNTY, ALABAMA
vs	:	IN EQUITY
DONALD G. BEST,	:	
Respondent	:	

Comes your Complainant, McKay P. Best, and files this her Bill of Complaint for divorce against Donald G. Best, and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That your Complainant and the Respondent are over the age of twenty-one years and are bona fide residents of Baldwin County, Alabama, residing in Fairhope, Alabama.

SECOND:

That the Complainant and the Respondent were married on, to-wit, November 26, 1953 in Mobile, Alabama and lived together as man and wife until on, to-wit, March 24, 1956, when, on account of the matters hereinafter complained of, your Complainant was compelled to live separate and apart from the Respondent; that on March 24, 1956 and

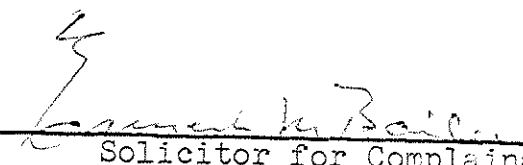
at times prior to that the Complainant states that the Respondent from his manner and conduct towards her gave reasonable apprehension of committing violence on her person and from his manner and conduct towards her she is reasonably certain that he will commit such violence upon her person, attended with danger to her life or health.

THIRD:

The Complainant and Respondent have the following named children, viz: Michael Payne Best, five years of age, and Donald Gibson Best, III and McKay Payne Best, nine months of age. That your Complainant is a fit and proper person to have the care, custody and control of such children. That your Complainant has no money or property with which to properly support and educate such children and that the Respondent is able to pay your Complainant such sufficient amounts to properly support and educate such children.

PRAYER FOR PROCESS AND RELIEF

The premises considered, your Complainant prays that the above named Donald G. Best be made a party Defendant to this cause by the usual writ or process, requiring him to appear and 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 Your Honor will award your Complainant custody and control of her minor children herein named and will order and decree that the Respondent shall pay to your Complainant a reasonable sum as and for support of such children. That Your Honor will also grant unto the Complainant an absolute divorce from said Respondent and will decree that the parties be allowed to remarry if they see fit and that the Respondent is not to harass your Complainant in any way or means. Should your Complainant be mistaken in the relief prayed for, that there be granted to her such other, further and different relief to which she may be entitled and as in duty bound she will ever pray.


Solicitor for Complainant