

4685

ORAL DEPOSITION

STATE OF ALABAMA )

COUNTY OF BALDWIN )

BARBARA SCHNATZ WERNER, )  
COMPLAINANT. )

VS. )

JOHN WERNER, )  
RESPONDENT. )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY.

I, Vera Daniels, as Register and Commissioner, have called and caused to come before me Barbara Schnatz Werner, witness, named in the requirement for oral examination, on the 10th day of October, 1959, at the office of James A. Brice, Attorney at Law, Foley, Alabama, and having first sworn said witness to speak the truth, the whole truth, and nothing but the truth, the said Barbara Schnatz Werner, doth depose and say as follows:

My name is Barbara Schnatz Werner. I am Complainant in the cause entitled Barbara Schnatz Werner vs. John Werner. Both the Respondent and deponent are adults; the Respondent residing in Lillian, Baldwin County, Alabama, and the Deponent residing in Lillian, Baldwin County, Alabama, since 1936. We were married on June 27, 1959, at Cantonment, Florida. No children have been born of this marriage. Before John and I were married, he told me that he was financially able to support me. John also said he would provide a place for us to reside. John left me on the 30th day of June, 1959, and has refused to support me or provide me with a place to live, or in any way recognized our marriage. We have not lived together since that time.

Further deponent saith not.

*W Barbara Schnatz Werner*  
BARBARA SCHNATZ WERNER

ORAL EXAMINATION

I, Vera Daniels, as Register and Commissioner, hereby certify that the foregoing deposition on oral examination was taken down in writing by me in the words of the witness and read over to her and she signed the same in the presence of myself and Richard C. Lacey at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proof made before me of the identity of said witness; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said oral examination in an envelope to the Register of said Court.

Given under my hand and seal this the 10th day of October, 1959.

*Vera Daniels* (L.S.)  
Vera Daniels

FILED  
OCT 10 1959  
CLERK OF COURT

1933.

Given under my hand and seal this 10th day of October, 1933, Register of said Court.

I enclose the said will examination in an envelope to the Register in further thereof.

or of him to any of the parties to said cases, or any manner before me of the identity of said witness; that I am not of counsel; knowledge of persons; identity of said witness or had procured same; that at the time and place herein mentioned; that I have personally seen and signed the same in the presence of myself and Richard C. Down in writing by me in the words of the witness and read over to certain that the foregoing deposition or oral examination was taken by Vera Daniels, as Register and Commissioner, hereby

DEPT. EXAMINATION

(s.) Vera Daniels

FILED  
OCT 13 1933  
ALICE J. DICK, CLERK  
REGISTER

D E C R E E

STATE OF ALABAMA )  
COUNTY OF BALDWIN )

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

BARBARA SCHNATZ WERNER,  
COMPLAINANT.

VS.

JOHN WERNER,  
RESPONDENT.

This cause coming on to be heard was submitted upon Bill of Complaint, 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, CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that the purported marriage between Barbara Schnatz Werner and John Werner on the 27th day of June, 1959, at Cantonement, Florida, be and the same is hereby annulled, and declared for naught, and that the said Barbara Schnatz Werner and John Werner be and they are hereby decreed to be single persons.

It is further CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that the Complainant pay the costs in this cause incurred, for which let execution issue.

This 16<sup>th</sup> day of October, 1959.

*Hubert M. Dale*  
JUDGE OF 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 \_\_\_\_\_, 1959.



REGISTER OF CIRCUIT COURT, IN EQUITY.

1929.

WITNESSE my hand and seal this 20th day of \_\_\_\_\_, 1929.

decrees is on file and entered in my office. Judge of the Circuit Court in the above stated cause, which said being is a correct copy of the original decree rendered by the Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of the original decree.

I, \_\_\_\_\_, Register of the Circuit Court of Baldwin County, Alabama.

\*\*\*\*\*

*Barbara Schmitt*  
1929

*John Werner*  
1929

for which see exhibition herein.

**FILED**  
**CLERK REGISTER**

It is further COMPLETED, ORDERED, ADJUDGED AND DECREED that the Court shall have jurisdiction of the cause in this and shall and lawfully decreed to be single persons.

WITNESSE my hand and seal this 20th day of June, 1929, at Tallahassee, Florida, in and to the said Barbara Schmitt and John Werner by the Court after the divorcing marriage between Barbara Schmitt and John Werner.

It is therefore COMPLETED, ORDERED, ADJUDGED AND DECREED in said bill.

opinion that the complainant is entitled to the relief prayed for Register, and upon consideration thereof, the Court is of the opinion that the complainant is entitled to the relief prayed for in said bill. This cause coming on to be heard was submitted upon bill of complaint, on answer and return and testimony as moved by the complainant, on answer and return and testimony as moved by the defendant.

RESOLUTION

JOHN WERNER,

CONSTITUTION

BARBARA SCHMITT

COURT OF BALDWIN

COUNTY OF ALABAMA

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

D I C R E

BARBARA SCHNATZ WOERNER  
 Complainant,  
 Vs.  
JOHN WOERNER  
 Respondent.

In the Circuit Court.  
 In Equity No. \_\_\_\_\_

DECREE PRO CONFESSO ON PERSONAL SERVICE

In this cause, it appears to the Register, that service was had on the Respondent \_\_\_\_\_  
 JOHN WOERNER

by the Sheriff of BALDWIN County, on the 26th day of Aug  
 19 59.

And it further appears to the Register, that the said \_\_\_\_\_

JOHN WOERNER

\_\_\_\_\_ the Respondent, having to the date hereof,  
 failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,

on motion of RICHARD E. LACEY Solicitors

for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,

and it hereby is, in all things taken as confessed against the said \_\_\_\_\_

JOHN WOERNER

This 28th day of Sept, 19 59.

  
 \_\_\_\_\_  
 Register.

BARBARA SCHNATZ WERNER

COMPLAINANT

vs.

JOHN WERNER,

RESPONDENT

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, and  
Sworn Deposition

and in behalf of Defendant upon Waiver and Answer

*Richard C. Lacey*  
Solicitors for Complainant

*Alfred J. Luck*  
Register.

No. ....

**THE STATE OF ALABAMA**  
**Baldwin County**

**IN EQUITY**  
**Circuit Court of Baldwin County**

BARBARA SCHNATZ WERNER,

COMPLAINANT.

vs.

JOHN WERNER,

RESPONDENT.

**NOTE OF TESTIMONY**

Filed in Open Court this 13 .....

day of Oct ....., 1949

Walter H. Hensch  
Register.

Printed by the Baldwin Times



The State of Alabama,  
Baldwin County.

No. 4685 ..... CIRCUIT COURT, IN EQUITY.

BARBARA SCHNATZ WOERNER ..... Complainant.....

Vs.

JOHN WOERNER ..... Defendant.....

Motion is hereby made for a Decree Pro Confesso against JOHN WOERNER.....

..... Defendant.....

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

This 26th day of September, 1959.

*Richard C. Lacey* ..... Solicitor.

No. ....

Page .....

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT, IN EQUITY**

BARBARA SCHNATZ WOERNER,

COMPLAINANT

Vs.

JOHN WOERNER,

DEFENDANT.

MOTION FOR DECREE PRO CONFESSO  
AFTER NOTICE BY ~~REGISTERED MAIL~~ <sup>Personal Service</sup>

Filed ..... , 19.....

**FILED**

SEP 28 1959

Register.

ALICE J. DUCK  
CLERK  
REGISTER

Recorded in ..... Record,

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

Register.

*[Faint, mostly illegible text from the reverse side of the page, including a signature and various markings.]*

ORAL DEPOSITION

STATE OF ALABAMA )

COUNTY OF BALDWIN )

BARBARA SCHNATZ WERNER,	)	IN THE CIRCUIT COURT OF
COMPLAINANT.	)	BALDWIN COUNTY, ALABAMA
VS.	)	
JOHN WERNER,	)	IN EQUITY.
RESPONDENT.	)	

I, Vera Daniels, as Register and Commissioner, have called and caused to come before me Pete M. Schnatz, witness, named in the requirement for oral examination, on the 10th day of October, 1959, at the office of James A. Brice, Attorney at Law, Foley, Alabama, and having first sworn said witness to speak the truth, the whole truth, and nothing but the truth, the said Pete M. Schnatz doth depose and say as follows:

My name is Pete M. Schnatz. I am the son of the Complainant in the cause entitled Barbara Schnatz Werner vs. John Werner. I know that both the Respondent and deponent are adults; the Respondent residing in Lillian, Baldwin County, Alabama, and the Deponent residing in Lillian, Baldwin County, Alabama. I know the Respondent and deponent were married on the 27th day of June, 1959, at Cantonment, Florida. I know that no children have been born of this marriage.

Further deponent saith not.

*Pete M. Schnatz*  
 PETE M. SCHNATZ

ORAL EXAMINATION

I, Vera Daniels, as Register and Commissioner, hereby certify that the foregoing deposition on oral examination was taken down in writing by me in the words of the witness and read over to him and she signed the same in the presence of myself and Richard C. Lacey at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proof made before me of the identity of said witness; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said oral examination in an envelope to the Register of said Court.

Given under my hand and seal this the 10th day of October 1959.

*Vera Daniels* (L.S.)  
 Vera Daniels

WAIVER AND ANSWER

BARBARA SCHNATZ WERNER,	)	IN THE CIRCUIT COURT OF
COMPLAINANT,	)	
VS.	)	BALDWIN COUNTY, ALABAMA
JOHN WERNER,	)	
RESPONDENT.	)	IN EQUITY.

Comes the respondent in the above styled cause and accepts service of a bill of complaint filed heretofore in said cause; waives notice of the filing of interrogatories in said cause, and the right to cross same; 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:

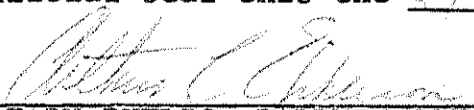
1. He admits the allegations contained in Paragraph 1 of said bill of complaint.
2. He admits the allegations contained in Paragraph 2 of said bill of complaint.
3. He denies the allegations contained in Paragraph 3 of said bill of complaint.
4. He denies each and every allegation contained in Paragraph 4 of said bill of complaint and demands strict proof thereof.

  
\_\_\_\_\_  
RESPONDENT

STATE OF ALABAMA     )  
COUNTY OF BALDWIN    )

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that John Werner, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 27<sup>th</sup> day of September, 1959.

  
\_\_\_\_\_  
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA

S U M M O N S

STATE OF ALABAMA )  
COUNTY OF BALDWIN )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA- - - - GREETINGS:

You are hereby commanded to summon John Woerner to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County, Equity side, at the place of holding same, and then and there to answer the Bill of Complainant filed against him by Barbara Schnatz Woerner.

WITNESS my hand this 24 day of Aug, 1959.

Rebecca L. Brock  
As Register of the Circuit Court of  
Baldwin County, Alabama, in Equity.

Respondent resides in Elberta, Alabama.

*Ex. 8-26-59*

BILL OF COMPLAINT

BARBARA SCHNATZ WOERNER, ) IN THE CIRCUIT COURT OF  
COMPLAINANT, )  
VS. ) BALDWIN COUNTY, ALABAMA  
JOHN WOERNER, ) IN EQUITY  
RESPONDENT. )

TO THE HONORABLE JUDGE OF SAID COURT, IN EQUITY SITTING:

Comes your Complainant, Barbara Schnatz Woerner, and respectfully represents and shows unto your Honor as follows:

1. That the said Barbara Schnatz Woerner is over the age of 21 years, and is a resident citizen of Baldwin County, Alabama; that the said John Woerner is over the age of 21 years and is a resident citizen of Baldwin County, Alabama.

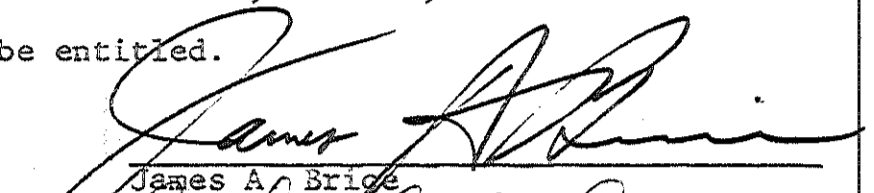
2. That on, to-wit, the 27th day of June, 1959, your Complainant and the respondent were intermarried at Cantonment, Florida.

3. That your complainant was induced to consent to said marriage by fraud or misrepresentation in the following matters: That said respondent led your complainant to believe that he was well able to support a wife and was in possession of resources of an amount sufficient to support your complainant, which said facts were not true; said respondent has refused to support your complainant. That said respondent also promised your complainant that he would furnish a home or place for him and your complainant to live as man and wife, which he has not done.

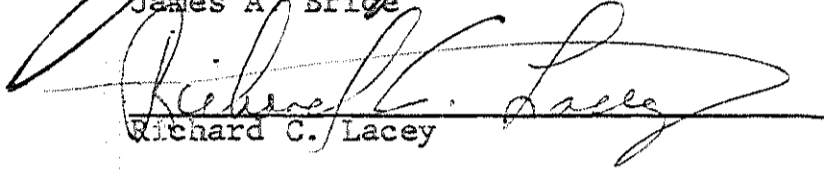
4. That said respondent deserted your complainant on, to-wit: the 30th day of June, 1959, and has refused to support your complainant or in any manner recognize the marriage.

THE PREMISES CONSIDERED, your complainant prays that the Respondent be made a party respondent to this Bill of Complaint by the usual process of this Honorable Court, and the statutes in such cases made and provided, requiring him to plead, answer, or demur, within the time and within the manner provided by law; and that on

the final hearing of this cause, this Honorable Court will annul and declare for naught the purported marriage and may adjudge and decree that the said Barbara Schnatz Woerner and John Woerner are not legally married, but are single persons, and your complainant prays that she may have such other, further, or different relief as in equity she may be entitled.



James A. Brice



Richard C. Lacey

*Filed*  
*Aug. 24, 1959*

SOLICITORS FOR COMPLAINANT