(4674)

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

CLAUDE RAY SIMMONS, Complainant

vs.

OVARA SANDLEY OWEN SIMMONS, 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 CLAUDE RAY SIMMONS is forever divorced from the said OVARA SANDLEY OWEN SIMMONS for and on account of

Voluntary 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 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 CLAUDE RAY SIMMONS the COMPLAINANT pay the cost herein to be taxed, for which executed may issue.

This 7th day of October 19 59

John M Wall

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.

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No. 4694 Page

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED
OCT 8 1959
ALICE J. DUCK, CLERK
REGISTER

WALTER J. LEE
LAWYER
VAN ANTWERP BLDG.
MOBILE, ALABAMA

September 1, 1959

The Honorable Register
Circuit Court of Baldwin County
Baldwin County Court House
Bay Minette, Alabama

RE: CLAUDE RAY SIMMONS, Complainant, -vs- OVARA SANDLEY OWEN SIMMONS, A Bill For Divorce

Honorable Sir:

I lodge herewith the Original Bill in the above cause for filing.

I am not forwarding a carbon copy for the Respondent, since I expect to obtain an Answer and Waiver.

If there are any questions concerning this matter, please call me long distance collect to HEmlock 3-5952, Mobile.

Respectfully,

Walter J. Lee

WJL/s

WALTER J. LEE
LAWYER
VAN ANTWERP BLDG.
MOBILE, ALABAMA

October 7, 1959

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

RE: Claude Ray Simmons -vs- Ovara Sandley Owen Simmons, Circuit Court of Baldwin County, Bay Minette, Alabama.

Dear Mrs. Duck:

Attached find Note of Evidence and Testimonies in the above, which I submit for final decree, an Answer and Waiver having been filed.

Also attached find my Fiduciary Check NO. 1445, with the amount left blank, payable to your order, to cover the accrued cost in the case. The commissioner, Mrs. Carolyn Fairley, is employed in my office, and her commissioner's fee may be sent to her in care of me.

Please forward two copies of the decree.

If there are any questions concerning this matter, please call me collect, at HEmlock 3-5952, Mobile.

Respectfully,

Walter J. Lee

WJL/cf

Enclosures

C. C. Equity 35—1M—6-57 Note of Evidence

CLAUDE RAY SIMMONS,
Complainant,

No.....VS

OVARA SANDLEY OWEN SIMMONS,
Defendant.

Entered on _____

Min. Book No. _____ Entry _____

~~[illegible]~~

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

1) Original Bill of Complaint.
2) Answer and Waiver Agreement
3) Depositions of Claude Ray Simmons and Arthur Torry Gomila, Witnesses for Complainant.

FILED 10-8-59

Register

Solicitor—for Complainant

FOR RESPONDENT

Solicitor—For Respondent

No.....

Vs.

ORDER OF SUBMISSION
NOTE OF EVIDENCE

FILED

Filed .....

OCT 8 1959

.....

ALICE J. DUCK, CLERK REGISTER Register

Ent. Min. No..... Entry.....

5M-9-57

CERTIFICATE

I, Carolyn Fairley, the Commissioner named by agreement of the parties, in that certain cause now pending in the Honorable Circuit Court of Baldwin County, Alabama, Sitting in Equity, No._____, wherein Claude Ray Simmons is Complainant, and Ovara Sandley Owen Simmons is Respondent, under and by virtue of the power conferred upon me by ~~said Commission or~~ agreement as such commissioner, caused Claude Ray Simmons, and Arthur Torry Gomila who were made known to me, to come before me at 9:45 o'clock A. M., on October 6th, 19 59, at 207 Van Antwerp Building Mobile, Alabama; that said witnesses were first duly sworn by me as stated; that they were then examined by Walter J. Lee, Solicitor for the Complainant, _____, and they testified in response thereto as is hereinabove written; and the testimony was by me reduced to writing as given by said witnesses in narrative form, and as near might be the identical language of said witnesses, ~~and~~ ; who assented to and signed same, ~~who refused to sign same due to physical inability to sign same, and the~~ ~~reading and signing of same in my presence and in the presence of~~ in my presence and in the presence of said Solicitor for Complainant ~~Guardian Ad Litem~~ ~~Attorney Ad Litem for~~

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

Witness my hand this 7th day of October, 1959.

Carolyn Fairley
Commissioner

CLAUDE RAY SIMMONS, Complainant, a witness on his own behalf, being duly sworn, deposes as follows:

My name is Claude Ray Simmons, I am thirty-seven years of age, having been born Nobember 15, 1921, at Mobile, Alabama. I have lived in the City and County of Mobile, State of Alabama, all of my life, except for brief periods when I temporarily visited out of the State, and when I went into the service during the War. I live at 66 North Sage Avenue, Mobile, Alabama. I am presently employed by DeVan Motor Company, in Mobile, as an automobile salesman, and have been employed by DeVan for three years. Prior to this, I worked for various automobile companies in and around Mobile.

My wife, Ovara Sandley Owen Simmons, is over the age of twenty-one years and is about thirty-four years of age. She is a non-resident of the State of Alabama, now living in Philadelphia, Pennsylvania, and she has lived up there for a number of years.

My wife and I were married on July 25, 1954, at Pascagoula, Mississippi. We don't have any children.

After my wife and I were married in July, 1954, we rented an apartment in the 600 block of Cherokee Street, Mobile County, Alabama, and lived together for three or four months. The exact date, I do not know, but shortly after this, my wife voluntarily abandoned my bed and board in the City of Mobile, Alabama, and said abandonment has been continuous and uninterrupted for a period of more than one year next immediately preceeding the filing of this my bill for divorce. My wife abandoned my bed and board without any fault, consent, on my part, and she has lived separate and apart from me since said separation, and I have had no relations with her.

I ask this Court to grant me a divorce, and give me the right to remarry in the event I should so desire.

Claude Ray Simmons

Claude Ray Simmons

ARTHUR TORRY GOMILA, a witness on behalf of the Complainant, being duly sworn, deposes as follows:

My name is Arthur Gomila, I am thirty-two years of age, and I live at 104 Houston Street, Mobile, Alabama. I am employed at DeVan Motor Company as an automobile Salesman. I am married and have two children, and have been living in Mobile since about 1938.

I am acquainted with Claude Ray Simmons, and have known him for approximately ten or twelve years. I know of my own personal knowledge that he is over the age of twenty-one years, and has been living in Mobile every since I have known him. I am not acquainted with Claude Ray's wife, Ovara Sandley Owen Simmons, and I didn't even know he was married. Since I have known him, and over the past several years, he did not have a wife, and he has alwaysed lived with his brother.

Recently, as I was talking with Claude Ray, he mentioned that his wife had come back to town, and that she had been living in Philadelphia for a couple of years.

Since I have known Claude Ray for ten or twelve years, I have become closely associated with him, and I would believe any statements made by him on oath to be true and correct.

I am sorry to see anybody get a divorce, but if his wife is not going to live with him, and is going to be running around the country, I don't see anything else for him to do.

Arthur Torry Gomila

Arthur Torry Gomila

Testimony

FILED
OCT 8 1959
ALICE J. DUCK, CLERK
REGISTER

CLAUDE RAY SIMMONS,	)	
Complainant,	)	IN THE CIRCUIT COURT OF
-vs-	:	BALDWIN COUNTY, ALABAMA,
OVARA SANDLEY OWEN SIMMONS,	)	IN EQUITY, NO._____
Respondent.	)	

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Comes Now, CLAUDE RAY SIMMONS, Complainant, and respectfully represents:

1) THAT he and the Respondent are each over the age of twenty-one years and that he is a bona fide resident citizen of the State of Alabama, and has been such for a period of more than two years next immediately preceding the filing of this Bill of Complaint, and that the Respondent is a non-resident of the State of Alabama, residing at, to-wit: Philadelphia, Pennsylvania.

2) THAT he is the lawful husband of the Respondent, having been legally married to her on, to-wit: January 25, 1954, at, to-wit: Pascagoula, Mississippi, of which marriage no children have been born.

3) THAT the Respondent voluntarily abandoned his bed and board more than two years next immediately 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.

PRAYER FOR PROCESS:

Complainant prays that upon the filing of this Bill of Complaint, proper process issue to Ovara Sandley Owen Simmons, making her a party respondent and requiring her to appear and plead, answer or demur to the allegations herein within the time required by law and the rules of this Honorable Court.

PRAYER FOR RELIEF:

Complainant prays that upon a final hearing thereof Your Honors will grant to him an absolute divorce from the Respondent, and grant him the right to remarry in the event he should so care; and Complainant prays for such other further and general relief as he may be entitled in the premises and as to Your Honors seems meet and proper. Complainant offers to do equity in this cause.

Claude Ray Simmons
Complainant

Walter J. Lee
Walter J. Lee, Solicitor for Complainant

Subscribed and sworn to before me
this 1st day of September, 1959.

Walter J. Lee
Notary Public, State of Alabama, At Large

Filed 9-2-59
Alice J. Duke, Register

H 694

Bill of Complaint

FILED
SEP 2 1960
ALICE L. DUCK, CLERK
REGISTER

C. C. Equity 39- 3 M 12-58

CLAUDE RAY SIMMONS, Complainant

No. Vs.

OVARA SANDLEY OWEN SIMMONS, Defendant

IN THE CIRCUIT COURT OF BALDWIN XXXXXXXXXX COUNTY, ALABAMA

IN EQUITY

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 allegations 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.

I further agree that Carolyn Fairley, may take the testimony in this cause without the issuance of a commission.

Ovara Sandley Owen Simmons
Defendant

Complainant agrees that Carolyn Fairley, may take the testimony in this cause as commissioner, without issuance of a commission.

Claude Ray Simmons
Complainant

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

WITNESSED SIGNING OF DEFENDANT, OVARA SANDLEY OWEN SIMMONS, ON ONE PLACE HEREON:

Beverly Ann Simmons

Martha M. Smith

WITNESSED SIGNING OF COMPLAINANT, CLAUDE RAY SIMMONS, ON ONE PLACE HEREON:

Gordon Hall

Walter Lee

Atty for Complainant

FILED
SEP 3 1959
ALICE J. DUCK, Register

STATE OF

COUNTY OF

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

Witness my hand and seal this day of , 19.

NOTARY PUBLIC

Filed STATE OF

COUNTY OF

Register