

(4700)

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MARJORIE K. LOWERY, Complainant

vs.

WILLARD T. LOWERY, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Upon Confession~~ ~~RESPONDENTS 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 MARJORIE K. LOWERY is forever divorced from the said WILLARD T. LOWERY for and on account of

UPON CONSIDERATION of the written agreement entered into between the Complainant and Respondent touching the custody of the minor child of the marriage and alimony for the support and maintenance of Joan Lowery, It is further ordered, adjudged and decreed by the Court as follows.

1. That the said written agreement is hereby ratified and approved, and the care, control and custody of the said minor child of the marriage namely, Joan Lowery, is awarded to the Mother, the Complainant.

2. That the Respondent, Willard T. Lowery, pay over to the Complainant, the sum of Thirty dollars (\$30.00) per week alimony for the support and maintenance of said minor child, said payments to begin immediately.

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 MARJORIE K. LOWERY the COMPLAINANT pay the cost herein to be taxed, for which executed may issue.

This 8th day of SEPTEMBER 19 59

[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 \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Register of Circuit Court, In Equity.

MARGORIE K. LOWERY

Complainant

vs.

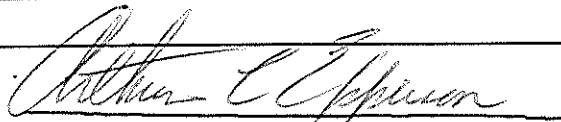
WILLARD T. LOWERY

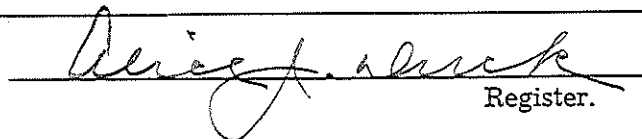
THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, \_\_\_\_\_  
Respondents. Answer & Waiver. -Commission to take Oral Deposition,  
Oral Deposition of the Complainant's witness- agreement of Parties

and in behalf of Defendant upon \_\_\_\_\_

  
Attorney For Complainant

  
Register.

No. 4700

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

MARJORIE K. LOWERY

Comp.

vs.

WILLARD T. LOWERY

Resp.

NOTE OF TESTIMONY

Filed in Open Court this

day of **FILED**, 194

SEP 5 1959

ALICE J. DUCK, CLERK REGISTER.

Printed By The Baldwin Times

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama  
(In Equity)

MARJORIE K. LOWERY

COMPLAINANT

vs.

WILLARD T. LOWERY

RESPONDENT

I, GLENDA SWITZER, as Register and Commissioner

have called and caused to come before me MARJORIE K. LOWERY

witness named in the requirement for Oral Examination, on the \_\_\_\_\_ day of September  
19\_\_\_\_, at the office of GLENDA SWITZER  
in FOLEY, Alabama, and having first sworn said witness to speak the  
truth, the whole truth, and nothing but the truth, the said MARJORIE K. LOWERY

doth depose and say as follows:

My name is Marjorie K. Lowery. I am the complainant in the suit for divorce against Willard T. Lowery. I am over the age of twenty-one years and am now and have been a bona-fide resident of Foley, Baldwin County, Alabama for over twenty years. Willard T. Lowery is over the age of twenty-one years and is a resident of Baldwin County, Alabama.

I lawfully married Willard T. Lowery in Bay Minette, Alabama on March 23, 1940. We have two children but only one is a dependent and that is Joan, our daughter who is eleven years of age. Willard T. Lowery and myself have entered into an agreement which is marked "Exhibit A" and which I include and make a part of this my testimony. By the terms of this agreement I am given the custody and control of our daughter Joan and he is to pay me the sum of Thirty Dollars a week for her support and maintenance. I think this is reasonable and just agreement.

Willard T. Lowery voluntarily abandoned me over a year ago and more than one year before I filed this bill for divorce. We have not lived together or in anyway recognized each other as husband or wife since he abandoned me.

Marjorie K. Lowery

ALABAMA STATE ARCHIVES  
BIRMINGHAM COUNTY

ORAL EXAMINATION

I, Glenda Switzer 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 es and read over to them and they signed the same in the presence of myself and 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 5<sup>th</sup> day of September, 19 59.

Glenda Switzer (L. S.)

No. 4700 Page

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

MARJORIE K. LOWERY

COMPLAINANT

vs.

WILLARD T. LOWERY

RESPONDENT

ORAL DEPOSITION

Filed

FILED

, 19

SEP 7 1959

, Register.

ALICE J. PERRY  
REGISTER

Record

Vol.

Page

, Register.

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: GLENDA SWITZER

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine MARJORIE K. LOWERY

a witnesses in behalf of MARJORIE K. LOWERY in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

MARJORIE K. LOWERY, Complainant and

WILLARD T. LOWERY Respondent

on oath, to be by you administered, upon to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 5th day of SEPTEMBER, 1959

Register. (Signature)

Commissioner's Fee, \$

Witness' Fees, \$

No. 4700

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

MARJORIE K. LOWERY

Complainant

VS.

WILLARD T. LOWERY

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

**FILED**

SEP 5 1959

WITNESSES  
ALICE J. DUCK, CLERK  
REGISTER

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

MARJORIE K. LOWERY )  
COMPLAINANT)  
VS: )  
WILLARD T. LOWERY )  
RESPONDENT)

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

To the Honorable Judge of the Circuit Court of Baldwin County,  
Alabama, Sitting in Equity:

Your Complainant, Marjorie K. Lowery respectfully represents  
and shows unto your Honor:

1. That complainant is over the age of twenty-one years  
and is a resident of said State and County, and has been a bona  
fide resident of said State for more than one year next preced-  
ing the filing of this Bill of Complaint; that Willard C. Lowery  
is over the age of twenty-one years and resides in Baldwin Co-  
unty, Alabama.

2. That your complainant and respondent were lawfully mar-  
ried on or about, to-wit: March 23, 1940 at Bay Minette, Alabama,  
and of this marriage there is one minor child, Joan, eleven years  
of age.

3. Complainant further avers that said respondent volun-  
tarily abandoned the bed and board of complainant for more than  
one year next preceding the filing of this Bill of Complaint,  
since which time complainant and respondent have not lived to-  
gether nor in any way recognized each other as husband and wife.

4. That complainant and respondent have entered into an  
agreement with reference to the custody, control, support and  
maintenance of the said minor child, a copy of which is hereto  
attached as Exhibit A and made a part hereof; and by the terms  
of which agreement the complainant shall have the care, control  
and custody of the said minor child; the respondent will pay to  
the complainant \$30.00 a week for the support and maintenance of  
the said minor child.

Complainant avers that this is a reasonable, just and proper  
agreement and prays the Court that in the event a decree of  
divorce is given in this cause that the Court will decree that  
the parties keep and abide by the terms of said agreement.

The premises considered, your complainant makes the said Willard  
C. Lowery a party respondent to this Bill of Complaint, and in  
order that complainant may have the relief herein prayed for, may  
it please your Honor to cause the State's writ of subpoena to be  
issued, directed to the said Willard C. Lowery, commanding him  
to answer, plead or demur to this Bill of Complaint, within the  
time required by law; and that on a final hearing of this cause,  
that your Honor will enter a decree divorcing your complainant  
from the said respondent; and that your Honor will grant such  
other, further and different relief as unto your Honor may seem  
just and proper, and your complainant will ever pray.

*Filed*  
*Sept. 5, 1959*

  
SOLICITOR FOR COMPLAINANT



*[Handwritten notes and signatures in the left margin, including a signature at the bottom left.]*

*[Faded, illegible text in the left column, possibly bleed-through from the reverse side of the page.]*

4700

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

\*\*\*\*\*

MARJORIE K. LOWERY  
COMPLAINANT

VS.

WILLARD T. LOWERY  
RESPONDENT

\*\*\*\*\*888\*\*\*\*\*

BILL OF COMPLAINT

\*\*\*\*\*

**FILED**

SEP 4 1959

ALICE J. DUCK, CLERK  
REGISTER

*[Faded, illegible text in the right column, possibly bleed-through from the reverse side of the page.]*

STATE OF ALABAMA  
BALDWIN COUNTY

THIS AGREEMENT, made and entered into on this the Second day of August, 1959, by and between Marjorie K. Lowery, hereinafter referred to as the party of the first part, and Willard T. Lowery, hereinafter referred to as the party of the second part.

WITNESSETH:

WHEREAS, the parties hereto have been husband and wife since March 23, 1940, and as a result of such union have one dependant child, Joan, eleven years of age; and,

WHEREAS, the parties have been separated and living apart for more than one year and have definitely concluded that it is impractical for them to live together as man and wife; and

WHEREAS, the party of the first part is contemplating bringing an action for a divorce and it is the desire to settle the matter of the care, control, support and maintenance of the said minor child of the marriage without litigation.

Now, therefore, in consideration thereof, and of the mutual agreements hereinafter made, they have mutually agreed to the following terms and conditions:

1. That the care, control and custody of the said minor child be in the mother, the party of the first part; with rights of visitation at reasonable times and places in the father, the party of the second part.
2. That the party of the second part will pay for the support and maintenance of the said minor child, the sum of \$30.00 a week, payable on the Saturday of each week, to the party of the first part at her residence until changed by agreement of the parties hereto or by a Court of competent jurisdiction.
3. That in the event the party of the first part insists on her express determination to file a suit for divorce against the party of the second part, it shall be thoroughly understood that the party of the second part denies and expects to continue to deny that the party of the first part is in any way entitled to a divorce, and in the event that the Court, upon hearing should then decide that the party of the first part is entitled to a divorce, then it is agreed and understood that this agreement and all of its terms shall be submitted to the Court, for its approval and shall be executed until and unless the Court does approve the same.

This agreement has been made and executed by the parties hereto in good faith on the day and date hereinabove set forth, with full understanding of all of its provisions, and with the mutual promise on the part of each to comply therewith faithfully and completely.

Marjorie K. Lowery  
Party of the First Part

Willard T. Lowery  
Party of the Second Part

Glenda Switzer  
Witness

Arthur C. Johnson  
Witness

Filed Sept. 5, 1959

MARJORIE K. LOWERY )  
COMPLAINANT )  
VS )  
WILLARD T. LOWERY )  
RESPONDENT )

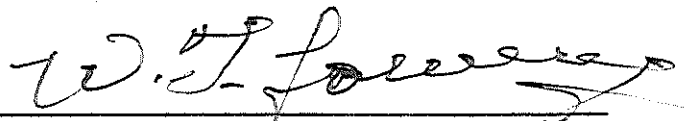
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

Comes the respondent in the above styled cause and accepts service of a bill of complaint heretofore filed in said cause; waives notice of 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.

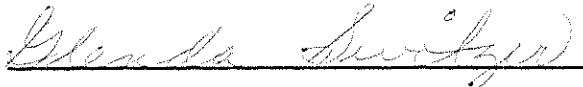
And for answer to the bill of complaint heretofore filed in this cause, respondent says:

1. He admits the allegations contained in paragraphs one and two of said bill of complaint.

3. He denies each and every material allegation contained in paragraph three of said bill of complaint.

  
Respondent

  
\_\_\_\_\_

  
\_\_\_\_\_

Filed  
Sept. 5, 1959

4700

\*\*\*\*\*

MARJORIE K. LOWERY  
COMPL.

VS.

WILLARD T. LOWERY  
RESP.

\*\*\*\*\*

ANSWER AND WAIVER

FILED

SEP 5 1959

ALICE J. DUCK, CLERK  
REGISTER

4700