3828

BOOK 020 PAGE 465

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE JUVENILE AND DOMESTIC RELATIONS COURT

Ruth M. Richburg, Plaintiff

-vs-

Jesse Clyde Richburg, Defendant.

COMPLAINT

The Plaintiff herein, being first duly sworn, complains of Defendant and alleges THAT:

1. (X) a. She is the wife of the Defendant and was duly married to him on or about November 21 1942, at Greenville, South Carolina and she resides at 52-B Briarcliff Drive, Greenville, South Carolina.

( ) b. The real Plaintiffs herein are the children of Defendant named below and the are owed a duty of support by him; and this action is instituted in their behalf by the undersigned, a person having legal custody of them.

( ) c. It is an agency of the State of South Carolina or a political sub-division thereof, which has provided support to the dependent wife and children of the Defendant, in the amount of $_____ and is furnishing support to the said dependents in the amount of $_____ per month, and brings this action for the purpose of securing reimbursements for expenditures so made and of obtaining continuing support from the Defendant.

2. The Defendant is the father of the following named dependents:

NAME	DATE BORN
Charlotte Ann Richburg	July 30, 1943
Jessie Clyde Richburg, Jr.	August 31, 1949

3. The Defendant, on or about May, 1953, and subsequent thereto, refused and neglected to provide fair and reasonable support for his dependents according to his means and earning capacity; and that said dependents are in need of and entitled to support under the provisions of the South Carolina Uniform Support of Dependents Act.

4. Upon information and belief, Defendant is now residing at 303 Schell Avenue, Bay Minette, Alabama

which State has enacted a law substantially similar and reciprocal to the South Carolina Uniform Support of Dependents Act.

WHEREFORE, Plaintiff prays for such an order for support, directed to the Defendant, as shall be deemed fair and reasonable and for such other and further relief as the law provides.

Ruth M. Richburg
Plaintiff

Sworn to and Subscribed before me June 27, 1956

Ruth C. Taylor
Notary Public for South Carolina

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STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE JUVENILE AND DOMESTIC RELATIONS COURT

Ruth M. Richburg
Petitioner,

-vs-

Jesse Clyde Richburg
Respondent.

TESTIMONY OF
Ruth M. Richburg
Petitioner.

Q. What is your full name: A. Ruth Millard Richburg

Q. If you are married to respondent, when and where were you married?
A. November 21, 1942 Greenville, South Carolina

Q. Give the names and ages of any children born of this marriage. A. Charlotte Anne Richburg, 13; J. C. Richburg, Jr. (Dudy), 1;

Q. Are you still the wife of the Respondent? A. Yes

Q. Where are you now living? A. 52-B Briarcliff Drive, Greenville, South Carolina

Q. Are the children now living with you? A. Yes

Q. Have they always lived with you? If not, when and why? A. Yes

Q. When was it your husband last lived with you? A. May, 1952

Q. When and how much was his last contribution for support? A. Only contribution since separation was $40.00 in April, 1956

Q. Is there a complaint or an order for support in any court? A. No

Q. If employed, what are your earnings? A. $40.00

Q. Have you any other source of income? A. No

Q. Are you and the children in good health? A. Yes

Q. Have you any debts outstanding? If so, list them with the amount.
A. Dr. Brown, $105.00

Q. What do you require for the support of yourself and children? A. $30.00 weekly

Q. Do you know where your husband is now living? A. 300 Sowell Ave., Bay Minette, Ala.

Q. If your husband is employed, state the place he is employed. (Employment Bureau)
A. None

Q. How much aid do you now receive? A. None

Q. Are you financially able to employ an attorney? A. No

Ruth M. Richburg
Petitioner

Sworn to before me
June 27, 6
J. Wilbur Hicks, 195__.

Judge, Juvenile and Domestic
Relations Court, Greenville County, S. C.

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STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

IN THE JUVENILE AND DOMESTIC RELATIONS COURT

Ruth M. Richburg, Petitioner,

-vs-

Jessie Clyde Richburg, Respondent.

RULE TO SHOW CAUSE

TO THE ABOVE RESPONDENT:

The above Petitioner, having filed a verified Petition in Court, alleging that you have refused and neglected to provide support for said Petitioner and other dependents, for whose support you are legally chargeable,

YOU ARE HEREBY ORDERED TO APPEAR before this Court, County Office Building, South Main Street, City of Greenville, South Carolina, on July 6, 1956, 195__, at 9:00 A.M. o'clock, to show cause why the order for Support prayed for by the Petitioner should not be made.

A copy of the Petition is hereby ordered to be filed in the office of the Clerk of this Court.

J. Wilbur Hicks
Judge, Juvenile and Domestic Relations Court, Greenville County, S. C.

Greenville, S. C.

June 27, 195__.

AFFIDAVIT OF NON-SERVICE

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

The undersigned, being duly sworn, deposes and says that he is a Deputy Sheriff of the County of Greenville, State of South Carolina, that he cannot, with due diligence, locate or serve the Respondent designated in the above process within the State of South Carolina.

SWORN TO before me

_____, 195__.

_____ (L.S.)
Notary Public for South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE JUVENILE AND DOMESTIC RELATIONS COURT

Ruth M. Richburg, Petitioner

-vs-

Jesse Clyde Richburg, Respondent

CERTIFICATE

I, THE UNDERSIGNED, JUDGE OF SAID COURT, CERTIFY THAT:

1. On June 27, 1956, a verified Complaint was filed in this Court in a proceeding against the above named Respondent commenced under the provisions of the Uniform Reciprocal Enforcement of Support Act of the State of South Carolina to compel the support of the dependents named in that Complaint.

2. The Respondent (s) is believed to be residing or domiciled at 300 Sowell Avenue, Bay Minette, Alabama.

3. The Petitioner has reaffirmed under oath the allegations contained in the Complaint; that according to the statements of the Petitioner, the needs of the dependents named in the Complaint for support from the Respondent are the sum of $30.00 per week.

4. The Complaint sets forth facts from which it may be determined that the Respondent owes a duty of support; and that a court of the State of Alabama may obtain jurisdiction of the Respondent or his property.

WHEREFORE, IT IS ORDERED that three copies of this Certificate, the Complaint and of the South Carolina Uniform Reciprocal Enforcement of Support Act be transmitted to the proper Court in the Responding State or to the State Information Agency, or other proper official of the Responding State.

J. Wilbur Hicks
Judge, Juvenile and Domestic Relations Court, Greenville County, South Carolina

June 27, 1956.

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE JUVENILE AND DOMESTIC RELATIONS COURT

Ruth M. Richburg, Petitioner,

-vs-

Jessie Clyde Richburg, Respondent.

EXEMPLIFICATION OF COURT RECORDS

I, Judge of this Court, do hereby attest and certify that I have compared the annexed copies of papers with the originals now on file with this Court, and that said copies are true and complete copies of said originals, in the above matter.

J. Milton Hicks
Judge, Juvenile and Domestic Relations Court, Greenville County, South Carolina

June 27, 1956.

(SEAL)

RE: Ruth M. Richburg Petitioner

VS: Jessie Clyde Richburg Respondent

Dear Sir:

Please find enclosed exemplified copies of records in the above case, for appropriate action by your Court in accordance with your Reciprocal Legislation and the Uniform Support of Dependents Act of the State of South Carolina in an action for support against the above named Respondent who is residing in your jurisdiction.

Will you kindly inform us of the adjudication made in this matter?

Very truly yours,

J. Milton Hicks
Judge, Juvenile and Domestic Relations Court, Greenville County, South Carolina

June 27, 1956.

AN ACT

(R556, S144) NO. 548

AN ACT TO IMPROVE AND EXTEND BY RECIPROCAL LEGISLATION THE ENFORCEMENT OF DUTIES OF SUPPORT AND TO MAKE UNIFORM THE LAW WITH RESPECT THERETO, AND TO REPEAL SECTIONS 20-311, THROUGH 20-336, CODE OF LAWS OF SOUTH CAROLINA, 1952, EMBODYING THE "UNIFORM SUPPORT OF DEPENDENTS ACT."

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The purposes of this act are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

SECTION 2. As used in this act unless the context requires otherwise:

(1) "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(3) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(4) "Court" means any court in this state having jurisdiction to determine the liability of persons for the support of dependents and, when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(5) "Law" includes both common and statute law.

(6) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial separation, separate maintenance or otherwise.

(7) "Obligor" means any person owing a duty of support.

(8) "Obligee" means any person to whom a duty of support is owed.

SECTION 3. The remedies herein provided are in addition to and not in substitution for any other remedies.

SECTION 4. Duties of support arising under the law of this state, when applicable under Section 7, bind the obligor, present in this state, regardless of the presence or residence of the obligee.

SECTION 5. The Governor of this state (1) may demand from the Governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state and (2) may surrender on demand by the Governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or other state.

SECTION 6. Any obligor contemplated by Section 5, who submits to the jurisdiction of the court of such other state and complies with the court's order of support, shall be relieved of extradition for desertion or non-support entered in the courts of this state during the period of such compliance.

SECTION 7. Duties of support applicable under this act are those imposed or imposable under the laws of any state where the obligor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

SECTION 8. Whenever the state or a political subdivision thereof furnishes support to an obligee, it has the same right to invoke the provisions thereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support.

SECTION 9. All duties of support are enforceable by complaint irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the court as defined in subsection (4) of Section 2 of this act.

SECTION 10. The complaint shall be verified and shall state the name and, so far as known to the plaintiff, the address and circumstances of the defendant and his dependents for whom support is sought and all other pertinent information. The plaintiff may include in or attach to the complaint any information which may help in locating or identifying the defendant including, but without limitation by enumeration, a photograph of the defendant, a description of any distinguishing marks of his person, other names and aliases, if any, by which he has been or is known, the name of his employer, his fingerprints or Social Security number.

SECTION 11. The circuit solicitor, county solicitor, or county attorney, upon the request of the court, the department of welfare, or other local welfare representative, shall represent the plaintiff in any proceeding under this act.

SECTION 12. A complaint on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian ad litem.

SECTION 13. If the court of this state acting as an initiating state finds that the complaint sets forth facts from which it may be determined that the defendant owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, it shall so certify and shall cause three copies of (1) the complaint, (2) its certificate and (3) this act to be transmitted to the court in the responding state. If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.

SECTION 14. A court of this state acting either as an initiating or responding state may in its discretion direct that any part of or all fees and costs incurred in this state, including without limitation by enumeration, fees for filing, service of process, seizure of property, and stenographic service of both plaintiff and defendant, or either, shall be paid by the county. Where the action is brought by or through the state or an agency thereof, there shall be no filing fee.

SECTION 15. When the court of this state, acting either as an initiating or responding state, has reason to believe that the defendant may flee the jurisdiction it may (a) as an initiating

state request in its certificate that the court of the responding state obtain the body of the defendant by appropriate process if that be permissible under the law of the responding state; (b) or as a responding state, obtain the body of the defendant by appropriate process.

SECTION 16. The State Department of Public Welfare is hereby designated as the State Information Agency under this act, and it shall be its duty:

(1) To compile a list of the courts and their addresses in this state having jurisdiction under this act and transmit the same to the State Information Agency of every other state which has adopted this or a substantially similar act.

(2) To maintain a register of such lists received from other states and to transmit copies therof as soon as possible after receipt to every court in this state having jurisdiction under this act.

SECTION 17. When the court of this state, acting as a responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause, (2) notify the solicitor of the circuit, the county solicitor or the county attorney, (3) set a time and place for a hearing, and (4) take such action as is necessary in accordance with the laws of this State to obtain jurisdiction.

SECTION 18. If a court of this state, acting as a responding state, is unable to obtain jurisdiction of the defendant or his property due to inaccuracies or inadequacies in the complaint or otherwise, the court shall communicate this fact to the court in the initiating state, shall on its own initiative use all means at its disposal to trace the defendant or his property, and shall hold the case pending the receipt of more accurate information or an amended complaint from the court in the initiating state.

SECTION 19. The court shall conduct proceedings under this act in the manner prescribed by law for an action for the enforcement of the type of duty of support claimed.

SECTION 20. If the court of the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order.

SECTION 21. The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or for reimbursement therefor.

SECTION 22. In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular:

(a) To require the defendant to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant.

(b) To require the defendant to make payments at specified intervals to the clerk of the court or the obligee and to report personally to such clerk at such times as may be deemed necessary.

(c) To punish the defendant who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

SECTION 23. The court of this state when acting as a responding state shall have the following duties which may be carried out through the clerk of the court:

(a) Upon the receipt of a payment made by the defendant pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(b) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the defendant.

SECTION 24. The court of this state when acting as an initiating state shall have the duty which may be carried out through the clerk of the court to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state.

SECTION 25. Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this act. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage.

SECTION 26. In any hearing under this law, the court shall be bound by the same rules of evidence that bind juvenile or domestic relations courts or similar courts in this state wherein the strict or technical rules of evidence have been relaxed.

SECTION 27. Any order of support issued by a court of this state when acting as a responding state shall not supersede any previous order of support issued in a divorce or separate maintenance action, but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both.

SECTION 28. Participation in any proceedings under this act shall not confer upon any court jurisdiction of any of the parties thereto in any other proceeding.

SECTION 29. If any provision hereof or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 30. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 31. This act may be cited as the Uniform Reciprocal Enforcement of Support Act.

SECTION 32. Sections 20-311 through 20-336, Code of Laws of South Carolina, 1952, embodying the "Uniform Support of Dependents Act" are hereby repealed.

SECTION 33. This act shall take effect upon its approval by the Governor.

In the Senate House the 26th day of January.

In the Year of Our Lord One Thousand Nine Hundred and Fifty-Four.

EDGAR A BROWN,
President Pro Tempore of the Senate.

SOLOMON BLATT,
Speaker of the House of Representatives.

Approved the 29th day of January, 1954.

JAMES F. BYRNES,
Governor.

FILED _____

STATE OF ALABAMA)
)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

IN THE MATTER OF THE PETITION
FOR RECIPROCAL ENFORCEMENT OF
SUPPORT OF DEPENDENTS.

CASE NO. 3828

RUTH M. RICHBURG,

Petitioner, vs.

JESSE CLYDE RICHBURG,

Respondent.

This cause coming on to be heard was submitted upon a certified copy of a petition filed by Ruth M. Richburg, filed in this Court under the provisions of Reciprocal Legislation as set forth in Sections 105 to 123, Title 34, Code of Alabama, 1940, as amended; a copy of said petition was duly served upon the Respondent, Jesse Clyde Richburg; and the evidence in the case was considered this date.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that Jesse Clyde Richburg, the Respondent , pay to the petitioner, Ruth M. Richburg, for the support of their two minor children, Charlotte Ann Richburg and Jessie Clyde Richburg, the sum of fifteen dollars ($15.00) per week, said money to be submitted by the Respondent, Jesse Clyde Richburg, directly to the Petitioner, Ruth M. Richburg.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the said Jesse Clyde Richburg pay all court costs in connection with this cause.

Dated this 7 day of August, 1956.

Hubert M. Hare

Judge of the Circuit Court
of Baldwin County, Alabama

CIRCUIT COURT OF MOBILE COUNTY

W. ELSWORTH HAUGHTON, Register

MOBILE, ALA.

July 18th, 1956

Mrs. Alice J. Duck

Register in Equity

Baldwin County

Bay Minette, Alabama

RUTH M. RICHBURG
VS:
JESSE CLYDE RICHBURG

Dear Mrs. Duck:

We received this Reciprocal Act on July 16th, 1956 and did not notice the address for the respondent was in Baldwin County until we were processing it. We are enclosing same with this letter.

Sincerely yours,

Ben F. Welborn

Ben F. Welborn
Deputy Register

BFW:wl

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 3828

July TERM, 19 56

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon JESSE CLYDE RICHBURG

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

JESSE CLYDE RICHBURG, Defendant

by RUTH M. RICHBURG

, Plaintiff

Witness my hand this 20th. day of Dec. 1956

Alice J. Duck, Clerk

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THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

RUTH M. RICHBURG

Plaintiffs

vs.

JESSE CLYDE RICHBURG

Defendants

SUMMONS and COMPLAINT

Filed JULY 20, 1956

Alice J. Duck, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

July 21, 1956

, Sheriff

I have executed this summons

this July 23, 1956

by leaving a copy with

Jesse Clyde Richburg

Taylor Walkins Sheriff

W. P. Tolbert Deputy Sheriff

0 mi

STATE OF ALABAMA)
)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
In Equity
Case No. 3828

RUTH M. RICHBURG

Complainant,

Vs.

JESSIE CLYDE RICHBURG

Respondent.

This day came Kenneth Cooper, Solicitor for Petitioner, and filed his petition praying that Jessie Clyde Richburg be required to appear and show cause, if any he have, why he should not be puninshed as for a contempt in regard to the nature of things set out in the petition; and upon consideration of the said petition, it is

ORDERED, ADJUDGED AND DECREED by the Court that the said Jessie Clyde Richburg appear before the Court at 9:00 A M, on the ~~3rd~~ 7th day of ~~October~~ Nov, 1957, in the court room of the Circuit Court of Baldwin County, at Bay Minette, Alabama, and show cause, if any he have, why he should not be punished for a contempt.

Let a copy of said petition and of this rule to show cause be served forthwith, personally upon the said Jessie Clyde Richburg by the Sheriff of Baldwin County, Alabama.

Done this 6th day of Sept, 1957.

Hubert M. Hall

Hubert M. Hall
Circuit Judge

STATE OF ALABAMA)
)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
Equity Division
Case No. 3828

RUTH M. RICHBURG
Complainant
Vs.
JESSIE CLYDE RICHBURG
Respondent.

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

Now comes the Complainant, represented by Kenneth Cooper, Solicitor for the 28th Judicial Circuit, State of Alabama, acting under the provisions of Article 4, Title 34, Sections 105 to 123, inclusive, Code of Alabama, 1940, as amended, and respectfully shows to the Court that by order of this Court made and entered on August 2nd, 1956, the Respondent was ordered to pay to the Complainant the sum of $15.00 each week for the support of his two dependent children, to-wit, Charlotte Ann Richburg and Jessie Clyde Richburg, Jr.

AS PROVIDED UNDER THE PROVISIONS OF THE Uniform Reciprocal Enforcement of Support Act (Act No. 879. General Acts of Alabama, 1951, and Act No. 823, General Acts of Alabama, 1953); that said Respondent has wilfully failed to pay the said sum; that the Complainant is entitled to the above said sums under the provisions of the said Acts.

Wherefore, the Complainant respectfully prays that the Court make and enter an order requiring the Respondent to show cause if any he has why he should not be adjudged guilty of contempt of this Court for failure to obey the order of this Court requiring him to pay to the Complainant the sum of $ 15.00 each week.

Dated this 6 th day of September, 1957.

Kenneth Cooper
Kenneth Cooper, Solicitor

Received 15 day of Oct 1952
and on 31 day of Oct 1952
I served a copy of the within Petition
on Jessie Clyde Richburg

By service on

TAYLOR WILKINS, Sheriff
By W. A. Tollett D.
omi

Bay minutes

3828

Ruth M. Richburg

vs

Jessie Clyde Richburg