

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

Lucy D. Burch, Complainant

vs.

Andrew E. Burch, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Registered Mail 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 Lucy D. Burch is forever divorced from the said Andrew E. Burch for and on account of

Cruelty. IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the Complainant be and she is hereby awarded the care custody and control of her two minor children, Teresa Ann Burch and Susan Kay Burch, with the right of the respondent to visit the children at reasonable times.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the Respondent pay to the Complainant the sum of One Hundred (\$100.00) Dollars per month for the support and maintenance of the two minor children.

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

This 3rd day of October 19 56

J. Hubert M. Stoeckel 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.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Lucy D. Burch

Complainant

vs.

Andrew E. Burch

Respondent

DIVORCE DECREE

FILED
OCT 3 1956
ALICE J. DUCK, Clerk

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Lucy D. Burch _____ Complainant

VS.

Andrew E. Burch _____ Respondent

I, Evelyn Watts

as Register and Commissioner

have called and caused to come before me Lucy D. Burch AND Walter D. Dyess

witness named in the Requirement for Oral Examination, on the 2nd day of October
1956, at the office of Wilters & Brantley

in Bay Minette, Alabama, and having first sworn said Witness to speak the
truth, the whole truth, and nothing but the truth, the said Lucy D. Burch and Walter D. Dyess
doth depose and say as follows:

My name is Lucy D. Burch. I am a bona fide resident of Baldwin County, Alabama, and have been for more than one year next preceding the filing of this suit and the Respondent, Andrew E. Burch, is a resident of Castleberry, Alabama. We are both over 21 years of age and were married on December 18, 1951, at Brewton, Alabama.

The Respondent and I have two children, Teresa Ann Burch, age three and Susan Kay Burch, age 8 month. My children are living with me and have all their life and I am a fit and proper person to have their care, control and custody of these children and have a suitable and proper home to raise them in. My husband, Andrew Burch, is not a fit and proper person to care for my children. On or about April 15, of this year the Respondent cursed, threatened and abused me and he threatened to do actual violence to me which, if he had carried out his threats would do me bodily harm which would have endangered my life and health. I had every reason to believe that the Respondent would do violence to me and I did believe he would, for he had many times prior to this, hit me about the body and head until I was black and blue. I believe if I continued living with the Respondent that he would do me great bodily harm which would endanger my life and health.

Lucy D. Burch

My name is Walter D. Dyess. I have known Lucy Burch all of her life

and I have known Andrew E. Burch for the past several years. I have personal knowledge of the relationship between the parties in this suit since their marriage and know that they have not got along well at all. From what I have seen I think it is to the best interest of the parties and the children involved that Lucy get a divorce from Andrew Burch. Lucy has been living near me for more than a year and I know that she takes good mother care of the two children and that she is a fit and proper person to have the care, control and custody of these children. From what I have seen of Andrew Burch I do not think that he is a fit and proper person to care for these children.

Witness his mark
Evelyn Watts
Harry J. Walters, Jr.

his
Walter D. Dyess
mark

ORAL EXAMINATION.

I, Evelyn Watts, as ~~Register and~~ Commissioner hereby certify that the foregoing deposition 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 Harry J. Wilters Jr.

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom 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 2nd day of October, 1956

Evelyn Watts (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Lucy D. Burch

vs. Complainant

Andrew E. Burch

Respondent.

Oral Deposition

Filed 3 Oct, 1956

Walter H. Burch, Register.
Recorded in _____

Record _____

Vol. _____ Page _____

Register.

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: Evelyn Watts

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 Lucy D. Burch and Walter D. Dyess

a witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Lucy D. Burch is

and Andrew E. Burch is Complainant

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

Witness 2 day of October, 1956

Register.

Commissioner's Fee, \$

Witness' Fees, \$

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Lucy D. Burch

Complainant

VS.

Andrew E. Burch

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Evelyn Watts

WITNESSES:

Lucy D. Burch

Walter D. Dyess

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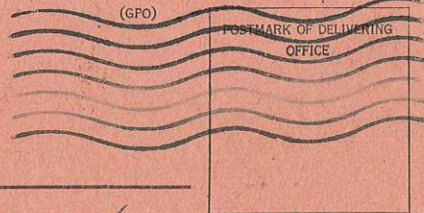
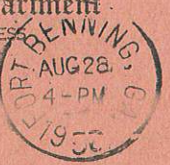
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Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300
(GPO)



Return to Archie - Leuck
(NAME OF SENDER)

Street and Number, }
or Post Office Box, } Box 239

Certified
REGISTERED ARTICLE
No. 593142 Post Office Bay Marinette

INSURED PARCEL
State Ala.

16-12421

DELIVERING
EMPLOYEE

Deliver ONLY to addressee
 Show address where delivered

3838

Received from the Postmaster the Registered or Insured Article, the number of which appears on the face of this return receipt.

1. *Andrew E. Burch*
(Signature or name of addressee)

Deliver to Addressee Only

2. _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery AUG 28 1956, 19____

FILED
AUG 29 1956
AUG 1 1956
REGISTERED

Form 3811
Rev. 4-54

U. S. GOVERNMENT PRINTING OFFICE 16-12421-3

W Y B

3838

Sgt. Andrew E. Burch RA 14147255

Co. F. 9th Army Bn.

Fort Benning, Ga.

LUCY D. BURCH

COMPLAINANT

VS

ANDREW E. BURCH

RESPONDENT

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

ORDER GRANTING TEMPORARY CUSTODY

This day came Lucy D. Burch by verified petition and complaint wherein she seeks a divorce from her husband, Andrew E. Burch, and praying therein that temporary custody of her children be granted her pending a final determination of this cause. The court having read this petition and hearing the testimony of Lucy D. Burch is of the opinion that she should be granted the temporary custody of her said minor children.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that she be and she is hereby awarded the custody of Teresa Ann Burch and Susan Kay Burch, pending a final hearing of this cause.

8/4/56

Hubert M. Hall
JUDGE

Lucy D. Burch

vs.

Andrew E. Burch

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, _____
Decree pro confess on registered mail and testimony of Lucy D. Burch

and in behalf of Defendant upon _____

*Walters & Brantley
by Harry J. Walters, Jr.*

Walter J. Wacker

Register.

No. 3838

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Lucy D. Burch

vs.

Andrew E. Burch

NOTE OF TESTIMONY

Filed in Open Court this 3

day of October, 1956

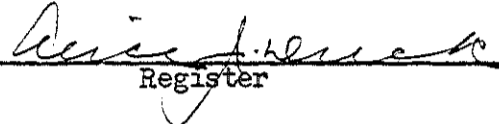
Archie J. [Signature]
Register.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons ANDREW E. BURCH 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 LUCY D. BURCH, as Complainant and against Andrew E. Burch, as Respondent.

WITNESS my hand this 4 day of August, 1956.


Register

LUCY D. BURCH	§	IN THE CIRCUIT COURT OF
COMPLAINANT	§	BALDWIN COUNTY, ALABAMA,
VS	§	IN EQUITY
ANDREW E. BURCH	§	
RESPONDENT	§	

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

Comes now your Complainant and respectfully represents and shows unto Your Honor as follows:

1.

That your Complainant is a bona fide resident citizen of Baldwin County, Alabama, and has been for more than one year next preceding the filing of this bill of complaint, and is over twenty-one years of age; that the Respondent is a resident of Castleberry, Alabama, but is now in the Army stationed at Ft. Benning, Georgia, and is over the age of twenty-one years.

2.

That your Complainant and the Respondent were lawfully married to one another on December 18, 1951, at Brewton, Alabama.

3.

That on to-wit, April 15, 1956, and on various occasions prior thereto the Respondent cursed, threatened and abused your Complainant and threatened to do actual violence to her person, which would necessarily endanger her life and health; that the conduct of the Respondent was such as to give your Complainant every reasonable apprehension to believe and she did actually believe that if she continued to live with the Respondent he would do actual violence to her person, which would necessarily endanger her life and health.

4.

That there was born to the marriage between your Complainant and the Respondent, two children, Teresa Ann Burch, age 3, and Susan Kay Burch, age six months, who are now and have been all of their lives with their mother, the Complainant; that your Complainant is a suitable, fit and proper person to have their care, custody and control. That the Respondent is not a fit and proper person to have the care, control and custody of the said minor children.

5.

Your Complainant further avers that the Respondent has threatened to take her children and move them from the State of Alabama, and she believes he will carry out his threats; that the Respondent does not have a fit and proper place to raise the children and that he cannot give them the necessary attention that is needed for the proper raising of small children; That the Complainant believes that her children's health and life would be impaired if the Respondent was allowed to take the children.

6.

That the Respondent has employed the firm of Wilterss & Brantley, Attorneys at Law, to represent her in this matter of divorce and she has no means of paying them for their services.

WHEREFORE, the premises considered, your Complainant prays that Your Honor will by proper process make the said Andrew E. Burch, party Respondent to this Bill of Complaint requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practices of this Honorable Court.

Premises considered, your Complainant prays that Your Honor will forthwith grant her an ex parte hearing and grant her the temporary custody of the aforementioned children pending a final hearing of this cause.

Your Complainant further prays that on a final hearing of this cause, Your Honor will enter a decree granting your Complainant a divorce from the Respondent and granting her the right to remarry; your Complainant further prays that Your Honor will by said decree grant her the permanent care,

custody and control of her minor children, Teresa Ann Burch and Susan Kay Burch; Your Complainant further prays that Your Honor will order the Respondent to pay the Complainant support money for his minor children; Your Complainant further prays that the Court will ascertain a reasonable attorneys fee to be paid the firm of Wilters and Brantley for representing the Complainant in this cause and cause the Respondent to pay the same, together with the cost of this proceedings. Your Complainant further prays for such, other, further or different relief to which the Complainant may in equity be entitled.

Wilters & Brantley
BY: Gay J. Wilters
Solicitors for the Complainant
Lucy D. Burch
Complainant

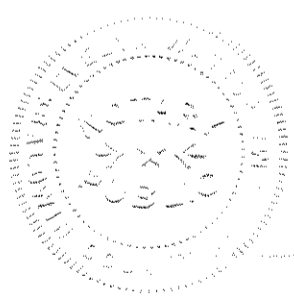
STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Lucy D. Burch the Complainant in this cause, who being by me first duly sworn, doth depose and say: I am the complainant in this cause, I have read this Bill of Complaint and have personal knowledge of the matters set out therein and hereby verify them to be true and correct.

Lucy D. Burch

Sworn to and subscribed before me this 4 day of August, 1956.

Evelyn Watts
Notary Public, Baldwin County, Alabama



NO. 3838

LUCY D. BURCH
COMPLAINANT
VS
ANDREW E. BURCH
RESPONDENT

BILL OF COMPLAINT

FILED
AUG 4 1958

ALICE J. DUCK, Clerk



8600 - Motion for Decree Pro Confesso After Service by Registered Mail.

B.T. 1-47-200

The State of Alabama,
Baldwin County.

}

No. 3838

CIRCUIT COURT, IN EQUITY.

Lucy D. Burch

Complainant

Vs.

Andrew E. Burch

Defendant

Motion is hereby made for a Decree Pro Confesso against

Andrew E. Burch

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 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..... 1st day of October....., 1956

Henry J. Wilton

....., Solicitor.

No.

Page:

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT, IN EQUITY

Lucy D. Burch

Vs.

Andrew E. Burch

MOTION FOR DECREE PRO CONFESSO
AFTER NOTICE BY REGISTERED MAIL

Filed Oct 1, 1966

W. J. Burch
Register.

Recorded in Record,

Vol. Page

Register.

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Lucy D. Burch

Vs.

Andrew E. Burch

**CIRCUIT COURT OF
Baldwin County.**

IN EQUITY

In this cause it being made to appear to the Register that on the 4th day of August, 19 56, a copy of the Bill of Complaint filed in this cause was sent to Andrew E. Burch

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of this Court; and that on the 29th day of August, 19 56, such receipt was duly received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered, adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things taken as confessed against the said Andrew E. Burch

Defendant.

This the 2nd day of Oct, 19 56

W. H. H. H. H. Register.

No. 3838

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

In Equity.

Lucy D. Burch

Vs.

Andrew E. Burch

DECREE PRO CONFESSO AFTER
NOTICE BY REGISTERED MAIL

Filed in office this 2 day of

Oct, 1956

Andrew E. Burch, Register

Entered in O. B. _____ Page _____

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