6854

DIVORCE DECREE

Printed by Moore Ptg. Co.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MARY BESSIE MCCOMBS, Complainant

vs.

BENNIE MCCOMBS, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso on~~ Resondent's 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 MARY BESSIE MCCOMBS is forever divorced from the said BENNIE MCCOMBS ~~and is forbidden to marry~~

UPON CONSIDERATION OF THE WRITTEN AGREEMENT ENTERED INTO BETWEEN THE COMPLAINANT AND THE RESPONDENT TOUCHING THE CUSTODY AND SUPPORT AND MAINTENANCE FOR THE MINOR CHILD OF THE MARRIAGE AND THE DIVISION OF THE REAL PROPERTY AND FURNITURE OWNED BY THE COMPLAINANT AND RESPONDENT, IT IS FURTHER ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. ~~That the said written agreement is hereby ratified and approved.~~
2. That the care, control and custody of the minor child, namely Meta McCombs is awarded to the mother, the complainant, with rights of visitation in the father, the respondent at reasonable times and places.
3. That the respondent pay over to the Complainant the sum of TEN DOLLARS per week for the support and maintenance of the said minor child. Said payments of Ten Dollars to begin immediately.
4. ~~That the property division be carried out according to said agreement.~~

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 Mary Bessie McCombs the Complainant pay the cost herein to be taxed, for which executed may issue.

This 17th day of AUGUST 19 56

Herbert M. Hall
Judge Circuit Court, In Equity.

I, Alice J. Duck, 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 AUGUST, 19 56

_____
Register of Circuit Court, In Equity.

No. 3654 Page

THE STATE OF ALABAMA

BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED
AUG 18 1956
CLERK & REGISTER

ORAL DEPOSITION

Printed by Moore Printing Co.

The State of Alabama, Baldwin County. } Circuit Court of Baldwin County, Alabama (In Equity)

MARY BESSIE MCCOMBS Complainant

VS.

BENNIE MCCOMBS Respondent

I, Virginia Hillhouse

as Register and Commissioner

have called and caused to come before me Mary Bessie McCombs

witness ____ named in the Requirement for Oral Examination, on the 18th day of August, 1956

19____, at the office of Virginia Hillhouse

in Foley, Alabama, and having first sworn said Witness ____ to speak the truth, the whole truth, and nothing but the truth, the said Mary Bessie McCombs and Justine Gardner doth depose and say as follows:

My name is Mary Bessie McCombs I am over the age of 21 years and am a resident of Baldwin County, Alabama and have been for more than 1 year before filing this bill for a divorce. Bennie McCombs is over the age of 21 years and has been a bona fide resident of Baldwin County, Alabama for more than 1 year before the filing of this bill of complaint. I was lawfully married to Bennie McCombs January 8, 1945 at Pensacola, Florida. We have one child, Meta McComb born December 23, 1945.

Bennie McComb voluntarily abandoned me over 1 year ago before I filed for this divorce, since which time we have not lived together or recognized each other as husband and wife.

I have entered into anagreement with Bennie McCombs which agreement is marked Exhibit "A" and made a part of my testimony. By the terms of the agreement I am to have control and custody of our child Meta McCombs with rights of visitation at reasonable times and places to Bennie McCombs and he is to pay to me $10.00 per week for the support and maintenance of Meta McCombs. We further agreed that I could live in the house which we jointly own until sold. We agreed to sell the house as soon as possible at a price of not less tha $8500.00 without the furniture and $9500.00 with the furniture. If the furniture is not sold I am to receive the furniture but if sold with the house, we are each to receive one half of the money. If the house is sold, I am to receive $2000.00 of the sales price and one half of the remainder.

Mary McCombs

My name is Justine Gardner. I am a resident of Baldwin County, Alabama. I know and have known Mary Bessie McCombs for several Years. She has lived in Elberta, Baldwin County, Alabama for the past year and longer.

Justine L. Gardner

ORAL EXAMINATION

I, Virginia Hillhouse, 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 and read over to them and they signed the same in the presence of myself

Virginia Hillhouse

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proom 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 18th day of August, 1956

Virginia Hillhouse (L. S.)

No. 3654 Page

The State of Alabama
Baldwin County.

In Circuit Court, In Equity

MARY BESSIE MCCOMBS, Complainant

vs.

BENNIE MCCOMBS, Respondent

Oral Deposition

Filed, 19

Register

Recorded in

Record

Vol. Page

Register

MARY BESSIE MCCOMBS
Complainant

vs.

BENNIE MCCOMBS
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

No. _____

DEMAND FOR ORAL EXAMINATION

COMES the Complainant, by attorney, and represents to the Court as follows:

1. That the following named witnesses reside within one hundred miles from Bay Minette, in the County of Baldwin Alabama, the place of trial of said cause, to-wit: Mary Bessie McCombs

AND Justine Gardner

2. That said Complainant requires an oral examination of said witnesses before a Commissioner appointed by the Register of this Court.

Arthur C. Epperson
Solicitor for Complainant

NOTE:

Complainant suggests the name of Virginia Hillhouse as a suitable and competent person to act as commissioner upon the examination of said witnesses.

Arthur C. Epperson
Solicitor for Complainant.

no. 3854

DEMAND FOR ORAL EXAMINATION

MARY BESSIE MCCOMBS

Complainant

vs.

BENNIE MCCOMBS

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed this _____ day of _____

194____

FILED
AUG 18 1956
ALICE L. BUCK, Register

_____ Register

Moore Printing Co.

COMMISSION TO TAKE DEPOSITIONS B.T.-500-11-54

THE STATE OF ALABAMA
Baldwin County } Circuit Court

TO: Virginia Hilchouse

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

Mary Bessie McCombs
Justine Gardner

a witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein

Mary Bessie McCombs

, Complainant

and Bennie McCombs

Respondent

on oath, to be by you administered, upon them

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 18 day of Aug, 1956

Register.

Commissioner's Fee, $

Witness' Fees, $

No. 3854

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Mary Bessie McCombs

Complainant

VS.

Bennie McCombs

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

8581. NOTE OF TESTIMONY

Printed by the Baldwin Times, Bay Minette, Alabama.

MARY BESSIE MCCOMB

Complainant

vs.

BENNIE MCCOMB

Respondent

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 and waiver, Oral Deposition of the Complainant's witnesses and agreement of the parties marked Exhibit "A".

and in behalf of Defendant upon

Arthur C. Egerson
Attorney for the complainant

Alice J. Duck
Register.

No. 3854

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Mary Bessie Mccombs

Comp.

vs.

Bennie McCombs,

Resp.

NOTE OF TESTIMONY

Filed in Open Court this .....

day of ....., 194 .....

FILED

AUG 18 1956 Register.

Printed by the Baldwin Times

ALICE J. BUCK, Register

MARY BESSIE MCCOMBS COMPLAINANT	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
BENNIE MCCOMBS RESPONDENT	)	IN EQUITY

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

Your complainant Mary Bessie McCombs 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 preceding the filing of this bill of complaint; that Bennie McCombs is over the age of twenty-one years and resides in Baldwin County, Alabama.

2. That your complainant and respondent were lawfully married on or about, to-wit: January 8, 1945 at Pensacola, Florida, and of this marriage is one minor child, namely, Meta McCombs, born December 23, 1945.

3. Complainant further avers that said respondent voluntarily 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 together 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 and the division of property owned by complainant and respondent, 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 $10.00 a week for the support and maintenance of the said minor child and the complainant will reside in the home until it is sold according to the terms of the agreement.

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 Bennie McCombs 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 Bennie McComb, 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.

Arthur L. Ashburn
SOLICITOR FOR COMPLAINANT

3854

Complaint.

Mary Bessie McCombs

vs.

Bennie McCombs

STATE OF ALABAMA

BALDWIN COUNTY

THIS AGREEMENT made and entered into on this the Fifteenth day of May, 1956, by and between Mary Bessie McComb, hereinafter referred to as the party of the first part, and Bennie McComb, hereinafter referred to as the party of the second part.

WITNESSETH:

WHEREAS, the parties hereto have been husband and wife since January 8, 1945, and as a result of such union have one minor child, Meta McComb born December 23, 1945; and,

WHEREAS, the parties have been separated and living apart for over a 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 and the matter of the division of the property of the complainant and respondent, without litagation.

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, and that the party of the second part will pay to the party of the first part for the support and maintenance of the said minor child, the sum of Ten Dollars ($10.00) a week.

2. It is hereby agreed that in the event the parties are divorced, that the home belonging jointly to both parties will be offered for sale and sold for at least $8500.00 or more; all furniture in the house will be offered for sale with the house for the additional price of $1000.00; if the furniture is not sold with the house, the same is to become the property of the party of the first part; the money received for the house and furniture will be divided as follows: $2000.00 to the party of the first part and the remainder divided equally between the parties; it is further understood and agreed that the party of the second part during this separation and in the event that there is a divorce, will make all monthly payments due on the home until the home is sold; it is further agreed that the party of the first part shall have the use of the home until the same is sold.

3. The place of business owned and operated by the party of the second part shall remain the exclusive property of the party of the second part in consideration for his agreement to give to the party of the first part $2000.00 from the sale of the home before dividing the remainder.

4. 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 not 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.

Witness

Mary McCombs
Party of the First Part

Witness

Bunnie McCombs
Party of the Second Part

MARY BESSIE MCCOMBS COMPLAINANT	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
BENNIE MCCOMBS RESPONDENT	)	IN EQUITY

Comes the respondent in the above-styled cause and accepts service of a bill of Complaint heretofore filed in this cause; waives notice of the filing of interrogatories in this 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 complaint heretofore filed in this cause the respondent says:

1. He admits the allegations in paragraph one of the bill of complaint.

2. He admits the allegations of paragraph two of the said bill of complaint.

3. He denies each and every material allegation contained in paragraph three of the said bill of complaint and requires strict proof thereof.

4. The respondent for answer to paragraph four avers that said agreement is a just and fair agreement and prays the Court that should the Court grant the complainant a divorce, that said agreement be incorporated into the decree and made a part thereof.

Bennie McCombs
RESPONDENT

Justine E. Gardner
WITNESS

Arthur C. Egbert
WITNESS