

JO ANN COLE, on behalf of
Plaintiff
EMERY JEAN COLE, minor,
vs.

DON E. COLE,
Defendant

JO ANN COLE, being duly sworn deposes

and says:

1. What is your name and address?

ANSWER: JO ANN COLE, P.O. Box 152, Weaverville, N.C.

2. Are you married?

ANSWER: No, I am the former wife of defendant Don E. Cole.

3. When and where were you married?

ANSWER: December 12, 1947, Buncombe County, North Carolina.

4. Who is your husband?

ANSWER: -----

5. Are you and your husband separated?

ANSWER: Yes.

6. When did the separation commence?

ANSWER: April 3, 1953. Divorce granted December 15, 1953, on adultery.

7. Did your husband leave you? If so, why?

ANSWER: Yes. Numerous other women, including his present wife or so I was advised.

8. Did you leave your husband? If so, why?

ANSWER: No.

9. How many children were born to said marriage? Give the names and ages of the ones now living?

ANSWER: One. Emery Jean Cole, age 7.

10. With whom do the children reside?

ANSWER: With me.

11. What amount, if any, has their father contributed to their support since the separation?

ANSWER: The sum of \$ 507.00 since December, 1953.

12. What amount, if any, has your husband contributed to your support since the separation?

ANSWER: Nothing as I secured absolute divorce.

13. If the defendant is not your husband, give names and ages of your children of whom he is the father.

ANSWER:

14. What amount, if any, has he contributed to the payment of medical expenses incident to birth of the child or children and what amount, if any, has he contributed for the maintenance and support of the child or children?

ANSWER:

15. What is the reasonable amount necessary for support for you as wife of the defendant?

ANSWER: -----

16. What is the reasonable amount necessary for support and maintenance of the child or children?

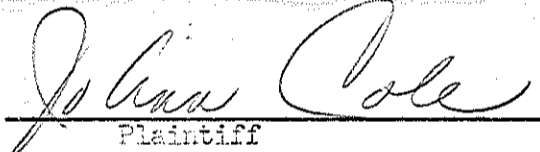
ANSWER: \$ 100.00 per month.

17. Copy of Judgment in divorce action attached as Exhibit "A". Defendant's adulterous conduct began in January, 1951.

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, JO ANN COLE, the above plaintiff, being duly sworn, under oath hereby state and affirm that the matters and things set out in the foregoing affidavit are true to the best of my knowledge and belief.


Plaintiff

Sworn to and subscribed before me this the 29th day of May,
19 56.

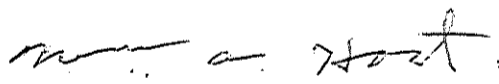

Judge of the Domestic Relations Court
of Buncombe County

EXHIBIT " A "

STATE OF NORTH CAROLINA)
)
 COUNTY OF BUNCOMBE)

IN THE GENERAL COUNTY COURT

JO ANN COLE,)
 Plaintiff,)
 -vs-)
 D. E. COLE,)
 Defendant.)

J U D G M E N T

THIS CAUSE, coming on to be heard at the Regular December, 1953 Term of the Buncombe County General County Court before His Honor, Burgin Pennell, Judge Presiding and a Jury and it appearing to the Court that service of summons by publication was had upon the defendant in the manner prescribed by law and that this case is properly at issue at this term of Court, and the jury having answered the issues submitted as follows:

1. Has the plaintiff been a citizen and resident of the County of Buncombe, State of North Carolina for more than six months preceding the filing of the complaint herein as alleged in the complaint?

ANSWER: Yes.

2. Were the plaintiff and defendant married as alleged in the complaint?

ANSWER: Yes.

3. Did the defendant commit adultery as alleged in the complaint?

ANSWER: Yes.

IT IS THEREFORE, upon motion of George Pennell, Attorney for the Plaintiff, CONSIDERED, ORDERED, ADJUDGED and DECREED that the bonds of matrimony heretofore existing between the plaintiff and defendant be and are hereby dissolved by the granting of a divorce A Vinculo Matrimonii.

This the 15th day of December, 1953.

/s/ Burgin Pennell
 Burgin Pennell, Judge, Buncombe
 County General County Court

STATE OF NORTH CAROLINA
 COUNTY OF BUNCOMBE

I, J. E. Swain, Clerk Superior Court, ex officio Clerk General County Court, Buncombe County, North Carolina, do hereby certify that the foregoing is a true and perfect copy of the judgment in the matter of JO ANN COLE -vs- D. E. COLE, as the same appears on file in my office, and as recorded in Minute Docket A-1, Page 204, in my said office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this the 23rd day of May, 1954.

J. E. Swain, Clerk Superior Court
 ex officio Clerk General County Court
 Betty H. Ralbaugh
 Deputy



WILLIAM A. HART
JUDGE

DOMESTIC RELATIONS COURT
OF BUNCOMBE COUNTY
COURT HOUSE

ASHEVILLE, N.C.

May 29, 1956

DON E. COLE

21 W. PUTNAM

GREENWICH, CONN.

Hon. Kenneth Cooper,
Solicitor Twenth-Eighth Circuit,
Baldwin County,
Bay Minette, Alabama

He banked with the

Bank of Jacksonville

Uniform Reciprocal Support Action
Jo Ann Cole, on behalf of minor child
vs

Don E. Cole

Dear Mr. Cooper:

Enclosed herewith please find papers in the above entitled action for support under the Uniform Support Act, which I am advised Alabama has a similar act.

This Court would appreciate your cooperation by the docketing of same and necessary process to issue.

The defendant is residing in Daphne. My office has had correspondence with Sheriff Wilkins regarding the defendant's specific address in Daphne. Mr. Wilkins assured me that there would be no difficulty in locating defendant there and that he was still in the town of Daphne.

The above named defendant has a very bad record here in many ways. However his dependent child is in need of definite support and we are advised that Mr. Cole is making a good salary with commissions if he has not lost this job by his conduct.

All correspondence may be addressed to me and my office will be ready to assist in any way needed.

Very truly yours,

Lucile C. McInturff

Lucile C. McInturff
Solicitor Domestic Relations Court
Assistant Solicitor Superior Court, URESA
Buncombe County, North Carolina

LCM:vt
encls

12 October 1956

Lucile C. McInturff
Solicitor Domestic Relations Court
Buncombe County
Asheville, N.C.

Re: Cole, Jo Ann vs.
Cole, Don E.

Dear Miss McInturff:

Reference your letter of October 9, 1956, concerning above styled cause.

It was my understanding that you had already been advised of the action taken in this case, but upon examination of the records I do not find where you have been notified.

In answer to your above mentioned letter, this is to advise that the Respondent, Don E. Cole, was not found in this state. A number of people by the name of Cole were contacted, but they were not the respondent. Information was furnished by the sheriff's office of this county that the respondent, Don E. Cole, might be found at:

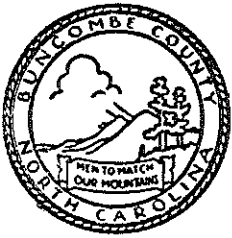
21 W. Putman
Greenwich, Conn.

I am sorrow that MR Cole was not found in this county. If you later find out that he has returned, and will so advise me, I shall be glad to do all possible to bring him in on this case.

Very truly yours,



Kenneth Cooper
Circuit Solicitor



WILLIAM A. HART
JUDGE

DOMESTIC RELATIONS COURT
OF BUNCOMBE COUNTY
COURT HOUSE

ASHEVILLE, N. C.

October 9, 1956

Hon. KENNETH COOPER,
Solicitor 28th., Circuit
County of Baldwin
Bay Minette, Alabama

URESA, Re: Jo Ann Cole, et al
VS
Don E. Cole

Dear Mr. Cooper;

On May 29, 1956, the above entitled Uniform Support action was forwarded to your office for such action as was deemed proper.

This Court did not receive acknowledgment of the receipt of same, and to date has not been advised of any progress made.

I would appreciate being informed regarding same at your convenience.

Very truly yours,

Lucile C. McInturff
Solicitor Domestic Relations Court
Ass't Solicitor Superior Court, re URESA
Buncombe County, North Carolina

LCM:vt

CHAPTER 52A OF THE GENERAL STATUTES OF NORTH CAROLINA

AS AMENDED BY CHAPTER 699, SESSION LAWS OF 1955,

EFFECTIVE JULY 1, 1955

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT

Sec. 52A-1. Short title.—This chapter may be cited as the "Uniform Reciprocal Enforcement of Support Act."

Sec. 52A-2. Purposes.—The purposes of this chapter are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

Sec. 52A-3. Definitions.—As used in this chapter 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 of record in this State having jurisdiction to determine liability of persons for the support of dependents in any criminal proceeding, and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law: Provided, however, that all proceedings in which this State is the "initiating state," as defined above, shall be commenced in the superior court or domestic relations court.

(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.

Sec. 52A-4. Remedies additional to those now existing.—The remedies herein provided are in addition to and not in substitution for any other remedies.

Sec. 52A-5. Obligor—Present in State—Bound.—Duties of support arising under the law of this State when applicable under G. S. 52A-8, bind the obligor, present in this State, regardless of the presence or residence of the obligee.

Sec. 52A-6. Interstate rendition.—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 the other state.

Sec. 52A-7. Relief from the above provisions.—Any obligor contemplated by G. S. 52A-6, 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 nonsupport entered in the courts of this State during the period of such compliance: Provided, however, that an obligor may not upon his ex parte petition avail himself of the provisions of this Act.

Sec. 52A-8. What duties are applicable.—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 or any part of 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.

Sec. 52A-9. How duties of support are enforced.—All duties of support are enforceable by action irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder in which this State is the responding state shall be in any court or record in this State having jurisdiction to determine liability of persons for the support of dependents in any criminal proceeding; jurisdiction of all proceedings which are commenced in this State as the initiating state shall be vested in the superior court or domestic relations court and shall be forwarded from that court to the appropriate court or other designated agency in the state of the defendant's residence.

Sec. 52A-10. Contents of complaint for support.—Actions hereunder shall be commenced by the issuance of summons in the form required for actions for alimony without divorce by the court having jurisdiction. 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 indenifying 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 by which he has been or is known, the name of his employer, his fingerprints, or Social Security number.

Sec. 52A-10.1 Official to represent plaintiff.—It shall be the duty of the official who prosecutes criminal actions for the state in the court acquiring jurisdiction to appear on behalf of the plaintiff in proceedings under this chapter when this State is a responding state as defined in G. S. 52A-3.

Sec. 52A-10.2 Complaint by minor.—A Complaint on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as next friend.

Sec. 52A-11 Duty of court of this State as initiating state.—If the court of this State acting as initiating state and from the return on the summons and the verified complaint the clerk of the court finds that the defendant is not to be found in this State, 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 or other designated agency in the responding state.

If the name and address of such court is unknown and the responding state has an information agency, the court of this State 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 this State.

Sec. 52A-11.1 Court—Fees and Costs.—A court of this State acting as a responding state may in its discretion direct that any part of all fees and costs incurred in this State, including without limitation by enumeration, fees for filing, service of process, and seizure of property, shall be paid by the county, but when an order of support is entered against a defendant, he shall be taxed with the costs.

The clerk of court, when this State is the initiating state, may upon a certification by the county supertintendent of public welfare of the indigency of the plaintiff, waive all fees and costs incurred in filing a petition hereunder.

Sec. 52A-12 Duty of the court of this State as responding state.—When the court of this State, acting as responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause (2) notify the prosecutor of criminal actions for the state in said court as described in G. S. 52A-10.1, (3) set a time and a place for a hearing, and (4) take such action as is necessary in accordance with the laws of this State to obtain jurisdiction. The procedure for serving notice and summons on the defendant under this chapter shall be the same as in actions for alimony without divorce as provided by G. S. 50-16.

Sec. 52A-12.1 Further duty of responding court.—If a court of this State, acting as a responding state, is unable to obtain jurisdiction of the defendant or his property, the court shall communicate this fact to the court in the initiating state, and if information is obtained by the court of the defendant's whereabouts in another part of this State, the court shall forward the papers to such other court of this State as may obtain jurisdiction of the defendant.

Sec. 52A-13 Order of support.—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.

Sec. 52A-14 Responding state to transmit copies to initiating state.—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.

Sec. 52A-15 Additional powers of court.—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 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.

Sec. 52A-16 Additional duties of the court of this State when acting as a responding state.—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.

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Uniform Reciprocal Enforcement of Support Act - Page 5

Sec. 52A-18. Evidence of husband and wife.--Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this chapter. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage.

Sec. 52A-19. Rules of evidence.--In any hearing under this law, wherein the defendant has been served with notice and summons as herein provided, the verified complaint of the plaintiff shall be admissible as prima facie evidence of the facts therein stated in any court of this State having jurisdiction to conduct hearings pursuant to this article. In those cases where the defendant fails to appear after service of notice and summons, the court may enter a reasonable order for support. Upon proper motion of the defendant, the reasonableness of the order may be reconsidered by the court, and upon a showing by the defendant that the order is not within his financial ability to pay, is beyond his earning capacity, or for other good cause shown, such order shall be subject to modification from time to time. The order fixed by the court shall also be subject to modification from time to time upon motion of the plaintiff.

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JO ANN COLE, on behalf of
Plaintiff
EMERY JEAN COLE, minor,
vs.

DON E. COLE,
Defendant

JO ANN COLE, being duly sworn deposes

and says:

1. What is your name and address?

ANSWER: JO ANN COLE, P.O. Box 152, Weaverville, N.C.

2. Are you married?

ANSWER: No, I am the former wife of defendant Don E. Cole.

3. When and where were you married?

ANSWER: December 12, 1947, Buncombe County, North Carolina.

4. Who is your husband?

ANSWER: -----

5. Are you and your husband separated?

ANSWER: Yes.

6. When did the separation commence?

ANSWER: April 3, 1953. Divorce granted December 15, 1953, on
adultery.

7. Did your husband leave you? If so, why?

ANSWER: Yes. Numerous other women, including his present
wife or so I was advised.

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ANSWER: No.

9. How many children were born to said marriage? Give the names
and ages of the ones now living?

ANSWER: One. Emery Jean Cole, age 7.

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ANSWER: With me.

11. What amount, if any, has their father contributed to their
support since the separation?

ANSWER: The sum of \$ 507.00 since December, 1953.

12. What amount, if any, has your husband contributed to your
support since the separation?

ANSWER: Nothing as I secured absolute divorce.

13. If the defendant is not your husband, give names and ages of your children of whom he is the father.

ANSWER:

14. What amount, if any, has he contributed to the payment of medical expenses incident to birth of the child or children and what amount, if any, has he contributed for the maintenance and support of the child or children?

ANSWER:

15. What is the reasonable amount necessary for support for you as wife of the defendant?

ANSWER: _____

16. What is the reasonable amount necessary for support and maintenance of the child or children?

ANSWER: \$ 100.00 per month.

17. Copy of Judgment in divorce action attached as Exhibit "A". Defendant's adulterous conduct began in January, 1951.

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, JO ANN COLE, the above plaintiff, being duly sworn, under oath hereby state and affirm that the matters and things set out in the foregoing affidavit are true to the best of my knowledge and belief.

s/ JO ANN COLE
Plaintiff

Sworn to and subscribed before me this the 29th day of May,
1956.

s/ Wm. A. HART
Judge of the Domestic Relations Court
of Buncombe County

CHAPTER 52A OF THE GENERAL STATUTES OF NORTH CAROLINA

AS AMENDED BY CHAPTER 699, SESSION LAWS OF 1955,

EFFECTIVE JULY 1, 1955

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT

Sec. 52A-1. Short title.—This chapter may be cited as the "Uniform Reciprocal Enforcement of Support Act."

Sec. 52A-2. Purposes.—The purposes of this chapter are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

Sec. 52A-3. Definitions.—As used in this chapter 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 of record in this State having jurisdiction to determine liability of persons for the support of dependents in any criminal proceeding, and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law: Provided, however, that all proceedings in which this State is the "initiating state," as defined above, shall be commenced in the superior court or domestic relations court.

(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.

Sec. 52A-4. Remedies additional to those now existing.—The remedies herein provided are in addition to and not in substitution for any other remedies.

Sec. 52A-5. Obligor--Present in State--Bound.--Duties of support arising under the law of this State when applicable under G. S. 52A-8, bind the obligor, present in this State, regardless of the presence or residence of the obligee.

Sec. 52A-6. Interstate rendition.--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 the other state.

Sec. 52A-7. Relief from the above provisions.--Any obligor contemplated by G. S. 52A-6, 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 nonsupport entered in the courts of this State during the period of such compliance: Provided, however, that an obligor may not upon his ex parte petition avail himself of the provisions of this Act.

Sec. 52A-8. What duties are applicable.--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 or any part of 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.

Sec. 52A-9. How duties of support are enforced.--All duties of support are enforceable by action irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder in which this State is the responding state shall be in any court or record in this State having jurisdiction to determine liability of persons for the support of dependents in any criminal proceeding; jurisdiction of all proceedings which are commenced in this State as the initiating state shall be vested in the superior court or domestic relations court and shall be forwarded from that court to the appropriate court or other designated agency in the state of the defendant's residence.

Sec. 52A-10. Contents of complaint for support.--Actions hereunder shall be commenced by the issuance of summons in the form required for actions for alimony without divorce by the court having jurisdiction. 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 indentifying 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 by which he has been or is known, the name of his employer, his fingerprints, or Social Security number.

Sec. 52A-10.1 Official to represent plaintiff.—It shall be the duty of the official who prosecutes criminal actions for the state in the court acquiring jurisdiction to appear on behalf of the plaintiff in proceedings under this chapter when this State is a responding state as defined in G. S. 52A-3.

Sec. 52A-10.2 Complaint by minor.—A Complaint on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as next friend.

Sec. 52A-11 Duty of court of this State as initiating state.—If the court of this State acting as initiating state and from the return on the summons and the verified complaint the clerk of the court finds that the defendant is not to be found in this State, 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 or other designated agency in the responding state.

If the name and address of such court is unknown and the responding state has an information agency, the court of this State 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 this State.

Sec. 52A-11.1 Court—Fees and Costs.—A court of this State acting as a responding state may in its discretion direct that any part of all fees and costs incurred in this State, including without limitation by enumeration, fees for filing, service of process, and seizure of property, shall be paid by the county, but when an order of support is entered against a defendant, he shall be taxed with the costs.

The clerk of court, when this State is the initiating state, may upon a certification by the county superintendent of public welfare of the indigency of the plaintiff, waive all fees and costs incurred in filing a petition hereunder.

Sec. 52A-12 Duty of the court of this State as responding state.—When the court of this State, acting as responding state, receives from the court of an initiating state the aforesaid copies, it shall (1) docket the cause (2) notify the prosecutor of criminal actions for the state in said court as described in G. S. 52A-10.1, (3) set a time and a place for a hearing, and (4) take such action as is necessary in accordance with the laws of this State to obtain jurisdiction. The procedure for serving notice and summons on the defendant under this chapter shall be the same as in actions for alimony without divorce as provided by G. S. 50-16.

Sec. 52A-12.1 Further duty of responding court.—If a court of this State, acting as a responding state, is unable to obtain jurisdiction of the defendant or his property, the court shall communicate this fact to the court in the initiating state, and if information is obtained by the court of the defendant's whereabouts in another part of this State, the court shall forward the papers to such other court of this State as may obtain jurisdiction of the defendant.

Sec. 52A-13 Order of support.—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.

Sec. 52A-14 Responding state to transmit copies to initiating state.—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.

Sec. 52A-15 Additional powers of court.—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 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.

Sec. 52A-16 Additional duties of the court of this State when acting as a responding state.—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.

Sec. 52A-17 Additional duty of the court of this State when acting as an initiating state.—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.

Sec. 52A-18. Evidence of husband and wife.--Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this chapter. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage.

Sec. 52A-19. Rules of evidence.--In any hearing under this law, wherein the defendant has been served with notice and summons as herein provided, the verified complaint of the plaintiff shall be admissible as prima facie evidence of the facts therein stated in any court of this State having jurisdiction to conduct hearings pursuant to this article. In those cases where the defendant fails to appear after service of notice and summons, the court may enter a reasonable order for support. Upon proper motion of the defendant, the reasonableness of the order may be reconsidered by the court, and upon a showing by the defendant that the order is not within his financial ability to pay, is beyond his earning capacity, or for other good cause shown, such order shall be subject to modification from time to time. The order fixed by the court shall also be subject to modification from time to time upon motion of the plaintiff.

6 June 1956

Mr Don E. Cole
Foley, Alabama

Dear Mr Cole:

I have some papers concerning a case in this Court against you. Would you please contact me at the earliest possible date about this matter?

Very truly yours,

Kenneth Cooper
Circuit Solicitor

STATE OF NORTH CAROLINA }
Buncombe County

IN THE DOMESTIC RELATIONS COURT

JO ANN COLE, on behalf of
EMERY JEAN COLE, minor, Plaintiff,
Against
DON E. COLE,
Defendant

SUMMONS FOR RELIEF

THE STATE OF NORTH CAROLINA
TO THE SHERIFF OF BUNCOMBE COUNTY—GREETINGS:

You are hereby commanded to summon DON E. COLE

the defendant _____ above named, if to be found in your County, to be and appear at the office of the Clerk of Domestic Relations Court for the County of Buncombe, at the Court House in Asheville, N. C., not later than thirty days from date of service of this Summons, and answer or demur to the complaint herein, a copy of which is hereto attached (or which will be filed in the office of the Clerk of the Domestic Relations Court of Buncombe County, within the time set out in the order below.) And let said defendant _____ take notice that if _____ he _____ fails to answer or demur within the time required by law that the plaintiff _____ will apply to the Court for the relief demanded in the complaint.

Herein fail not and of this Summons make due return.

Given under my hand and seal of said Court this 29th day of May, 1956

RUTH McLEAN

Clerk Domestic Relations Court, Buncombe County.
Per Jennie M. Falls, D. C.

ORDER EXTENDING TIME FOR FILING COMPLAINT

Plaintiff _____ having made written application for an order to extend the time for filing complaint to the _____ day of _____, 195____, and the nature and purpose of this suit, as shown in said application being _____

it is thereupon ORDERED that the time is extended to plaintiff _____ for filing Complaint to the _____ day of _____, 195____.

Clerk Domestic Relations Court, Buncombe County.

We acknowledge ourselves bound unto _____

_____ the Defendant _____ in this action,
in the sum of Two Hundred Dollars. To be void, however, if the Plaintiff _____ shall pay to the Defendant _____
all such costs as the Defendant _____ may recover of the Plaintiff _____ in this action.

Witness our hands and seals, this _____ day of _____, A. D., 195 _____

(SEAL)

(SEAL)

(SEAL)

No. R-47

JO ANN COLLE, on behalf of

EMERY JEAN COLLE, minor, Plaintiff,

Against

DON E. COLLE,

Defendant

SUMMONS FOR RELIEF

Returnable _____, 195 _____

into the office of the Clerk of Domestic
Relations Court for Buncombe County.

Received May 29th, 195 6

Served _____, 195 _____

DUE SEARCH MADE, DEFENDANT
NOT FOUND IN BUNCOMBE COUNTY
L. E. BROWN, Sheriff

[Signature] D.S.

Fee _____

L. E. BROWN,

Sheriff Buncombe County

LUCILLE C. MCINTURFF, S.D.R.C.
Plaintiff's Attorney.

NORTH CAROLINA,
Buncombe County.

_____ being duly sworn, deposes and says that
he is a free holder in Buncombe County and is worth the sum of Four Hundred Dollars, over and above all debts,
liabilities and exemptions allowed by law.

Sworn to and subscribed before me this _____ day of _____, 195 _____

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE.

DOMESTIC RELATIONS COURT

JO ANN COLE, on behalf of

Plaintiff

EMERY JEAN COLE, minor

vs.

PAUPER'S AFFIDAVIT

DON E. COLE,

Defendant

JO ANN COLE, being duly sworn, deposes and says that she is the plaintiff in the above entitled action; that she is advised and believes that she has meritorious cause of action for support under the UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT (as amended by Chapter 699, Session Laws of 1955) and that, owing to her poverty, she is unable to pay costs or give such security as may be required by the State of Alabama, if any, in such cases.

s/ JO AN COLE

Plaintiff

Subscribed and sworn to before me this the 29th day of May, 1956.

s/ RUTH MCLEAN

Clerk Domestic Relations Court
Buncombe County, North Carolina.

I, GEORGE H. LAWRENCE, Superintendent of Public Welfare, County of Buncombe, North Carolina, do hereby certify that after a careful examination of the facts with respect to the above entitled action wherein the plaintiff seeks support for herself and minor child (children) born to the marriage between the parties above named, I am of the opinion that the plaintiff is unable to pay the fees and costs or give such security as may be required by the State of Alabama, if any, in such cases.

This the 29th day of May, 1956.

George H. Lawrence
Superintendent Public Welfare,
Buncombe County, North Carolina.

~~JO ANN COLE, on behalf of~~
Plaintiff

EMERY JEAN COLE, minor,
vs.

C E R T I F I C A T E

~~DON E. COLE,~~
Defendant

The undersigned Judge of the Domestic Relations Court of Buncombe County, North Carolina, hereby certifies:

(1) That on the 29th day of May, 19 56, a complaint was verified by the above named plaintiff and duly filed in this Court in a proceeding against the above named defendant, commenced under the provisions of the Uniform Reciprocal Enforcement of Support Act (Chapter 52A, General Statutes of North Carolina as amended in 1955) to compel the support of the dependents named in this complaint;

(2) That the above named defendant is believed to be residing or domiciled at the following address:

~~Daphne, Alabama, and is a salesman for the Publishers Associated Service.~~

and that the Court of ~~the Twenty-Eighth Circuit, Baldwin County, Ala.~~, may obtain jurisdiction of the defendant or his property;

(3) That the undersigned Judge of the Domestic Relations Court of Buncombe County has examined the plaintiff under oath and she has reaffirmed the allegations contained in the complaint and that according to the testimony of the plaintiff, the needs of the dependents named in the complaint for support from the defendant are the sum of \$ 100 per (week) (month);

(4) That in the opinion of the undersigned, the defendant should be compelled to answer such complaint and be dealt with according to law;

WHEREFORE, it is hereby ordered that this Certificate, in triplicate, together with the three certified copies of the complaint, and three copies of Chapter 52A of the General Statutes of North Carolina (as amended by the 1955 General Assembly), The Uniform Reciprocal Enforcement of Support Act, be transmitted to the Court of ~~the Twenty-Eighth Circuit, Baldwin County, Ala.~~

This the 29th day of May, 19 56.

s/ W. A. HART

Judge of the Domestic Relations Court

of Buncombe County

STATE OF NORTH CAROLINA
COUNTY OF Buncombe

JO ANN COLE, on behalf of,
Plaintiff

EMERY JEAN COLE, minor,
vs.

C O M P L A I N T

DON E. COLE,
Defendant

The plaintiff herein respectfully showeth the Court:

1. That she is the ~~the~~ ^{former} wife of the defendant herein named, having been duly married to him on or about the 12 day of December, 1947, at the following named place, to-wit Buncombe County N.C., and that this plaintiff now resides at the following address:

Weaverville N.C., P.O. Box 152;

2. That said plaintiff is the mother and that said defendant is the father of the following named dependents, to-wit:

<u>Name</u>	<u>Birth Date</u>
<u>EMERY JEAN COLE,</u>	<u>June 22, 1949</u>

3. That ~~petitioner~~ said child (~~ren~~) is (~~and~~) entitled to support from the said defendant under the provisions of the Uniform Reciprocal Enforcement of Support Act of this State (Chapter 52A of the General Statutes as amended in 1955), copy of which is attached and made a part hereof.

4. That defendant on or about the 16th day of March, 1956, and subsequent thereto, refused and neglected to provide fair and reasonable support for plaintiff and the other dependent (s) named herein according to his means and earning capacity.

5. That, upon information and belief, defendant now is residing or domiciled at the following address:

Daphne, Alabama,;
that for purposes of helping in locating or indentifying the defendant the following are attached to and made a part of this complaint:

Photo. Is employed as a salesman for Publishers Associated Service.
and the following additional information for purposes of indentification is submitted: _____

(Note: See G. S. 52A-10 as amended by the 1955 General Assembly for suggestions as to the type of information to be included.)

6. That, upon information and belief, defendant is earning \$ 750.00 per ~~week~~ (month), and is within jurisdiction of the Court of the Twenty-Eighth Circuit, Baldwin County, Ala., which State has enacted a law substantially similar to the Uniform Reciprocal Enforcement of Support Act of this State.

WHEREFORE, the plaintiff prays for such an Order for support, directed to said defendant as shall be deemed to be fair and reasonable, and for such other and further relief as the law provides.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

JO ANN COLE, first being duly sworn, deposes and says: that she is the plaintiff in the foregoing action; that she has read the foregoing complaint and that the allegations contained therein are true of her own knowledge, except those matters and things therein alleged upon information and belief, and as to those she verily believes them to be true.

s/ JO ANN COLE
Plaintiff

Sworn to and Subscribed before me
this 29th day of May,
19 56. Witness my hand and
official seal at office in
Asheville, North Carolina

s/ RUTH McLEAN
Clerk of the Domestic Relations Court
of Buncombe County.

I, RUTH McLEAN, CLERK DOMESTIC RELATIONS COURT, do hereby certify that the foregoing is a true and perfect copy of Complaint in the case of JO ANN COLE, on behalf of EMERY JEAN COLE, minor, vs DON E. COLE, as the same appears on file in my Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, this the 29th day of May, 1956.

S/ RUTH McLEAN

Clerk Domestic Relations Court
Buncombe County, North Carolina

FILED:

OFFICE CLERK

DOMESTIC RELATIONS COURT

May 29th 10:45 AM:PM, 1956

Buncombe County

RUTH McLEAN, C.D.R.C.

A TRUE COPY

s/ RUTH McLEAN
Clerk Domestic Relations Court

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE.

DOMESTIC RELATIONS COURT

JO ANN COLE, on behalf of

Plaintiff
EMERY JEAN COLE, minor

vs.

PAUPER'S AFFIDAVIT

DON E. COLE,

Defendant

JO ANN COLE, being duly sworn, deposes and says that she is the plaintiff in the above entitled action; that she is advised and believes that she has meritorious cause of action for support under the UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT (as amended by Chapter 699, Session Laws of 1955) and that, owing to her poverty, she is unable to pay costs or give such security as may be required by the State of Alabama, if any, in such cases.

Jo Ann Cole
Plaintiff

Subscribed and sworn to before me this the 29th day of May, 1956.

Russ McLean
Clerk Domestic Relations Court
Buncombe County, North Carolina.

I, GEORGE H. LAWRENCE, Superintendent of Public Welfare, County of Buncombe, North Carolina, do hereby certify that after a careful examination of the facts with respect to the above entitled action wherein the plaintiff seeks support for herself and minor child (children) born to the marriage between the parties above named, I am of the opinion that the plaintiff is unable to pay the fees and costs or give such security as may be required by the State of Alabama, if any, in such cases.

This the 29th day of May, 1956.

George H. Lawrence
Superintendent Public Welfare,
Buncombe County, North Carolina.

JO ANN COLE, on behalf of,
Plaintiff
EMERY JEAN COLE, minor,
vs.
DON E. COLE,
Defendant

C E R T I F I C A T E

The undersigned Judge of the Domestic Relations Court of Buncombe County, North Carolina, hereby certifies:

(1) That on the 29th day of May, 19 56, a complaint was verified by the above named plaintiff and duly filed in this Court in a proceeding against the above named defendant, commenced under the provisions of the Uniform Reciprocal Enforcement of Support Act (Chapter 52A, General Statutes of North Carolina as amended in 1955) to compel the support of the dependents named in this complaint;

(2) That the above named defendant is believed to be residing or domiciled at the following address:

Daphne, Alabama, and is a salesman for the Publishers Associated Service.

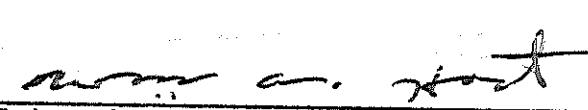
and that the Court of the Twenty-Eighth Circuit, Baldwin County, Ala., may obtain jurisdiction of the defendant or his property;

(3) That the undersigned Judge of the Domestic Relations Court of Buncombe County has examined the plaintiff under oath and she has reaffirmed the allegations contained in the complaint and that according to the testimony of the plaintiff, the needs of the dependents named in the complaint for support from the defendant are the sum of \$ 100 per (~~week~~) (month);

(4) That in the opinion of the undersigned, the defendant should be compelled to answer such complaint and be dealt with according to law;

WHEREFORE, it is hereby ordered that this Certificate, in triplicate, together with the three certified copies of the complaint, and three copies of Chapter 52A of the General Statutes of North Carolina (as amended by the 1955 General Assembly), The Uniform Reciprocal Enforcement of Support Act, be transmitted to the Court of Twenty-Eighth Circuit, Baldwin County, Ala.

This the 29th day of May, 19 56.

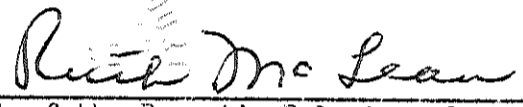

Judge of the Domestic Relations Court
of Buncombe County

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE


JO ANN COLE, first being duly sworn, deposes and says: that she is the plaintiff in the foregoing action; that she has read the foregoing complaint and that the allegations contained therein are true of her own knowledge, except those matters and things therein alleged upon information and belief, and as to those she verily believes them to be true.


Plaintiff

Sworn to and Subscribed before me
this 29th day of May,
19 56. Witness my hand and
official seal at office in
Asheville, North Carolina


Clerk of the Domestic Relations Court
of Buncombe County.

I, RUTH McLEAN, CLERK DOMESTIC RELATIONS COURT, do hereby certify that the foregoing is a true and perfect copy of Complaint in the case of JO ANN COLE, on behalf of EMERY JEAN COLE, minor, vs DON E. COLE, as the same appears on file in my Office.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, this the 29th day of May, 1956.


Clerk Domestic Relations Court
Buncombe County, North Carolina

FILED:

OFFICE CLERK

DOMESTIC RELATIONS COURT

May 29th 10:45 AM: ~~PM~~, 1956

Buncombe County

RUTH McLEAN, C.D.R.C.

A TRUE COPY


Clerk Domestic Relations Court

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE.

DOMESTIC RELATIONS COURT

I, RUTH McLEAN, Clerk of the Domestic Relations Court of Buncombe County, North Carolina, do hereby certify that the foregoing annexed copies of Complaint, Certificate, Uniform Reciprocal Enforcement of Support Act of the State of North Carolina, and Pauper's Affidavit, are true and complete copies as the same appear on file in this office.

IN WITNESS WHEREOF, I hereunder set my hand and affix the Seal of this Court at my office in Asheville, Buncombe County, North Carolina, on this the 29th day of May A. D., 1956.

Ruth McLean

Clerk Domestic Relations Court of
Buncombe County, North Carolina.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE.

DOMESTIC RELATIONS COURT

I, WM. A. HART, Judge of the Domestic Relations Court of Buncombe County, State of North Carolina, do hereby certify that Ruth McLean, whose name is subscribed to the foregoing and annexed certificate is Clerk of the Domestic Relations Court of Buncombe County, North Carolina, duly appointed and sworn, and that full faith and credit are due her official acts. I further certify that the said Court is a Court of record, having a seal; that Ruth McLean whose name is signed to the foregoing certificate is now and at the time of signing the same, was Clerk of said Domestic Relations Court of Buncombe County, duly appointed, qualified and acting and is the proper person to make said certificate; that the seal affixed to the foregoing certificate of said Ruth McLean, Clerk of Domestic Relations Court is the seal of said Court; and the signature attached to the foregoing certificate is the genuine signature of Ruth McLean, and the official acts and doing of said Clerk are entitled to full faith and credit.

Given under my hand, this the 29 day of May
A. D., 1956.

Wm. A. Hart

Judge Domestic Relations Court of
Buncombe County, North Carolina.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

DOMESTIC RELATIONS COURT

I, RUTH McLEAN, Clerk of Domestic Relations Court of Buncombe County, State of North Carolina, do hereby certify that the Honorable Wm. A. Hart, whose name is signed to the above and foregoing certificate is now and at the time he signed the same was the Judge of Domestic Relations Court of Buncombe County, North Carolina, duly appointed and sworn; that the signature attached to the foregoing certificate is the genuine signature of said Wm. A. Hart; that the official acts and doing of said Judge are entitled to full faith and credit.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Court at my office in the City of Asheville, North Carolina, this the 29th day of May A. D., 1956.

Ruth McLean

Clerk Domestic Relations Court
Buncombe County, North Carolina.

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

}

Circuit Court, Baldwin County

No. 3800

May

TERM, 19 56

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon DON E. COLE, Daphne, Ala.

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

DON E. COLE

Defendant

by

JO ANN COLE, on behalf of minor child

Plaintiff

Witness my hand this 31 day of May 19 56

June
Executed June 7, 1956

Clerk



No. 3800 Page _____

The State of Alabama
Baldwin County

CIRCUIT COURT

Jo Ann Cole
on behalf of minor child
Plaintiffs

vs.

Don E. Cole
Defendants

Summons and Complaint

Filed 5/31 1956

Alvin J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Not Found

Received In Office

May 3 1956

Myron Williams Sheriff

I have executed this summons

this _____ 19____

by leaving a copy with

Returned
Not found in my county after diligent search and inquiry
7 days of
Myron Williams Sheriff
Alvin J. Duck Deputy Sheriff

STATE OF NORTH CAROLINA
COUNTY OF Buncombe

JO ANN COLE, on behalf of
Plaintiff

EMERY JEAN COLE, minor,
vs.

C O M P L A I N T

DON E. COLE
Defendant

The plaintiff herein respectfully showeth the Court:
~~former~~

1. That she is the/wife of the defendant herein named, having been duly married to him on or about the 12 day of December, 19 47, at the following named place, to-wit Buncombe County N.C., and that this plaintiff now resides at the following address:

Weaverville, N.C. P.O. Box 152;

2. That said plaintiff is the mother and that said defendant is the father of the following named dependents, to-wit:

<u>Name</u>	<u>Birth Date</u>
EMERY JEAN COLE,	June 22, 1949

3. That ~~petitioner and~~ said child (~~ren~~) is (~~are~~) entitled to support from the said defendant under the provisions of the Uniform Reciprocal Enforcement of Support Act of this State (Chapter 52A of the General Statutes as amended in 1955), copy of which is attached and made a part hereof.
4. That defendant on or about the 16th day of March, 19 56, and subsequent thereto, refused and neglected to provide fair and reasonable support for plaintiff and the other dependent (s) named herein according to his means and earning capacity.



upon information and belief, defendant now is residing or located at the following address:

e. Alabama;

for purposes of helping in locating or indentifying the defendant the following are attached to and made a part of this complaint:

. Is employed as a salesman for Publishers Associated

ce.
The following additional information for purposes of verification is submitted: _____

See G. S. 52A-10 as amended by the 1955 General Assembly (provisions as to the type of information to be included.)

6. That, upon information and belief, defendant is earning \$ 750.00 per week (month), and is within jurisdiction of the Court of the Twenty-Eighth Circuit, Baldwin County, Ala., which State has enacted a law substantially similar to the Uniform Reciprocal Enforcement of Support Act of this State.

WHEREFORE, the plaintiff prays for such an Order for support, directed to said defendant as shall be deemed to be fair and reasonable, and for such other and further relief as the law provides.

Jo Ann Cole
Plaintiff

