

and further shows that it would be highly improbable if not impossible for a child to be conceived prior to January 5, 1948, the date of the divorce, and be born on the 24th day of October, 1948.

4. Defendant denies the allegations of Paragraph Number 4, and demands strict proof thereof.

5. Defendant admits the allegations of Paragraph Number 5 of the Complaint.

6. Defendant admits that the Plaintiff has been receiving an allotment for the support of Clydia Seay only.

7. Defendant denies that his income is substantial, and shows unto the Court that he is disabled and therefore unable to regularly work and receive income, and shows unto the Court that as a result thereof his income is very uncertain and the average monthly income very low.

8. Defendant denies the allegations of Paragraph Number 8, and demands strict proof thereof.

9. The Defendant has no knowledge of the income of the Plaintiff, admits that \$10.00 per month is paid for the support of Clydia Seay, and shows that he is not in a financial condition to pay any sum over and above this amount.

10. The Defendant admits the allegations of Paragraph Number 10 of the Complaint.

11. The Defendant does not answer Paragraphs Numbered 11 and 12 of the Complaint, no answer thereto being required, but denies each and every allegation of the Complaint not herein specifically admitted and demands strict proof thereof.

12. Defendant further shows unto the Court that he has made diligent effort and inquiry to locate the whereabouts of the child, Clydia Seay, and has been unable to do so, therefore, should he have been financially able to pay any further and additional sum, it would have been impossible.


Attorney for Respondent

FILED

DEC 3 1956

L. B. WALLACE, County Clerk

By JCL Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ORANGE

PAULINE REBICH,)
Plaintiff,)

vs.)

WILLIAM CHESTER SEAY,)
Defendant.)

ACTION NO. 70709
Case
DEPT. NO. 2936

COMPLAINT FOR SUPPORT

(Reciprocal Enforcement
of Support Law)

Plaintiff complains and alleges:

I

That she and defendant were married on or about the 19th day
of January, 1944, at Mississippi,
and ~~(a) they ever since have been and now are husband and wife (b)~~
they were divorced at Pensacola, Florida, on or about
the 5th day of January, 1948. That plaintiff has
legal custody of obligees mentioned herein.

II

That plaintiff resides at 126 South Brookhurst, Fullerton,

(1)

1 California, and that defendant resides or is domiciled at

2 C/O Jerry Sobolo, Box 165, Robertsdale, Alabama.

3
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5
6
7 III

8 That plaintiff is the mother and the defendant is the father of
9 the following obligee dependents whose names, dates of birth and
10 residence appear below:

	<u>Name</u>	<u>Date of Birth</u>	<u>Residence</u>
11			
12			
13	1. <u>Clydia Seay</u>	<u>February 28, 1945</u>	<u>126 South Brookhurst,</u>
14	2. <u>William Seay</u>	<u>October 24, 1948</u>	<u>Fullerton, California</u>
15	3. _____		<u>126 South Brookhurst,</u>
16	4. _____		<u>Fullerton, California</u>
17	5. _____		
18			
19			
20			
21			

22 IV

23 That ~~plaintiff and~~ said name obligee dependents are ~~is~~ in need
24 of, and are ~~is~~ entitled to support from defendant under the provisions
25 of the California Law and the Reciprocal Enforcement of Support Act of
26 this State (Title Xa, Code of Civil Procedure, Secs. 1650-1690, both
27 inclusive,) a copy of which is attached and made a part hereof.

V

That hereto attached is a copy of California Penal Code Section 270 and Pertinent Sections of the California Civil Code.

VI

~~That defendant on or about the 1st day of December 1956 and subsequent thereto, refused and neglected and still does neglect to provide fair and reasonable support for plaintiff and the obligee dependents according to his means and earning capacity with the exception that defendant paid to plaintiff the following sum on the following date to-wit: Plaintiff has been receiving an allotment from the United States Government on behalf of the defendant for \$10.00 per month for the past several years for the support of Clydia Seay only.~~

VII

That plaintiff does not know the exact amount of defendant's income monthly but this plaintiff is informed and believes and therefore alleges that said income is substantial and that said defendant is engaged in the business of civilian worker employed at Brockley Field Air Force, Mobile, Alabama

VIII

That the necessary monthly expenses of the ~~plaintiff and the~~ named obligee dependents are as follows:

Rent:	\$30.00 a Month	Transportation:	
Food:	70.00 a Month	Laundry:	\$10.00 a Month
Clothing:	15.00 a Month	Incidentals:	5.00 a Month
Medical:	10.00 a Month	Recreation:	5.00 a Month
Dental:	5.00 a Month	Insurance:	
Child care while plain- tiff works:		Conditional sales contracts:	
Other expense:		Education:	

TOTAL AMOUNT - - - - \$ 150.00

IX

That plaintiff's total net monthly income is the sum of \$ 10.00 and that said income is derived from the following source, to-wit:
Allotment from the United States Government on behalf of the defendant for the support of Clydia Seay only

and that said income is inadequate to supply the necessities of life to plaintiff and said named obligee dependents. That obligee dependents have ~~has~~ no income.

X

That the defendant is within the jurisdiction of the Circuit
Court of Baldwin County (Court)

State of Alabama, which state has enacted a law substantially similar to the Reciprocal Enforcement of Support Act of this State.

1
2
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6 XI

7 That plaintiff requests the Court to order the defendant to
8 furnish a bond guaranteeing payment of all sums which the Court may
9 order the defendant to pay in this matter.
10

11
12
13
14 XII

15 That the duty to support which the plaintiff seeks to enforce
16 herein is that duty which is imposed or is imposable under the laws of
17 the State of California, which said State is the State where the
18 obligees were ~~was~~ present when the failure to support commenced and
19 said plaintiff and obligees do now and by these presents do elect to
20 apply the laws of the State of California in this matter. (See Section
21 1670 California Act)
22
23
24
25

26 WHEREFORE, the plaintiff prays for such an order of support,
27 directed to said defendant, as may be deemed to be fair and reasonable,
28 and for such other and further relief as the law provides.
29
30

31 PAULINE BERIC

32 Plaintiff

1 STATE OF CALIFORNIA)
2) ss
3 COUNTY OF ORANGE)

4 PAULINE REBICH, being by me first duly sworn,
5 deposes and says:

6 That ~~he~~ she is the plaintiff in the above entitled action;

7 That ~~he~~ she has heard read the foregoing complaint and knows the
8 contents thereof; and that the same is true of his her own knowledge,
9 except as to the matters which are therein stated upon his her informa-
10 tion or belief, and as to those matters that he she believes it to be
11 true.

12
13 PAULINE REBICH
14

15 Subscribed and sworn to before me
16 this 3rd day of December, 1956.

17 ELIZABETH M. HEEMSTRA

18 Notary Public in and for the County
19 of Orange, State of California.

20 (SEAL)

21 ROBERT P. KNEELAND, DISTRICT ATTORNEY
22 of Orange County, State of California

23 BY ROBERT A. WHITSON
24 Assistant District Attorney

25 Attorneys for Plaintiff
26 Hall of Records
27 Santa Ana, California
28
29
30
31
32

FILED
DEC 7 1956

ANCE J. DUCK, Register

135

FILED

DEC 3 1956

L. B. WALLACE, County Clerk

By JCL Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ORANGE

ACTION NO. 70709
DEPT. NO. 11

PAULINE REBICH,
Plaintiff,

-vs-

WILLIAM CHESTER SEAY,
Defendant.

AFFIDAVIT IN FORMA PAUPERIS
AND ORDER DIRECTING CLERK TO ACCEPT AND
FILE PAPERS, RECORDS AND DOCUMENTS IN
THE CASE WITHOUT COLLECTING OR ASSESS-
ING FEES OR OTHER COSTS UNTIL FURTHER
ORDER OF THE COURT.

STATE OF CALIFORNIA)
) ss
COUNTY OF ORANGE)

PAULINE REBICH, being first duly sworn, hereby
deposes and states as follows:

That she is the plaintiff in the above entitled action; that affiant
and said minor children have no money, property, assets, credits, means
or ability with which to pay legal costs, filing fees, costs of court,
costs in this proceeding, legal fees, attorney's fees or charges necessary
to prosecute the above entitled action and by reason of their and each of
their poverty and inability to pay said costs, fees or charges will be
unable to proceed with this said matter unless permitted to do so in forma
pauperis;

WHEREFORE, deponent prays that this proceeding be prosecuted in her
behalf in forma pauperis under the law in such cases made and provided.

Subscribed and sworn to before me this
3rd day of December, 1956.

ELIZABETH W. HEINSTRA
Notary Public in and for the County
of Orange, State of California.
(SEAL)

PAULINE REBICH

ORDER

IT IS SO ORDERED.

Dated: December 3rd, 1956.

Morrison
Judge of the Superior Court

Authority
Martin vs. Superior Court, 176 Cal.
289; Code Civ. Proc. Sec. 1650-
1690; Secs. 187 and C. C. P. Cal.

ROBERT P. KNEELAND, DISTRICT ATTORNEY
of Orange County, State of California

BY ROBERT A. WHITSON
Assistant District Attorney
Attorneys for Plaintiff

FILED

DEC 3 1956

L. B. WALLACE County Clerk
BY JCL Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ORANGE

PAULINE REBICH
_____,)
Plaintiff,)
vs.)
WILLIAM CHESTER SEAY
_____,)
Defendant.)

Action No. 70709
Dept. No.

COURT CERTIFICATE
re CALIFORNIA RECIPROCAL
ENFORCEMENT OF SUPPORT LAW

The undersigned, a Judge of the Superior Court of Orange County, State of California, hereby certifies:

1. That on the 3rd day of December, 19 56, a complaint, duly verified by the above named plaintiff was filed in this court in a proceeding against the above-named defendant commenced under the provisions of the Reciprocal Enforcement of Support Law (~~1955~~ ^{as Amended,} 1951, Statutes of California, Chapter ~~1290~~) to compel reimbursement to the plaintiff for support rendered to the dependent of the defendant as set out in that complaint; that said complaint sets forth sufficient facts from which it may be determined that defendant owes a duty of support to the above-mentioned dependent and that under the provisions of the afore-mentioned law said complaint states a cause of action against the defendant.

2. That the above-named defendant is believed to reside at

C/O Jerry Sobola, Post Office Box 165, Robertsdale,
(Street address and city)

State of Alabama, and that the Circuit
Court, located in the City of Bay Minette

State of Alabama, may obtain jurisdiction over the
defendant or his property.

3. That in the opinion of the undersigned Judge of the above-
entitled Court, the defendant should be compelled to answer such
complaint and to be dealt with according to law.

WHEREFORE IT IS HEREBY ORDERED that ~~two~~ copies
of the complaint together with this certificate and ~~an~~
~~attached~~ copy of the California Reciprocal Enforcement of Support
Law and Affidavit in Forma Pauperis

be transmitted to the Circuit Court,
City of Bay Minette, State of Alabama,
or the proper Court of the County of
Baldwin which has
jurisdiction of the defendant and his property, for further pro-
ceedings.

This Court further finds that the dependent s named in the com-
plaint are ~~is~~ in need of and are ~~is~~ entitled to the support of the
defendant in the sums mentioned in said complaint.

It is requested that the respondent Court direct that all payments
be made to and in the name of the plaintiff and that all such payments be
sent to the Office of the District Attorney, Room 218, Court House Annex,
Santa Ana, California, for transmittal to plaintiff.

Dated December 3rd, 19 56.

Morrison
JUDGE OF THE SUPERIOR COURT

TITLE Xa. UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT LAW

(New Title Sections 1650-1690 added Stats. 1953 ch. 1290. To conform to the style of the Standard Codes we have used Roman numerals instead of the Arabic figures adopted by the Legislature.)

Sec. 3. (Stats. 1953 ch. 1290) 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 effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Chap. 1. General Provisions. Sections 1650-1655.

Chap. 2. Criminal Enforcement. Sections 1660-1661.

Chap. 3. Civil Enforcement. Sections 1670-1690.

(Former Sections 1650-1681 repealed 1953 ch. 1290. For re-enactment of equivalent provisions see individual sections.)

CHAPTER 1—GENERAL PROVISIONS

Short title. Section 1650.

Construction. Section 1651.

Purposes. Section 1652.

Definitions. Section 1653.

Remedies cumulative. Section 1654.

California law binding regardless of residence of obligee. Section 1655.

Section 1650. Short Title.—This title is known and may be cited as the Uniform Reciprocal Enforcement of Support Act. Leg. H. 1953 ch. 1290.

Section 1651. Construction.—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. Leg. H. 1953 ch. 1290.

Section 1652. Purposes.—The purposes of this title are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto. Leg. H. 1953 ch. 1290.

Section 1653. Definitions.—As used in this title 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 the superior court 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 impossible 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.

(9) "Prosecuting official" means the district attorney, city attorney, or city prosecutor charged with the prosecution of criminal offenses in the city or other area in which the obligor is alleged to be present. Leg. H. 1953 ch. 1290.

Section 1654. Remedies Cumulative.—The remedies provided in this title are in addition to and not in substitution for any other remedies. Leg. H. 1953 ch. 1290.

Section 1655. California Law Binding Regardless of Residence of Obligee.—Duties of support arising under the law of this State, when applicable under Section 1670, bind the obligor, present in this State, regardless of the presence or residence of the obligee. Leg. H. 1953 ch. 1290.

CHAPTER 2—CRIMINAL ENFORCEMENT

Extradition in cases of failure to support. Section 1660.
Relief from extradition on compliance with order of support. Section 1661.

Section 1660. Extradition in Cases of Failure to Support. 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. Leg. H. 1953 ch. 1290.

Section 1661. Relief from Extradition on Compliance with Order of Support.—Any obligor contemplated by Section 1660, 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. Leg. H. 1953 ch. 1290.

CHAPTER 3—CIVIL ENFORCEMENT

What duties of support enforceable. Section 1670.
Government agency may seek reimbursement for support furnished. Section 1671.

Enforcement by action—Jurisdiction. Section 1672.

Complaint. Section 1673.

Prosecuting official may represent plaintiff. Section 1674.

Minor obligees. Section 1675.

Certification of complaint to state having jurisdiction of defendant or property. Section 1676.

Fees and costs. Section 1677.

Obtaining body of defendant. Section 1678.

Attorney General is information agency. Section 1679.

Procedure on receipt of certification from other state. Section 1680.

Tracing defendant or property. Section 1681.

Conduct of proceedings. Section 1682.

Order for support by responding state. Section 1683.

Transmitting order for support to initiating state. Section 1684.

Additional powers of court. Section 1685.

Duties of court—Responding state. Section 1686.

Duty of court—Initiating state. Section 1687.

Privilege between husband and wife not applicable. Section 1688.

Order of support hereunder does not supersede order in divorce proceeding. Section 1689.

Jurisdiction conferred. Section 1690.

Section 1670. What Duties of Support Enforceable.—Duties of support enforceable under this title are those imposed or impossible under the laws of any state where the alleged obligor was present during the period for which support is sought or where the obligee was present when the failure to support commenced, at the election of the obligee. Leg. H. 1953 ch. 1290.

Section 1671. Government Agency May Seek Reimbursement for Support Furnished.—Whenever the State or a political subdivision thereof furnishes support to an obligee, it has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support. Leg. H. 1953 ch. 1290.

Section 1672. Enforcement by Action—Jurisdiction.—All duties of support are enforceable by action irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the superior court. Leg. H. 1953 ch. 1290.

Section 1673. Complaint.—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 by which he has been or is known, the name of his employer, his fingerprints, or social security number. Leg. H. 1953 ch. 1290.

Section 1674. Prosecuting Official May Represent Plaintiff.—The prosecuting official may, upon the request of the court, represent the plaintiff in any proceeding under this title. Leg. H. 1953 ch. 1290.

Section 1675. Minor Obligees.—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. Leg. H. 1953 ch. 1290.

Section 1676. Certification of Complaint to State having jurisdiction of Defendant or Property.—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 are 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. Leg. H. 1953 ch. 1290.

Section 1677. Fees and Costs.—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 shall be waived, including without limitation by enumeration, fees for filing, service of process, seizure of property, and stenographic service of both plaintiff and defendant, or either. Where the action is brought by or through the State or an agency thereof, there shall be no filing fee, library fee, or reporter's fee. Leg. H. 1953 ch. 1290.

Section 1678. Obtaining Body of Defendant.—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; or (b) as a responding state, obtain the body of the defendant by appropriate process. Leg. H. 1953 ch. 1290.

Section 1679. Attorney General is Information Agency.—The Attorney General is hereby designated as the state information agency under this title, and it shall be its duty:

(1) To compile a list of the courts and their addresses in this state having jurisdiction under this title and transmit the same to the state information agency of every other state which has adopted this or a substantially similar law.

(2) To maintain a register of such lists received from other states and to transmit copies thereof as soon as possible after receipt to every court in this State having jurisdiction under this title. Leg. H. 1953 ch. 1290.

Section 1680. Procedure on Receipt of Certification from Other State.—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 prosecuting official, (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. Leg. H. 1953 ch. 1290.

Section 1681. Tracing Defendant or Property.—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. Leg.H. 1953 ch. 1290.

Section 1682. Conduct of Proceedings.—The court shall conduct proceedings under this title in the manner prescribed by law for an action for the enforcement of the type of duty of support claimed. Leg.H. 1953 ch. 1290.

Section 1683. Order for Support by Responding State.—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. Leg.H. 1953 ch. 1290.

Section 1684. Transmitting Order for Support 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. Leg.H. 1953 ch. 1290.

Section 1685. 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 probation officer of the county or the obligee and to report personally to such probation officer 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. Leg.H. 1953 ch. 1290.

Section 1686. Duties of Court—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 probation officer of the county:

(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. Leg.H. 1953 ch. 1290.

Section 1687. Duty of Court—Initiating State.—The court of this State when acting as an initiating state shall have the duty which may be carried out through the probation officer of the county to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state. Leg.H. 1953 ch. 1290.

Section 1688. Privilege Between Husband and Wife not Applicable.—Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this title. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage. Leg.H. 1953 ch. 1290.

Section 1689. Order of Support Hereunder Does not Supersede Order in Divorce Proceeding.—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. Leg.H. 1953 ch. 1290.

Section 1690. Jurisdiction Conferred.—Participation in any proceedings under this title shall not confer upon any court jurisdiction of any of the parties thereto in any other proceeding. Leg.H. 1953 ch. 1290.

Section 1691. [Faint, illegible text]

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Penal Code

Part One (Crimes and Punishment)

Title IX

Chapter 2

Section 270. "(Child Neglect Defined--When Mother Amenable--Bastard--Posthumous Child.) A father of either a legitimate or illegitimate minor child who wilfully omits without lawful excuse to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his child is guilty of a misdemeanor and punishable by imprisonment in the county jail not exceeding two years or by a fine not exceeding one thousand dollars (\$1,000), or by both. If the father, during such violation, remains out of the state for 30 days, or if he fails or refuses to comply with the order of a court of competent jurisdiction requiring him to make any provision for the maintenance, support, medical treatment or other remedial care of such minor child and remains out of the State for 10 days without doing so, he is guilty of a felony. This statute shall not be construed so as to relieve such father from the criminal liability defined herein for such omission merely because the mother of such child is legally entitled to the custody of such child nor because the mother of such child, or any other person, or organization, voluntarily or involuntarily furnishes such necessary food, clothing, shelter or medical attendance or other remedial care for such child, or undertakes to do so.

Proof of abandonment or desertion of a child by such father, or the omission by such father to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his child is prima facie evidence that such abandonment or desertion or omission to furnish necessary food, clothing, shelter or medical attendance or other remedial care is wilful and without lawful excuse.

In the event that the father of either a legitimate or illegitimate minor child is dead or (1) for any other reason whatsoever fails to furnish the necessary food, clothing, shelter or medical attendance or other remedial care for his minor child, the mother of said child shall become subject to the provisions of this section and be criminally liable for the support of said minor child during the period of (2) failure on the part of the father to the same extent and in the same manner as the father (3).

The provisions of this section are applicable whether the parents of such child are married or divorced, and regardless of any decree made in any divorce action relative to alimony or to the support of the child. A child conceived but not yet born is to be deemed an existing person insofar as this section is concerned." Leg.H. 1872, 1905 p. 758; 1909 p. 258; 1915 p. 572; 1917 p. 252; 1921 p. 1725; 1923 p. 592; 1931 ch. 696; 1939 ch. 1001, 1955 ch. 753.

CALIFORNIA CIVIL CODE—DIVISION FIRST

PART ONE—PERSONS

Section 25, Civil Code, provides as follows:

"(Minors—Who are.—) Minors are all persons under 21 years of age; provided, that this section shall be subject to the provisions of the titles of this code on marriage and shall not be construed as repealing or limiting the provisions of Section 204 of this code; provided further, that any (1) person who has (2) reached the age of 18 years and thereafter contracts a lawful marriage, or who has contracted a lawful marriage and thereafter reaches the age of 18 years, shall in the first instance upon contracting such marriage, and in the second instance upon reaching the age of 18 years, be of the age of majority and be deemed an adult person for the purpose of entering into any engagement or transaction respecting property or (3) his estate, or for the purpose of entering into any contract, or for the purpose of maintaining or defending an action affecting (4) his marital status, including therein any action or proceeding involving his support or the support or custody of children of the marriage, or determination of property rights, the same as if (5) he were 21 years of age. Subsequent judgment of annulment of such marriage shall not deprive such (6) person of (7) his adult status once attained under the foregoing provision, unless such judgment is obtained in an action commenced prior to (8) his reaching the age of 18 years, in which latter event (9) he shall be deemed to have remained a minor at all times notwithstanding such marriage." (Leg.H. 1872, 1927 ch. 661, 1931 ch. 935, 1943 ch. 154, 1953 ch. 1128, 1955 ch. 183.)

Section 26, Civil Code, provides as follows:

"(Computing Age.—) The periods specified in the preceding section must be calculated from the first minute of the day on which persons are born to the same minute of the corresponding day completing the period of minority." (Leg.H. 1872.)

Section 27, Civil Code, provides as follows:

"(Adults.—) All other persons are adults." (Leg.H. 1872.)

Section 29, Civil Code, provides as follows:

"(Unborn Child Deemed Nascent.—) A child conceived, but not yet born, is to be deemed an existing person, so far as may be necessary for its interests in the event of its subsequent birth; but any action by or on behalf of a minor for personal injuries sustained prior to or in the course of his birth must be brought within six years from the date of the birth of the minor, and the time such minor is under any disability mentioned in Section 352 of the Code of Civil Procedure shall not be excluded in computing the time limited for the commencement of the action." (Leg.H. 1872, 1941, ch. 337.)

CALIFORNIA CIVIL CODE—DIVISION FIRST

PART THREE—PERSONAL RELATIONS

TITLE I—MARRIAGE

Section 137, Civil Code, provides as follows:

"(Action for Separate Maintenance.—) (1) When the husband or wife has any cause of action for divorce as provided in (2) this code, or the husband or wife wilfully deserts the wife or husband, or when the husband or wife wilfully fails to provide for the wife or husband, he or she may, without applying for a divorce, maintain in the superior court an action against her or him as the case may be, for the permanent support and maintenance of (3) herself or himself, and may include therein at her or his discretion an action for support, maintenance and education of the children of said marriage during their minority. Such action shall be known as an action for separate maintenance." (Leg.H. 1872, 1877 p. 76, 1880 p. 4, 1905 p. 295, 1907 p. 82, 1917 p. 35, 1927 p. 441, 1929 p. 161, ch. 84, 1941 ch. 1038, 1951 ch. 1700.)

Section 137.1, Civil Code, provides as follows:

"(Action for Support, Maintenance and Education of Children.—) When a father or mother has the duty to provide for the support, maintenance and education of the children of the father and mother and wilfully fails to provide for such support, maintenance and education, the father or mother, as the case may be, or any child by its guardian ad litem, may maintain an action in the superior court against the mother or father, or both, as the case may be, for the support, maintenance and education of said children." (Leg.H. 1951 ch. 1700.)

Section 137.2, Civil Code, provides as follows:

"(Order for Support Pending Action.—) During the pendency of any action for divorce or for separate maintenance or for the support, maintenance or education of children, the court may order the husband or wife or father or mother, as the case may be, to pay any amount that is necessary for the support and maintenance of the wife or husband and for the support, maintenance and education of the children, as the case may be. Any such order may be enforced by the court by execution or by such order or orders as, in its discretion, it may from time to time deem necessary. Any such order may be modified or revoked at any time during the pendency of the action except as to any amount that may have accrued prior to the order of modification or revocation." (Leg.H. 1951 ch. 1700.)

Section 139, Civil Code, provides as follows:

"(Permanent Support of Spouse and Children.—) (1) In any interlocutory or final decree of divorce or in any final judgment or decree in an action for separate maintenance, the court may compel (2) the party against whom the decree or judgment is granted to make such suitable allowance (3) for support and maintenance of the other party for his or her life, or for (4) such shorter period as the court may deem just, having regard (5) for the circumstances of the respective parties and also to make suitable allowance for the support, maintenance and education of the children of said marriage during their minority, and said decree or judgment may be enforced by the court by execution or by such order or orders as in its discretion it may from time to time deem necessary.

That portion of the decree or judgment making any such allowance or allowances, and the order or orders of the court to enforce the same may be modified or revoked at any time at the discretion of the court except as to any amount that may have accrued prior to the order of modification or revocation.

Except as otherwise agreed by the parties in writing, the obligation of any party in any decree, judgment or order for the support and maintenance of the other party shall terminate upon the death of the obligor or upon the remarriage of the other party." (Leg.H. 1872, 1933 ch. 412, 1951 ch. 1700.)

Section 175, Civil Code, provides as follows:

"(When Wife Deserts.—) A husband abandoned by his wife is not liable for her support until she offers to return, unless she was justified by his misconduct, in abandoning him, and the earnings of the husband during the period of unjustified abandonment, prior to such offer, are his separate property; nor is (1) a husband liable for (2) his wife's support when she is living separate from him, by agreement, unless such support is stipulated in the agreement." (Leg.H. 1872, 1874 p. 193, 1955, ch. 525.)

Section 176, Civil Code, provides as follows:

"(Wife's Liability for Support of Husband.—) The wife must support the husband, when he has not deserted her, out of her separate property, when he has no separate property, and there is no community property, and he is unable, from infirmity, to support himself." (Leg.H. 1872, 1874 p. 194.)

CALIFORNIA CIVIL CODE—DIVISION FIRST
PART THREE—TITLE II—PARENT AND CHILD

Section 193, Civil Code, provides as follows:

"(Presumption of Legitimacy.—) All children born in wedlock are presumed to be legitimate." (Leg.H. 1872.)

Section 194, Civil Code, provides as follows:

"(Children Born After Marriage Dissolved.—) All children of a woman who has been married, born within ten months after the dissolution of the marriage, are presumed to be legitimate children of that marriage." (Leg.H. 1872, 1874 p. 194 Section 42.)

Section 195, Civil Code, provides as follows:

"(Who May Dispute.—) The presumption of legitimacy can be disputed only by the people of the State of California in a criminal action brought under the provisions of Section 270 of the Penal Code, or the husband or wife, or the descendant of one or both of them. Illegitimacy, in such case, may be proved like any other fact." (Leg.H. 1872, 1955 ch. 948.)

Section 196a, Civil Code, provides as follows:

"(Illegitimate Child.—) The father as well as the mother, of an illegitimate child must give him support and education suitable to his circumstances. A civil suit to enforce such obligations may be maintained in behalf of a minor illegitimate child, by his mother or guardian, or by a guardian ad litem appointed upon the written application or with the consent of his mother; provided, that such application or consent shall not be necessary if the mother is dead or incompetent, and in such action the court shall have power to order and enforce performance thereof, the same as under sections 137, 137.5, 138, 139 and 140 of the Civil Code, in a suit for divorce by a wife." (Leg.H. 1913 ch. 132; 1939 ch. 424.)

Section 197, Civil Code, provides as follows:

"(Custody and Services.—) The father and mother of a legitimate unmarried minor child are equally entitled to its custody, services and earnings. If either the father or mother be dead or unable or refuse to take the custody or has abandoned his or her family, the other is entitled to its custody, services and earnings." (Leg.H. 1872, 1874 p. 194, 1913 ch. 50.)

Section 198, Civil Code, provides as follows:

"(Separated Parents.—) The husband and father, as such, has no rights superior to those of the wife and mother, in regard to the care, custody, education, and control of the children of the marriage, while such husband and wife live separate and apart from each other." (Leg.H. 1872.)

Section 199, Civil Code, provides as follows:

"(Action to Determine.—) Without application for a divorce, the husband or the wife may bring an action for the exclusive control of the children of the marriage; and the court may, during the pendency of such action, or at the final hearing thereof, or afterwards, make such order or decree in regard to the support, care, custody, education, and control of the children of the marriage, as may be just, and in accordance with the natural rights of the parents and the best interests of the children, and may at any time thereafter amend, vary, or modify such order or decree, as the natural rights and the interests of the parties, including the children, may require." (Leg.H. 1872.)

Section 200, Civil Code, provides as follows:

"(Illegitimate Child.—) The mother of an illegitimate unmarried minor is entitled to its custody, services, and earnings." (Leg.H. 1872.)

Section 204, Civil Code, provides as follows:

"(Cessation of Authority by Guardianship, Marriage or Majority.—) The authority of a parent ceases:

1. Upon the appointment, by a court of a guardian of the person of a child;
2. Upon the marriage of the child; or
3. Upon its attaining majority." (Leg.H. 1872.)

Section 206, Civil Code, provides as follows:

"(Duty to Support Indigent Parent or Child.—) It is the duty of the father, the mother, and the children of any poor person who is unable to maintain himself by work, to maintain such person to the extent of their ability. The promise of an adult child to pay for necessities previously furnished to such parent is binding." (Leg.H. 1872.)

Section 213, Civil Code, provides as follows:

"(Parent's Right to Fix Domicile.—) A parent entitled to the custody of a child has a right to change his residence, subject to the power of the proper court to restrain a removal which would prejudice the rights or welfare of the child." (Leg.H. 1872.)

CALIFORNIA CIVIL CODE—DIVISION FIRST

PART THREE—TITLE III

UNIFORM CIVIL LIABILITY FOR SUPPORT ACT

Section 241, Civil Code, provides as follows:

"(Definitions.—) As used in this title:

(a) 'State' includes any state, territory or possession of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(b) 'Obligor' means any person owing a duty of support.

(c) 'Obligee' means any person to whom a duty of support is owed.

(d) 'Child' means a son or daughter under the age of 21 years and a son or daughter of whatever age who is incapacitated from earning a living and without sufficient means.

(e) 'Parent' includes either a natural parent or an adoptive parent." (Leg.H. 1955 ch. 835.)

Section 242, Civil Code, provides as follows:

"(Man's Duty to Support.—) Every man shall support his wife, and his child; and his parent when in need. The duty imposed by this section shall be subject to the provisions of Sections 175, 196, and 206 of the Civil Code." (Leg.H. 1955 ch. 835.)

Section 243, Civil Code, provides as follows:

"(Woman's Duty to Support.—) Every woman shall support her child; and her husband and her parent when in need. The duty imposed by this section shall be subject to the provisions of Sections 176, 196, and 206 of the Civil Code." (Leg.H. 1955 ch. 835.)

Section 244, Civil Code, provides as follows:

"(Duty Owed Regardless of Residence of Obligee.—) An obligor present or resident in this State has the duty of support as defined in this title regardless of the presence or residence of the obligee." (Leg.H. 1955 ch. 835.)

Section 245, Civil Code, provides as follows:

"(Jurisdiction.—) The superior court shall have jurisdiction of all actions brought under this title." (Leg.H. 1955 ch. 835.)

Section 246, Civil Code, provides as follows:

"(Determination of Amount Due for Support.—) When determining the amount due for support the court shall consider all relevant factors including but not limited to:

- (a) The standard of living and situation of the parties;
- (b) The relative wealth and income of the parties;
- (c) The ability of the obligor to earn;
- (d) The ability of the obligee to earn;

- (e) The need of the obligee;
- (f) The age of the parties;
- (g) The responsibility of the obligor for the support of others." (Leg.H. 1955 ch. 835.)

Section 247, Civil Code, provides as follows:

"(Continuing Jurisdiction.—) The court shall retain jurisdiction to modify or vacate the order of support where justice requires." (Leg.H. 1955 ch. 835.)

Section 248, Civil Code, provides as follows:

"(Enforcement of Right to Support.—) The obligee may enforce his right of support against the obligor and the county may proceed on behalf of the obligee to enforce his right of support against the obligor. Whenever the county furnishes support to an obligee, it has the same right as the obligee to whom the support was furnished, for the purpose of securing reimbursement and of obtaining continuing support. The right of the county to reimbursement shall be subject to any limitation otherwise imposed by the law of this State." (Leg.H. 1955 ch. 835.)

Section 249, Civil Code, provides as follows:

"(Appeals.—) Appeals may be taken from orders and judgments under this title as in other civil actions." (Leg.H. 1955 ch. 835.)

Section 250, Civil Code, provides as follows:

"(Privileged Communications not Recognized.—) Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable under this title. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage." (Leg.H. 1955 ch. 835.)

Section 251, Civil Code, provides as follows:

"(Rights Cumulative.—) The rights herein created are in addition to and not in substitution of any other rights." (Leg.H. 1955 ch. 835.)

Section 252, Civil Code, provides as follows:

"(Separability of Provisions.—) If any provision of this title or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the title which can be given effect without the invalid provision or application, and to this end the provisions of this title are severable." (Leg.H. 1955 ch. 835.)

Section 253, Civil Code, provides as follows:

"(Construction.—) This title shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it." (Leg.H. 1955 ch. 835.)

Section 254, Civil Code, provides as follows:

"(How Cited.—) This title may be cited as the Uniform Civil Liability for Support Act." (Leg.H. 1955 ch. 835.)

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 3936

Dec. TERM, 19 56

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon WILLIAM CHESTER SEAY

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

WILLIAM CHESTER SEAY

Defendant

by

PAULINE REBICH

Plaintiff

Witness my hand this 7th. day of December 19 56

Executed 12-10-59 Alice J. Ducky

Clerk

464.

No. 3936

Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

PAULINE REBICH

Plaintiffs

vs.

WILLIAM CHESTER SEAY

Brookly 2 lod.

Defendants

SUMMONS and COMPLAINT

Filed DEC. 7, 1956

Alice J. Duck

Clerk

*1778
MUN* (6)

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

12-10, 1956

, Sheriff

I have executed this summons

this Dec. 17, 1956
by leaving a copy with

*William Chester
Seay*

The Sheriff claims 6
miles at 10¢ per mile for
a total of \$.60
Ray Bridges, Sheriff
Mobile County, Alabama

Ray D. Bridges Sheriff
J. J. Murray Deputy Sheriff

PAULINE REBICH,
 Plaintiff,
 -vs-
 WILLIAM CHESTER SEAY,
 Defendant.

)
)
) RECIPROCAL ENFORCEMENT LAW
)
) FROM THE SUPERIOR COURT OF
)
) THE STATE OF CALIFORNIA
)
) ORANGE COUNTY - Action No. 70709
)
) HEARD IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA,
)
) SITTING IN EQUITY

DECREE

Wherefore, there has heretofore been filed in this Court under what is commonly known as the Reciprocal Enforcement of Support Law, a petition instituted by the Plaintiff in Orange County, California, against the Defendant, who was a resident of Baldwin County, Alabama, and,

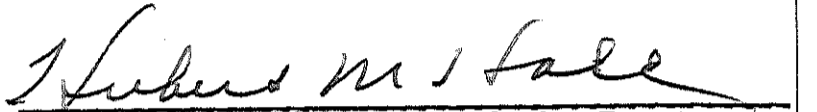
WHEREAS, it appears to the Court that a copy thereof was regularly and duly served on the Defendant, William Chester Seay, and that an Answer thereto was filed by him, denying the material allegations thereof, and,

WHEREAS, the 7th day of March, 1957, was set as the day for hearing the petition and the answer thereto, and the Hon. Kenneth Cooper, Solicitor of the Twenty-eighth Judicial Circuit, Baldwin County, Alabama, appearing for the Plaintiff, and the Defendant appearing in Court with his attorney, and all pleadings having been settled, the Court thereupon examined all papers and documents relative to this cause, and allowed testimony to be submitted, and,

It being made to appear to the satisfaction of the Court that the Defendant is a Disabled American Veteran, receiving compensation through an Agency of the United States Government, and that there is being paid by and through an Agency of the United States Government, on behalf of the Defendant, Ten Dollars (\$10.00) per month for the support of the minor child, Clydia Seay, and it further being made to appear to the satisfaction of the Court that no other or further sums should now be paid by the Defendant.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that the payment of the sum of Ten Dollars (\$10.00) per month for the minor child, Clydia Seay continue, and that the Defendant at this time, be required to pay no other or further amounts.

DONE this the 7th day of March, 1957.


Hubert M. Hall, Judge of the Twenty-
eighth Judicial Circuit, Baldwin County,
State of Alabama.

PAULINE REBIGH

COMPLAINANT

VS

WILLIAM CHESTER SEAY

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

INNEQUITY CASE NO. 3936

DECREE

It appearing to the Court that there has been an order in the above styled cause, and it further appearing to the Court that said cause is no longer active, and it further appearing to the Court that the costs were taxed in said cause against the Defendant and returned "No Property Found" by the Sheriff of this County, and upon consideration, it is ORDERED, ADJUDGED and DECREED by the Court that said cause be and hereby is transferred to the inactive docket of this Court, and it is further ORDERED that the costs incurred in this cause be taxed against the State of Alabama pursuant to Section 119(b), Title 34, 1955 Cumulative Pocket Parts, Code of Alabama.

This 26 day of May 1957

Hubert M. Stone
Judge Circuit Court, In Equity.

FILED

MAY 27 1957
MAY I. DICK, CLERK
REGISTER

FILED

DEC 3 1956

L. B. WALLACE, County Clerk

By JCL Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ORANGE

PAULINE REBICH

Plaintiff,

vs.

WILLIAM CHESTER SEAY

Defendant.

ACTION NO. 70709

DEPT. NO. _____

COMPLAINT FOR SUPPORT

(Reciprocal Enforcement
of Support Law)

Plaintiff complains and alleges:

I

That she and defendant were married on or about the 19th day
of January, 1944, at Mississippi,
and ~~(a) they ever since have been and now are husband and wife~~ (b)
they were divorced at Pensacola, Florida on or about
the 5th day of January, 1948. That plaintiff has
legal custody of obligee _____ mentioned herein.

II

That plaintiff resides at 126 South Brookhurst, Fullerton,

(1)

1 California, and that defendant resides or is domiciled at
2 C/O Jerry Sobolo, Box 165, Robertsdale, Alabama.

7 III

8 That plaintiff is the mother and the defendant is the father of
9 the following obligee dependent s whose name s, date s of birth and
10 residence appear below:

11	<u>Name</u>	<u>Date of Birth</u>	<u>Residence</u>
13	1. <u>Clydia Seay</u>	<u>February 28, 1945</u>	<u>126 South Brookhurst,</u>
14	2. <u>William Seay</u>	<u>October 24, 1948</u>	<u>Fullerton, California</u>
15	3. _____	_____	<u>126 South Brookhurst,</u>
16	4. _____	_____	<u>Fullerton, California</u>
17	5. _____	_____	_____

22 IV

23 That ~~plaintiff and~~ said name obligee dependent s are is in need
24 of, and are is entitled to support from defendant under the provisions
25 of the California Law and the Reciprocal Enforcement of Support Act of
26 this State (Title Xa, Code of Civil Procedure, Secs. 1650-1690, both
27 inclusive,) a copy of which is attached and made a part hereof.

V

That hereto attached is a copy of California Penal Code Section 270 and Pertinent Sections of the California Civil Code.

VI

~~That defendant, on or about the 1st day of December 1944 and subsequent thereto, refused and neglected and still does neglect to provide fair and reasonable support for plaintiff and the obligee dependents according to his means and earning capacity with the exception that defendant paid to plaintiff the following sum on the following date, to-wit: Plaintiff has been receiving an allotment from the United States Government on behalf of the defendant for \$10.00 per month for the past several years for the support of Clydia Seay only.~~

VII

That plaintiff does not know the exact amount of defendant's income monthly but this plaintiff is informed and believes and therefore alleges that said income is substantial and that said defendant is engaged in the business of ~~civilian worker employed at Brookley Field Air Force, Mobile, Alabama~~.

VIII

That the necessary monthly expenses of the ~~plaintiff and the~~ named obligee dependent s are as follows:

Rent:	\$30.00 a Month	Transportation:	
Food:	70.00 a Month	Laundry:	\$10.00 a Month
Clothing:	15.00 a Month	Incidentals:	5.00 a Month
Medical:	10.00 a Month	Recreation:	5.00 a Month
Dental:	5.00 a Month	Insurance:	
Child care while plain-		Conditional sales	
tiff works:		contracts:	
Other expense:		Education:	

TOTAL AMOUNT - - - - \$ 150.00

IX

That plaintiff's total net monthly income is the sum of \$ 10.00 and that said income is derived from the following source, to-wit: Allotment from the United States Government on behalf of the defendant for the support of Clydia Seay only

and that said income is inadequate to supply the necessities of life to plaintiff and said named obligee dependent s. That obligee dependent s have ~~has~~ no income.

X

That the defendant is within the jurisdiction of the Circuit (Court) Court of Baldwin County

State of Alabama, which state has enacted a law substantially similar to the Reciprocal Enforcement of Support Act of this State.

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6 XI

7 That plaintiff requests the Court to order the defendant to
8 furnish a bond guaranteeing payment of all sums which the Court may
9 order the defendant to pay in this matter.
10
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12
13

14 XII

15 That the duty to support which the plaintiff seeks to enforce
16 herein is that duty which is imposed or is imposable under the laws of
17 the State of California, which said State is the State where the
18 obligees were ~~was~~ present when the failure to support commenced and
19 said plaintiff and obligee do now and by these presents do elect to
20 apply the laws of the State of California in this matter. (See Section
21 1670 California Act)
22
23
24
25

26 WHEREFORE, the plaintiff prays for such an order of support,
27 directed to said defendant, as may be deemed to be fair and reasonable,
28 and for such other and further relief as the law provides.
29
30

31 PAULINE BRIDGE

32 Plaintiff

1 STATE OF CALIFORNIA)
2 COUNTY OF ORANGE) ss
3)

4 PAULINE REBICH

5 _____, being by me first duly sworn,
deposes and says:

6 That he she is the plaintiff in the above entitled action;

7 That he she has heard read the foregoing complaint and knows the
8 contents thereof; and that the same is true of his her own knowledge,
9 except as to the matters which are therein stated upon his her informa-
10 tion or belief, and as to those matters that he she believes it to be
11 true.

12
13 PAULINE REBICH
14 _____

15 Subscribed and sworn to before me
16 this 3rd day of December, 1956.

17 ELIZABETH M. HEERSTRA

18 Notary Public in and for the County
of Orange, State of California.

19 (SEAL)

20
21 ROBERT P. KNEELAND, DISTRICT ATTORNEY
of Orange County, State of California

22 BY ROBERT A. WHITSON

23 Assistant District Attorney

24 Attorneys for Plaintiff
Hall of Records
25 Santa Ana, California
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FILED
DEC 7 1956
ALICE A. BUCK, Register

TITLE Xa. UNIFORM RECIPROCAL ENFORCEMENT
OF SUPPORT LAW

(New Title Sections 1650-1690 added Stats. 1953 ch. 1290. To conform to the style of the Standard Codes we have used Roman numerals instead of the Arabic figures adopted by the Legislature.)

Sec. 3. (Stats. 1953 ch. 1290) 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 effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Chap. 1. General Provisions. Sections 1650-1655.

Chap. 2. Criminal Enforcement. Sections 1660-1661.

Chap. 3. Civil Enforcement. Sections 1670-1690.

(Former Sections 1650-1681 repealed 1953 ch. 1290. For re-enactment of equivalent provisions see individual sections.)

CHAPTER 1—GENERAL PROVISIONS

Short title. Section 1650.

Construction. Section 1651.

Purposes. Section 1652.

Definitions. Section 1653.

Remedies cumulative. Section 1654.

California law binding regardless of residence of obligee. Section 1655.

Section 1650. Short Title.—This title is known and may be cited as the Uniform Reciprocal Enforcement of Support Act. Leg. H. 1953 ch. 1290.

Section 1651. Construction.—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. Leg. H. 1953 ch. 1290.

Section 1652. Purposes.—The purposes of this title are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto. Leg. H. 1953 ch. 1290.

Section 1653. Definitions.—As used in this title 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 the superior court 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 imposed 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.

(9) "Prosecuting official" means the district attorney, city attorney, or city prosecutor charged with the prosecution of criminal offenses in the city or other area in which the obligor is alleged to be present. Leg. H. 1953 ch. 1290.

Section 1654. Remedies Cumulative.—The remedies provided in this title are in addition to and not in substitution for any other remedies. Leg. H. 1953 ch. 1290.

Section 1655. California Law Binding Regardless of Residence of Obligee.—Duties of support arising under the law of this State, when applicable under Section 1670, bind the obligor, present in this State, regardless of the presence or residence of the obligee. Leg. H. 1953 ch. 1290.

CHAPTER 2—CRIMINAL ENFORCEMENT

Extradition in cases of failure to support. Section 1660.

Relief from extradition on compliance with order of support. Section 1661.

Section 1660. Extradition in Cases of Failure to Support. 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. Leg. H. 1953 ch. 1290.

Section 1661. Relief from Extradition on Compliance with Order of Support.—Any obligor contemplated by Section 1660, 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. Leg. H. 1953 ch. 1290.

CHAPTER 3—CIVIL ENFORCEMENT

What duties of support enforceable. Section 1670.

Government agency may seek reimbursement for support furnished. Section 1671.

Enforcement by action—Jurisdiction. Section 1672.

Complaint. Section 1673.

Prosecuting official may represent plaintiff. Section 1674.

Minor obligees. Section 1675.

Certification of complaint to state having jurisdiction of defendant or property. Section 1676.

Fees and costs. Section 1677.

Obtaining body of defendant. Section 1678.

Attorney General is information agency. Section 1679.

Procedure on receipt of certification from other state. Section 1680.

Tracing defendant or property. Section 1681.

Conduct of proceedings. Section 1682.

Order for support by responding state. Section 1683.

Transmitting order for support to initiating state. Section 1684.

Additional powers of court. Section 1685.

Duties of court—Responding state. Section 1686.

Duty of court—Initiating state. Section 1687.

Privilege between husband and wife not applicable. Section 1688.

Order of support hereunder does not supersede order in divorce proceeding. Section 1689.

Jurisdiction conferred. Section 1690.

Section 1670. What Duties of Support Enforceable.—Duties of support enforceable under this title are those imposed or imposed under the laws of any state where the alleged obligor was present during the period for which support is sought or where the obligee was present when the failure to support commenced, at the election of the obligee. Leg. H. 1953 ch. 1290.

Section 1671. Government Agency May Seek Reimbursement for Support Furnished.—Whenever the State or a political subdivision thereof furnishes support to an obligee, it has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made and of obtaining continuing support. Leg. H. 1953 ch. 1290.

Section 1672. Enforcement by Action—Jurisdiction.—All duties of support are enforceable by action irrespective of relationship between the obligor and obligee. Jurisdiction of all proceedings hereunder shall be vested in the superior court. Leg. H. 1953 ch. 1290.

Section 1673. Complaint.—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 by which he has been or is known, the name of his employer, his fingerprints, or social security number. Leg. H. 1953 ch. 1290.

Section 1674. Prosecuting Official May Represent Plaintiff.—The prosecuting official may, upon the request of the court, represent the plaintiff in any proceeding under this title. Leg. H. 1953 ch. 1290.

Section 1675. Minor Obligees.—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. Leg. H. 1953 ch. 1290.

Section 1676. Certification of Complaint to State having jurisdiction of Defendant or Property.—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 are 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. Leg. H. 1953 ch. 1290.

Section 1677. Fees and Costs.—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 shall be waived, including without limitation by enumeration, fees for filing, service of process, seizure of property, and stenographic service of both plaintiff and defendant, or either. Where the action is brought by or through the State or an agency thereof, there shall be no filing fee, library fee, or reporter's fee. Leg. H. 1953 ch. 1290.

Section 1678. Obtaining Body of Defendant.—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; or (b) as a responding state, obtain the body of the defendant by appropriate process. Leg. H. 1953 ch. 1290.

Section 1679. Attorney General is Information Agency.—The Attorney General is hereby designated as the state information agency under this title, and it shall be its duty:

(1) To compile a list of the courts and their addresses in this state having jurisdiction under this title and transmit the same to the state information agency of every other state which has adopted this or a substantially similar law.

(2) To maintain a register of such lists received from other states and to transmit copies thereof as soon as possible after receipt to every court in this State having jurisdiction under this title. Leg. H. 1953 ch. 1290.

Section 1680. Procedure on Receipt of Certification from Other State.—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 prosecuting official, (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. Leg. H. 1953 ch. 1290.

Section 1681. Tracing Defendant or Property.—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. Leg.H. 1953 ch. 1290.

Section 1682. Conduct of Proceedings.—The court shall conduct proceedings under this title in the manner prescribed by law for an action for the enforcement of the type of duty of support claimed. Leg.H. 1953 ch. 1290.

Section 1683. Order for Support by Responding State.—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. Leg.H. 1953 ch. 1290.

Section 1684. Transmitting Order for Support 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. Leg.H. 1953 ch. 1290.

Section 1685. 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 probation officer of the county or the obligee and to report personally to such probation officer 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. Leg.H. 1953 ch. 1290.

Section 1686. Duties of Court—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 probation officer of the county:

(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. Leg.H. 1953 ch. 1290.

Section 1687. Duty of Court—Initiating State.—The court of this State when acting as an initiating state shall have the duty which may be carried out through the probation officer of the county to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state. Leg.H. 1953 ch. 1290.

Section 1688. Privilege Between Husband and Wife not Applicable.—Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this title. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage. Leg.H. 1953 ch. 1290.

Section 1689. Order of Support Hereunder Does not Supersede Order in Divorce Proceeding.—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. Leg.H. 1953 ch. 1290.

Section 1690. Jurisdiction Conferred.—Participation in any proceedings under this title shall not confer upon any court jurisdiction of any of the parties thereto in any other proceeding. Leg.H. 1953 ch. 1290.

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Penal Code

Part One (Crimes and Punishment)

Title IX

Chapter 2

Section 270. "(Child Neglect Defined-When Mother Amenable-Bastard-Posthumous Child.) A father of either a legitimate or illegitimate minor child who wilfully omits without lawful excuse to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his child is guilty of a misdemeanor and punishable by imprisonment in the county jail not exceeding two years or by a fine not exceeding one thousand dollars (\$1,000), or by both. If the father, during such violation, remains out of the state for 30 days, or if he fails or refuses to comply with the order of a court of competent jurisdiction requiring him to make any provision for the maintenance, support, medical treatment or other remedial care of such minor child and remains out of the State for 10 days without doing so, he is guilty of a felony. This statute shall not be construed so as to relieve such father from the criminal liability defined herein for such omission merely because the mother of such child is legally entitled to the custody of such child nor because the mother of such child, or any other person, or organization, voluntarily or involuntarily furnishes such necessary food, clothing, shelter or medical attendance or other remedial care for such child, or undertakes to do so.

Proof of abandonment or desertion of a child by such father, or the omission by such father to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his child is prima facie evidence that such abandonment or desertion or omission to furnish necessary food, clothing, shelter or medical attendance or other remedial care is wilful and without lawful excuse.

In the event that the father of either a legitimate or illegitimate minor child is dead or (1) for any other reason whatsoever fails to furnish the necessary food, clothing, shelter or medical attendance or other remedial care for his minor child, the mother of said child shall become subject to the provisions of this section and be criminally liable for the support of said minor child during the period of (2) failure on the part of the father to the same extent and in the same manner as the father (3).

The provisions of this section are applicable whether the parents of such child are married or divorced, and regardless of any decree made in any divorce action relative to alimony or to the support of the child. A child conceived but not yet born is to be deemed an existing person insofar as this section is concerned." Leg.H. 1872, 1905 p. 758; 1909 p. 258; 1915 p. 572; 1917 p. 252; 1921 p. 1725; 1923 p. 592; 1931 ch. 696; 1939 ch. 1001, 1955 ch. 753.

CALIFORNIA CIVIL CODE—DIVISION FIRST

PART ONE—PERSONS

Section 25, Civil Code, provides as follows:

"(Minors—Who are.—) Minors are all persons under 21 years of age; provided, that this section shall be subject to the provisions of the titles of this code on marriage and shall not be construed as repealing or limiting the provisions of Section 204 of this code; provided further, that any (1) person who has (2) reached the age of 18 years and thereafter contracts a lawful marriage, or who has contracted a lawful marriage and thereafter reaches the age of 18 years, shall in the first instance upon contracting such marriage, and in the second instance upon reaching the age of 18 years, be of the age of majority and be deemed an adult person for the purpose of entering into any engagement or transaction respecting property or (3) his estate, or for the purpose of entering into any contract, or for the purpose of maintaining or defending an action affecting (4) his marital status, including therein any action or proceeding involving his support or the support or custody of children of the marriage, or determination of property rights, the same as if (5) he were 21 years of age. Subsequent judgment of annulment of such marriage shall not deprive such (6) person of (7) his adult status once attained under the foregoing provision, unless such judgment is obtained in an action commenced prior to (8) his reaching the age of 18 years, in which latter event (9) he shall be deemed to have remained a minor at all times notwithstanding such marriage." (Leg.H. 1872, 1927 ch. 661, 1951 ch. 935, 1943 ch. 154, 1953 ch. 1128, 1955 ch. 183.)

Section 26, Civil Code, provides as follows:

"(Computing Age.—) The periods specified in the preceding section must be calculated from the first minute of the day on which persons are born to the same minute of the corresponding day completing the period of minority." (Leg.H. 1872.)

Section 27, Civil Code, provides as follows:

"(Adults.—) All other persons are adults." (Leg.H. 1872.)

Section 29, Civil Code, provides as follows:

"(Unborn Child Deemed Nascent.—) A child conceived, but not yet born, is to be deemed an existing person, so far as may be necessary for its interests in the event of its subsequent birth; but any action by or on behalf of a minor for personal injuries sustained prior to or in the course of his birth must be brought within six years from the date of the birth of the minor, and the time such minor is under any disability mentioned in Section 352 of the Code of Civil Procedure shall not be excluded in computing the time limited for the commencement of the action." (Leg.H. 1872, 1941, ch. 337.)

CALIFORNIA CIVIL CODE—DIVISION FIRST

PART THREE—PERSONAL RELATIONS

TITLE I—MARRIAGE

Section 137, Civil Code, provides as follows:

"(Action for Separate Maintenance.—) (1) When the husband or wife has any cause of action for divorce as provided in (2) this code, or the husband or wife wilfully deserts the wife or husband, or when the husband or wife wilfully fails to provide for the wife or husband, he or she may, without applying for a divorce, maintain in the superior court an action against her or him as the case may be, for the permanent support and maintenance of (3) herself or himself, and may include therein at her or his discretion an action for support, maintenance and education of the children of said marriage during their minority. Such action shall be known as an action for separate maintenance." (Leg.H. 1872, 1877 p. 76, 1880 p. 4, 1905 p. 205, 1907 p. 82, 1917 p. 35, 1927 p. 441, 1929 p. 161, ch. 84, 1941 ch. 1038, 1951 ch. 1700.)

Section 137.1, Civil Code, provides as follows:

"(Action for Support, Maintenance and Education of Children.—) When a father or mother has the duty to provide for the support, maintenance and education of the children of the father and mother and wilfully fails to provide for such support, maintenance and education, the father or mother, as the case may be, or any child by its guardian ad litem, may maintain an action in the superior court against the mother or father, or both, as the case may be, for the support, maintenance and education of said children." (Leg.H. 1951 ch. 1700.)

Section 137.2, Civil Code, provides as follows:

"(Order for Support Pending Action.—) During the pendency of any action for divorce or for separate maintenance or for the support, maintenance or education of children, the court may order the husband or wife or father or mother, as the case may be, to pay any amount that is necessary for the support and maintenance of the wife or husband and for the support, maintenance and education of the children, as the case may be. Any such order may be enforced by the court by execution or by such order or orders as, in its discretion, it may from time to time deem necessary. Any such order may be modified or revoked at any time during the pendency of the action except as to any amount that may have accrued prior to the order of modification or revocation." (Leg.H. 1951 ch. 1700.)

Section 139, Civil Code, provides as follows:

"(Permanent Support of Spouse and Children.—) (1) In any interlocutory or final decree of divorce or in any final judgment or decree in an action for separate maintenance, the court may compel (2) the party against whom the decree or judgment is granted to make such suitable allowance (3) for support and maintenance of the other party for his or her life, or for (4) such shorter period as the court may deem just, having regard (5) for the circumstances of the respective parties and also to make suitable allowance for the support, maintenance and education of the children of said marriage during their minority, and said decree or judgment may be enforced by the court by execution or by such order or orders as in its discretion it may from time to time deem necessary.

That portion of the decree or judgment making any such allowance or allowances, and the order or orders of the court to enforce the same may be modified or revoked at any time at the discretion of the court except as to any amount that may have accrued prior to the order of modification or revocation.

Except as otherwise agreed by the parties in writing, the obligation of any party in any decree, judgment or order for the support and maintenance of the other party shall terminate upon the death of the obligor or upon the remarriage of the other party." (Leg.H. 1872, 1933 ch. 412, 1951 ch. 1700.)

Section 175, Civil Code, provides as follows:

"(When Wife Deserts.—) A husband abandoned by his wife is not liable for her support until she offers to return, unless she was justified by his misconduct, in abandoning him, and the earnings of the husband during the period of unjustified abandonment, prior to such offer, are his separate property; nor is (1) a husband liable for (2) his wife's support when she is living separate from him, by agreement, unless such support is stipulated in the agreement." (Leg.H. 1872, 1874 p. 193, 1955, ch. 525.)

Section 176, Civil Code, provides as follows:

"(Wife's Liability for Support of Husband.—) The wife must support the husband, when he has not deserted her, out of her separate property, when he has no separate property, and there is no community property, and he is unable, from infirmity, to support himself." (Leg.H. 1872, 1874 p. 194.)

CALIFORNIA CIVIL CODE—DIVISION FIRST
PART THREE—TITLE II—PARENT AND CHILD

Section 193, Civil Code, provides as follows:

"(Presumption of Legitimacy.—) All children born in wedlock are presumed to be legitimate." (Leg.H. 1872.)

Section 194, Civil Code, provides as follows:

"(Children Born After Marriage Dissolved.—) All children of a woman who has been married, born within ten months after the dissolution of the marriage, are presumed to be legitimate children of that marriage." (Leg.H. 1872, 1874 p. 194 Section 42.)

Section 195, Civil Code, provides as follows:

"(Who May Dispute.—) The presumption of legitimacy can be disputed only by the people of the State of California in a criminal action brought under the provisions of Section 270 of the Penal Code, or the husband or wife, or the descendant of one or both of them. Illegitimacy, in such case, may be proved like any other fact." (Leg.H. 1872, 1955 ch. 948.)

Section 196a, Civil Code, provides as follows:

"(Illegitimate Child.—) The father as well as the mother, of an illegitimate child must give him support and education suitable to his circumstances. A civil suit to enforce such obligations may be maintained in behalf of a minor illegitimate child, by his mother or guardian, or by a guardian ad litem appointed upon the written application or with the consent of his mother; provided, that such application or consent shall not be necessary if the mother is dead or incompetent, and in such action the court shall have power to order and enforce performance thereof, the same as under sections 137, 137.5, 138, 139 and 140 of the Civil Code, in a suit for divorce by a wife." (Leg.H. 1913 ch. 132; 1939 ch. 424.)

Section 197, Civil Code, provides as follows:

"(Custody and Services.—) The father and mother of a legitimate unmarried minor child are equally entitled to its custody, services and earnings. If either the father or mother be dead or unable or refuse to take the custody or has abandoned his or her family, the other is entitled to its custody, services and earnings." (Leg.H. 1872, 1874 p. 194, 1913 ch. 50.)

Section 198, Civil Code, provides as follows:

"(Separated Parents.—) The husband and father, as such, has no rights superior to those of the wife and mother, in regard to the care, custody, education, and control of the children of the marriage, while such husband and wife live separate and apart from each other." (Leg.H. 1872.)

Section 199, Civil Code, provides as follows:

"(Action to Determine.—) Without application for a divorce, the husband or the wife may bring an action for the exclusive control of the children of the marriage; and the court may, during the pendency of such action, or at the final hearing thereof, or afterwards, make such order or decree in regard to the support, care, custody, education, and control of the children of the marriage, as may be just, and in accordance with the natural rights of the parents and the best interests of the children, and may at any time thereafter amend, vary, or modify such order or decree, as the natural rights and the interests of the parties, including the children, may require." (Leg.H. 1872.)

Section 200, Civil Code, provides as follows:

"(Illegitimate Child.—) The mother of an illegitimate unmarried minor is entitled to its custody, services, and earnings." (Leg.H. 1872.)

Section 204, Civil Code, provides as follows:

"(Cessation of Authority by Guardianship, Marriage or Majority.—) The authority of a parent ceases:

1. Upon the appointment, by a court of a guardian of the person of a child;
2. Upon the marriage of the child; or,
3. Upon its attaining majority." (Leg.H. 1872.)

Section 208, Civil Code, provides as follows:

"(Duty to Support Indigent Parent or Child.—) It is the duty of the father, the mother, and the children of any poor person who is unable to maintain himself by work, to maintain such person to the extent of their ability. The promise of an adult child to pay for necessities previously furnished to such parent is binding." (Leg.H. 1872.)

Section 213, Civil Code, provides as follows:

"(Parent's Right to Fix Domicile.—) A parent entitled to the custody of a child has a right to change his residence, subject to the power of the proper court to restrain a removal which would prejudice the rights or welfare of the child." (Leg.H. 1872.)

CALIFORNIA CIVIL CODE—DIVISION FIRST

PART THREE—TITLE III

UNIFORM CIVIL LIABILITY FOR SUPPORT ACT

Section 241, Civil Code, provides as follows:

"(Definitions.—) As used in this title:

(a) 'State' includes any state, territory or possession of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(b) 'Obligor' means any person owing a duty of support.

(c) 'Obligee' means any person to whom a duty of support is owed.

(d) 'Child' means a son or daughter under the age of 21 years and a son or daughter of whatever age who is incapacitated from earning a living and without sufficient means.

(e) 'Parent' includes either a natural parent or an adoptive parent." (Leg.H. 1955 ch. 835.)

Section 242, Civil Code, provides as follows:

"(Man's Duty to Support.—) Every man shall support his wife, and his child; and his parent when in need. The duty imposed by this section shall be subject to the provisions of Sections 175, 196, and 206 of the Civil Code." (Leg.H. 1955 ch. 835.)

Section 243, Civil Code, provides as follows:

"(Woman's Duty to Support.—) Every woman shall support her child; and her husband and her parent when in need. The duty imposed by this section shall be subject to the provisions of Sections 176, 196, and 206 of the Civil Code." (Leg.H. 1955 ch. 835.)

Section 244, Civil Code, provides as follows:

"(Duty Owed Regardless of Residence of Obligee.—) An obligor present or resident in this State has the duty of support as defined in this title regardless of the presence or residence of the obligee." (Leg.H. 1955 ch. 835.)

Section 245, Civil Code, provides as follows:

"(Jurisdiction.—) The superior court shall have jurisdiction of all actions brought under this title." (Leg.H. 1955 ch. 835.)

Section 246, Civil Code, provides as follows:

"(Determination of Amount Due for Support.—) When determining the amount due for support the court shall consider all relevant factors including but not limited to:

(a) The standard of living and situation of the parties;

(b) The relative wealth and income of the parties;

(c) The ability of the obligor to earn;

(d) The ability of the obligee to earn;

(e) The need of the obligee;

(f) The age of the parties;

(g) The responsibility of the obligor for the support of others." (Leg.H. 1955 ch. 835.)

Section 247, Civil Code, provides as follows:

"(Continuing Jurisdiction.—) The court shall retain jurisdiction to modify or vacate the order of support where justice requires." (Leg.H. 1955 ch. 835.)

Section 248, Civil Code, provides as follows:

"(Enforcement of Right to Support.—) The obligee may enforce his right of support against the obligor and the county may proceed on behalf of the obligee to enforce his right of support against the obligor. Whenever the county furnishes support to an obligee, it has the same right as the obligee to whom the support was furnished, for the purpose of securing reimbursement and of obtaining continuing support. The right of the county to reimbursement shall be subject to any limitation otherwise imposed by the law of this State." (Leg.H. 1955 ch. 835.)

Section 249, Civil Code, provides as follows:

"(Appeals.—) Appeals may be taken from orders and judgments under this title as in other civil actions." (Leg.H. 1955 ch. 835.)

Section 250, Civil Code, provides as follows:

"(Privileged Communications not Recognized.—) Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable under this title. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage." (Leg.H. 1955 ch. 835.)

Section 251, Civil Code, provides as follows:

"(Rights Cumulative.—) The rights herein created are in addition to and not in substitution of any other rights." (Leg.H. 1955 ch. 835.)

Section 252, Civil Code, provides as follows:

"(Separability of Provisions.—) If any provision of this title or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the title which can be given effect without the invalid provision or application, and to this end the provisions of this title are severable." (Leg.H. 1955 ch. 835.)

Section 253, Civil Code, provides as follows:

"(Construction.—) This title shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it." (Leg.H. 1955 ch. 835.)

Section 254, Civil Code, provides as follows:

"(How Cited.—) This title may be cited as the Uniform Civil Liability for Support Act." (Leg.H. 1955 ch. 835.)

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FILED

DEC 3 1956

L. B. WALLACE, County Clerk

By JCL Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ORANGE

ACTION NO. 70709
DEPT. NO. _____

PAULINE REBICH,
Plaintiff,

-vs-

WILLIAM CHESTER SEAY,
Defendant.

AFFIDAVIT IN FORMA PAUPERIS
AND ORDER DIRECTING CLERK TO ACCEPT AND
FILE PAPERS, RECORDS AND DOCUMENTS IN
THE CASE WITHOUT COLLECTING OR ASSESS-
ING FEES OR OTHER COSTS UNTIL FURTHER
ORDER OF THE COURT.

STATE OF CALIFORNIA)
) ss
COUNTY OF ORANGE)

PAULINE REBICH

, being first duly sworn, hereby
deposes and states as follows:

That she is the plaintiff in the above entitled action; that affiant
and said minor children have no money, property, assets, credits, means
or ability with which to pay legal costs, filing fees, costs of court,
costs in this proceeding, legal fees, attorney's fees or charges necessary
to prosecute the above entitled action and by reason of their and each of
their poverty and inability to pay said costs, fees or charges will be
unable to proceed with this said matter unless permitted to do so in forma
pauperis;

WHEREFORE, deponent prays that this proceeding be prosecuted in her
behalf in forma pauperis under the law in such cases made and provided.

PAULINE REBICH

Subscribed and sworn to before me this
3rd day of December, 1956.

ELIZABETH W. HEEMSTRA

Notary Public in and for the County
of Orange, State of California.
(SEAL)

ORDER

IT IS SO ORDERED.

Dated: December 3rd, 1956.

Authority

Martin vs. Superior Court, 176 Cal.
289; Code Civ. Proc. Sec. 1650-
1690; Secs. 187 and C. C. P. Cal.

Morrison
Judge of the Superior Court

ROBERT P. KNEELAND, DISTRICT ATTORNEY
of Orange County, State of California

BY ROBERT A. WHITSON
Assistant District Attorney
Attorneys for Plaintiff

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FILED

DEC 3 1956

L. B. WALLACE County Clerk

By JCL Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ORANGE

PAULINE REBICH _____,)
Plaintiff,)
vs.)
WILLIAM CHESTER SEAY _____,)
Defendant.)

Action No. 70709

Dept. No.

COURT CERTIFICATE
re CALIFORNIA RECIPROCAL
ENFORCEMENT OF SUPPORT LAW

The undersigned, a Judge of the Superior Court of Orange County, State of California, hereby certifies:

1. That on the 3rd day of December, 19 56, a complaint, duly verified by the above named plaintiff was filed in this court in a proceeding against the above-named defendant commenced under the provisions of the Reciprocal Enforcement of Support Law (~~1953~~ ^{as Amended,} 1951, / Statutes of California, ~~Chapter 1290~~) to compel reimbursement to the plaintiff for support rendered to the dependents of the defendant as set out in that complaint; that said complaint sets forth sufficient facts from which it may be determined that defendant owes a duty of support to the above-mentioned dependents and that under the provisions of the afore-mentioned law said complaint states a cause of action against the defendant.

2. That the above-named defendant is believed to reside at

1 C/O Jerry Sobola, Post Office Box 165, Robertsdale,
(Street address and city)

2 State of Alabama, and that the Circuit

3 Court, located in the City of Bay Minette

4 State of Alabama, may obtain jurisdiction over the
5 defendant or his property.

6 3. That in the opinion of the undersigned Judge of the above-
7 entitled Court, the defendant should be compelled to answer such
8 complaint and to be dealt with according to law.

9 WHEREFORE IT IS HEREBY ORDERED that ~~any~~ copies
10 of the complaint together with this certificate and ~~an~~
11 ~~authenticated~~ copy of the California Reciprocal Enforcement of Support

12 Law and Affidavit in Forma Pauperis

13 be transmitted to the Circuit Court,

14 City of Bay Minette, State of Alabama

15 _____, or the proper Court of the County of
16 Baldwin which has

17 jurisdiction of the defendant and his property, for further pro-
18 ceedings.

19 This Court further finds that the dependent s named in the com-
20 plaint are is in need of and are is entitled to the support of the
21 defendant in the sums mentioned in said complaint.

22 It is requested that the respondent Court direct that all payments
23 be made to and in the name of the plaintiff and that all such payments be
24 sent to the Office of the District Attorney, Room 218, Court House Annex,
25 Santa Ana, California, for transmittal to plaintiff.

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29 Dated December 3rd, 19 56.

30
31 Morrison
32 JUDGE OF THE SUPERIOR COURT

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

January 23, 1957

Mrs. Alice J. Duck, Register
Bay Minette, Alabama

Dear Mrs. Duck:

I am enclosing herewith an answer in the case of Rebich
-vs- Seay. Please direct a copy to Kenneth Cooper, and if
he believes it advisable, a copy to the District Attorney of
Orange County, California.

Yours very truly,


C. G. Chason

CGC:fm

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