1032

SELMA S. JERKINS, Complainant, vs. THOMAS L. JERKINS, Respondent.	I	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY.

FINAL DECREE

This cause coming on to be heard on this date was submitted for a final decree upon the pleadings and proof as noted by the Register, upon consideration of all of which it is ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the bonds of matrimony heretofore existing between the Complainant and Respondent are dissolved, and the said Selma S. Jerkins is forever divorced from the said Thomas L. Jerkins for and on account of cruelty.

2. That both the Complainant and the Respondent are hereby permitted to again contract marriage, subject to the provisions of paragraph 4 hereof.

3. That the costs of court accrued herein be, and the same are hereby taxed against the Respondent, for the collection of which execution may issue.

4. That neither the Complainant nor the Respondent shall marry again, except to each other, until sixty days after this date, and if an appeal from this decree is taken within sixty days from the date hereof the said Complainant and Respondent shall not marry again, except to each other, during the pendency of said appeal.

5. It is further ordered, that the care, custody and control of the minor children of the marriage, Janice Farrall Jerkins and Judith Ann Jerkins, is awarded to the Complainant, Selma S. Jerkins, with the right on the part of the Respondent, Thomas L. Jerkins, to visit said children at such times and places as may be reasonable and proper.

6. That Thomas L. Jerkins, the Respondent, pay over to the Complainant, Selma S. Jerkins, the sum of $ 35.00 each

month as alimony for the support and maintenance of the said minor children, the first of which payments shall become due and payable on June 1, 1957.

ORDERED, ADJUDGED AND DECREED on this the 14th day of May, 1957.

Hubert M Stace

Judge.

4032

FINAL DECREE

SELMA S. JERKINS,

Complainant,

vs.

THOMAS L. JERKINS,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

FILED

MAY 14 1957

[illegible] Register

SELMA S. JERKINS Complainant VS THOMAS L. JERKINS Respondent	)	IN THE CIRCUIT COURT BALDWIN COUNTY, ALABAMA IN EQUITY NUMBER: _____

.-.-.-.-.

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

Comes now Thomas L. Jerkins, Respondent in the above styled cause and shows unto your Honor as follows:

I

That on the 14th day of May, 1957, Respondent and Complainant were divorced in this court which decree of divorce made and entered by your Honor provided that the two children of the parties, Janice Jerkins, now aged 17 years and Judy Jerkins, now aged 11 years, be in the custody of Selma S. Jerkins and that Respondent, Thomas L. Jerkins, pay $35.00 per month for the support of each of the two children.

II

At the time the said divorce was made and entered Complainant was employed in two positions, making a total of $175.00 per month.

III

That at the time of filing this petition the said Respondent, Thomas L. Jerkins, is no longer regularly employed and that he is able to find only occasional work and that his income has been substantially reduced since the said decree of divorce was made and entered; that the said Respondent's situation has substantially changed since the said decree of divorce was made and entered.

IV

The said Respondent Thomas L. Jerkins further shaow that he is not now and never has been in default in the payment of the said support monies but that he has at all times prior to the filing of this petition paid the said support money as ordered.

Now therefore the premises considered the said Respondent, Thomas L. Jerkins prays that the Complainant, Selma S. Jerkins be given notice of this petition to reduce support money; that she be required to plea, answer or demur to the said petition within the time required by law, that upon a

final hearing on this petition your Honor will make and enter a decree modifying the said decree heretofore rendered and reducing the said support payments to $20.00 per month for each of the said children.

And Respondent further prays for such other different or general relief to which he may be in equity and good conscience entitled.

Wilson Hayes
Solicitor for Respondent

Thomas L. Jerkins

STATE OF ALABAMA

BALDWIN COUNTY

Before me WILSON HAYES, a Notary Public for the State of Alabama at Large personally appeared Thomas L. Jerkins, who being known to me and being first duly sworn deposes and says that the above petition has been read to him, the same is true and correct in all respects.

Thomas L. Jerkins

Sworn to and subscribed before me on this the 29 day of June, 1959.

W. Hayes
Notary Public, State at Large

FILED
6-30 1959
ALICE J. DUCK, CLERK
REGISTER

8581. NOTE OF TESTIMONY

Printed by the Baldwin Times, Bay Minette, Alabama.

SELMA S. JERKINS
Complainant,

vs.

THOMAS L. JERKINS
Respondent.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, and Testimony of complainant

and in behalf of Defendant upon ~~answer and waiver.~~

Register.

No. .....

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

FILED

Filed in Open Court this .....

MAY 14 1957

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

AUDE L. ENGEL, Register

..... Register.

Printed by the Baldwin Times

8602 DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL BT-7-49-200

SELMA S. JERKINS

Vs.

THOMAS L. JERKINS

CIRCUIT COURT OF
Baldwin County.

IN EQUITY

In this cause it being made to appear to the Register that on the 28th day of july, 19 59, a copy of the Bill of Complaint filed in this cause was sent to Selma S. Jerkins, now known as Mrs. Robert W. Durham

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of this Court; and that on the 31st day of July, 19 59, such receipt was duly received and filed in this cause:

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

This the 23rd day of September, 19 59

Register.

No. _____

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

In Equity.

_____

_____

_____

Vs.

_____

_____

_____

DECREE PRO CONFESSO AFTER
NOTICE BY REGISTERED MAIL

Filed in office this _____ day of

_____, 19____

_____, Register

Entered in O. B. _____ Page _____

The Baldwin Times, Bay Minette, Alabama

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

The State of Alabama,
Baldwin County

No. 4032 CIRCUIT COURT, IN EQUITY

SELMA S. JERKINS, Complainant

Vs.

THOMAS L. JERKINS, Defendant

Motion is hereby made for a Decree Pro Confesso against SELMA S. KERKINS, Defendant in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant, and that said summons was duly served by Registered Mail, according to law, and that said Defendant has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 23rd day of September, 1959.

W. L. Hayes, Solicitor.

No. _____ Page _____

THE STATE OF ALABAMA
Baldwin County.

Circuit Court, In Equity

_____

_____

vs.

_____

_____

Motion For Decree Pro Confesso After Notice By Registered Mail

Filed _____, 19____

_____
Register.

Recorded in _____ Record,

Vol. _____ Page _____

_____
Register.

Printed by Moore Ptg. Co.

SELMA S. JERKINS,	)	IN THE CIRCUIT COURT OF
Complainant,	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY.
THOMAS L. JERKINS,	)	
Respondent.	)	

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

Your Complainant, Selma S. Jerkins, respectfully represents and shows unto the Court and your Honor as follows:

1. Your Complainant is over the age of twenty-one years and a resident of Baldwin County, Alabama, and has been a bona fide resident citizen of said State and County for more than one year next preceding the filing of this Bill of Complaint. The Respondent, Thomas L. Jerkins, is over the age of twenty-one years and is a resident of Baldwin County, Alabama, and has been a bona fide resident citizen of said State and County for more than one year next preceding the filing of this Bill of Complaint.

2. The Complainant and the Respondent were lawfully married on or about, to-wit, June 10, 1935, in Pensacola, Florida, and lived together as man and wife until on, or about, October, 1956.

3. There was born to the Complainant and the Respondent during this marriage, two children, Janice Farrall Jerkins, a daughter approximately fifteen years of age, and Judith Ann Jerkins, a daughter, approximately eight years of age, both of whom are now in the care, custody and control of your Complainant, who is a fit and proper person to have the care, custody and control of said minor children.

4. Your Complainant avers and charges that the said Respondent, did during the month of September, 1956, and many times subsequent thereto, assault, beat, hit and strike Complainant; that said Respondent has committed actual violence on her person intended with danger to her life or health; Complainant avers and charges that Respondent has made numerous threats of doing her physical harm and from his manner and conduct toward her, she is reasonably

convinced that he will commit an actual violence upon her person, attended with danger to her life or health.

PRAYER FOR PROCESS

The premises considered, your Complainant makes the said Thomas L. Jerkins a party respondent to this Bill of Complaint and in order that the Complainant may have the relief herein prayed for, she prays that the usual process of this Honorable Court issue to the Respondent requiring him to appear and plead, answer or demur to this Bill of Complaint within the time prescribed by law, and under the rules and practices of this Court.

PRAYER FOR RELIEF

Complainant respectfully prays for the following separate and several relief:

1. That on a final hearing of this cause the court will make and enter a proper order or decree giving and granting the Complainant the permanently custody and control of the said minor children.

2. That the court will make and enter a proper decree divorcing the Complainant from the Respondent and will fix a reasonable monthly amount to be paid to the Complainant by the Respondent for the maintenance and support of the said minor children.

3. Complainant further prays for such other, further and general relief as she may be equitably entitled to, the premises considered.

Respectfully submitted,

J. B. Blackburn
Solicitor for Complainant.

4032

BILL OF COMPLAINT

SELMA S. JERKINS,

Complainant,

vs,

THOMAS L. JERKINS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

FILED
MAY 14 1957
ALICE J. BUCK, Register

ORAL DEPOSITION

Printed by The Baldwin Times

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

SELMA S. JERKINS COMPLAINANT

vs.

THOMAS L. JERKINS RESPONDENT

I, ALICE L. MILLER

as Register and Commissioner

have called and caused to come before me SELMA S. JERKINS

witness named in the requirement for Oral Examination, on the 14th day of MAY

19 57, at the office of J. B. BLACKBURN

in BAY MINETTE, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said SELMA S. JERKINS

doth depose and say as follows:

My name is Selma S. Jerkins and I am the complainant in the above styled cause. I am over the age of twenty-one years and a resident of Baldwin County, Alabama, and have been a bona fide resident citizen of the said State and County for more than one year next preceding the filing of the Bill of Complaint in this cause. The respondent Thomas L. Jerkins is a resident of Baldwin County, Alabama, is over twenty-one years of age and has been a bona fide resident citizen of Baldwin County, Alabama, for more than one year next preceding the filing of the Bill of Complaint in this cause.

The Respondent and I were lawfully married on June 10, 1935 in Pensacola, Florida, and lived together as man and wife until about October, 1956.

The Respondent did, during the month of September, 1956, and many times subsequent thereto, assault, beat, hit and strike me; the respondent has committed actual violence on my person attended with danger to my life and health; the respondent has made numerous threats of doing physical harm to me and from his manner and conduct toward me I am reasonably convinced that he will commit actual violence upon my person, attended with danger to my life and health if I continue to live with him.

The respondent and I have two children, Janice Farrall Jerkins, a daughter, about 15 years of age and Judith Ann Jerkins, a daughter, about 8 years of age, both of whom are now in my care, custody and control and I am a fit and proper person to have the care, custody and control of said children.

In my opinion, a reasonable monthly amount to be paid to me for the care, custody and control of said children by the Respondent is $ 35.00 each month.

Selma S. Jerkins

Selma S. Jerkins, Complainant

ORAL EXAMINATION

Printed by The Baldwin Times

I, ALICE L. MILLER as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness____ and read over to her and she signed the same in the presence of myself and J. B. BLACKBURN at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness____ or had proof made before me of the identity of said witness____; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 14th day of MAY, 19 57.

Alice L. Miller (L. S.)

No.____ Page____

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

SELMA S. JERKINS
COMPLAINANT

vs.

THOMAS J. JERKINS
RESPONDENT

ORAL DEPOSITION

Filed FILED, 19____
MAY 14 1957, Register.

RECORDED IN
ALICE J. DUCK, Register
Record

Vol.____ Page____

Register.

SELMA S. JERKINS, Complainant, vs. THOMAS L. JERKINS, Respondent.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY.

ANSWER AND WAIVER

Now comes the Respondent in the above styled cause and waives notice of the filing of the Bill of Complaint in the said cause, waives notice of the time of taking testimony in said cause and consents and agrees that a decree be rendered in said cause without further notice to him.

For answer to the Bill of Complaint filed in this cause, the Respondent says:

1. He admits the allegations of paragraphs numbered one, two and three of the said Bill of Complaint.

2. He denies the allegations of paragraphs numbered four and demands strict proof thereof.

Thomas L. Jerkins
Respondent.

4032

ANSWER AND WAIVER

SELMA S. JERKINS,

Complainant,

vs.

THOMAS L. JERKINS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.

FILED
MAY 14 1957
ALICE L. BUCK, Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: ALICE L. MILLER

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine SELMA S. JERKINS

a witness in behalf of SELMA S. JERKINS in a cause pending in our Circuit Court in Baldwin County, of said State, wherein SELMA S. JERKINS

, Complainant

and THOMAS L. JERKINS

Respondent

on oath, to be by you administered, upon SELMA S. JERKINS to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 14th day of MAY , 195 7 .

Alice L. Miller
Register.

Commissioner's Fee, $

Witness' Fees, $

4032

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

SELMA S. JERKINS

Complainant

VS.

THOMAS L. JERKINS

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

ALICE L. MILLER

WITNESSES:

SELMA S. JERKINS.